

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 5, Tŷ Hywel

Meeting date: 26 June 2025

Meeting time: 09.00

For further information contact:

Manon George

Committee Clerk

0300 200 6565

SeneddHousing@senedd.wales

Hybrid

Private Pre-Meeting

08.45 – 09.00

1 Introductions, apologies, substitutions and declarations of interest

09.00

2 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 7

09.00 – 10.15

(Pages 1 – 49)

Emily James, Service Manager – Housing, Pembrokeshire County Council

Cheryl Emery, Head of Community Safety and Community Housing, Rhondda Cynon Taff County Borough Council

Martin Cooil, Housing & Prevention Service Manager, Flintshire County Council

David Walton, Head of Housing and Communities, Newport City Council

Laura Garvey-Cubbon, Operational Manager, Partnerships and Joint Commissioning, Cardiff Council

Attached Documents:

Research brief

Paper 1: Newport City Council

Paper 2: Cardiff Council



Break

10.15 – 10.20

3 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 8

10.20 – 11.20

(Pages 50 – 69)

Elly Lock, Head of Policy and External Affairs, Community Housing Cymru

Helen White, Chief Executive, Taff Housing

Clare Way, Director of Operations, Tai Tarian

Luke Takeuchi, Chief Executive Officer, RHA Wales

Suzanne Mazzone, Executive Director of Housing Services, Clwyd Alyn

Sarah Schofield, Director of Customers and Communities, Adra

Attached Documents:

Paper 3: Community Housing Cymru

Paper 4: Adra

Break

11.20 – 11.30

4 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 9

11.30 – 12.15

(Pages 70 – 81)

Dr Ayla Cosh, Clinical Director for Cardiff and Vale Health Inclusion Service,

Cardiff and Vale University Health Board

Attached Documents:

Paper 5: Cardiff and Vale University Health Board

Paper 6: Welsh NHS Confederation

Break

12.15 – 13.00

5 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 10

13.00 – 13.45

(Pages 82 – 92)

Bryn Hall, Senior Engagement and Development Officer, Clinks

Ben Lloyd, G4S Community Director

Louise Foreman, Head of Operations, National Probation Service in Wales – Partnerships and Integration lead, HM Prison and Probation Service

Attached Documents:

Paper 7: Clinks

Break

13.45 – 13.50

6 Homelessness and Social Housing Allocation (Wales) Bill: Evidence session 11

13.50 – 14.35

(Pages 93 – 95)

Leanne Chapman, GMB Regional Organiser, GMB

Paul Cotterell, Prison Officers' Association

Attached Documents:

Paper 8: Prison Officers Association

7 Papers to note

14.35

7.1 Homelessness and Social Housing Allocation (Wales) Bill

(Pages 96 – 107)

Attached Documents:

Paper 9: Homelessness and Social Housing (Wales) Bill – Letter from the

Cabinet Secretary for Housing and Local Government with additional information following the meeting on 4 June.

- 8 Motion under Standing Order 17.42 (IX) to resolve to exclude the public from the remainder of this meeting and for the meeting on 9 July**
14.35

Private meeting

14.35 – 14.55

- 9 Homelessness and Social Housing Allocation (Wales) Bill:
Consideration of evidence**
14.35 – 14.50

10 Forward work programme

14.50 – 14.55

(Pages 108 – 111)

Attached Documents:

Paper 10: Forward work programme

Document is Restricted

HSHAWB23 Newport city Council

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan Newport city Council | Evidence from Newport city Council

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

While there is general agreement on the main principles, ongoing support that lacks accountability and ambition for clients, along with the diminishing role of RSL's, is a significant concern. There are additional concerns regarding the complexities introduced by the Renting Homes Act and its impact on the fulfilment of related duties. Greater consideration is needed for the legislative frameworks that have been introduced, as well as the need for funding to support this transition and the importance of a broader policy narrative.

What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Abolishing entitlement by reference to priority needs and intentional homelessness: The bill fails to fully account for the depth of the current homelessness crisis and is likely to exacerbate the issue, thus further increasing the pressure on local authorities. While it is accepted that the removal of Priority Needs (PN) and Intentional Homelessness (IH) tests will be phased later in the implementation period, the absence of initial guidance regarding the requirements to be met is deeply concerning. In context, the Newport Local Housing Market Assessment (LHMA) suggests a shortfall of 711 one-bedroom units over the next five years. This must be considered against the fact that 75% of

people in temporary accommodation and 65% of those on the Common Housing Register are single individuals with a need for a one-bedroom unit. Although Newport does not frequently find households intentionally homeless, this provision is important to encourage households to make responsible decisions. Its removal raises concerns, particularly as the deliberate manipulation test (see below) does not mitigate its loss.

Personal Support and Advice Plan (PSAP) The PSAP will not resolve issues related to housing supply, and applicants may not have full and free choice of the available accommodation, although any accommodation must be suitable.

Local Housing Allowance: Raising Local Housing Allowance and making changes to Universal Credit and other benefits to reduce destitution. 101.26 vs 173.08 shortfall of 3,734.48 per annum.

Further homelessness prevention duties: Help to retain suitable accommodation secured in exercise of homelessness functions. Duty to contact certain applicants after the duty in section 75 concludes:

Unacceptable behaviour that terminates duties (Applicants who engage in violent or threatening behaviour): Similarly to the Renting Homes Act, and despite local authorities providing clear feedback, there appears to have been little consideration by the Welsh Government regarding the unintended consequences of the proposal or its interaction with other legislation. This is particularly relevant concerning the new powers for local authorities to discharge duties where an applicant has acted aggressively, violently, or damaged properties. As matters stand, even if the local authority discharges its homelessness duty, it would still be required to obtain a court order to remove the individual from the property, irrespective of the risk posed to staff or other residents. This ongoing risk would be exacerbated by the new Homelessness and Allocations Bill.

Duty to seek the views of homeless persons in the exercise of homelessness functions: While this is perceived as a progressive step forward in delivering housing services, the guidance note addresses the issue of managing client expectations.

What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

The provision outlined in Part 2 aims to achieve the Policy's objectives. However, there are concerns regarding relationships with Registered Social Landlords (RSLs) and the ability to accurately determine housing needs. This may be disadvantageous for Local Authorities that do not hold stock, as they rely on partnerships with RSLs.

Newport currently operates a common housing register.

Further elaboration is required on the deliberate manipulation test. It is essential that this test effectively addresses the issue of intentionality removal. Due to its complexity, robust guidance will be critical for successful implementation.

What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

LAs that are non-stock holding really need the support of the RSL's to help with the current crisis with allocations and seek to assist with the LA's priorities on freeing up the shortfall of properties with specific bedroom sizes.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

(We would be grateful if you could keep your answer to around 500 words).

The implementation of some changes will require significant resources and additional funding. These include the review of PSAP every eight weeks and the potential for additional challenge reviews being presented to the Local Authority. Resources will also be needed to contact individuals who have moved within 12 months of settling into permanent accommodation. Additionally, there is a lack of move-on accommodation.

Housing Supply: This is a complex issue that requires significant funding to support the transition.

Upgrades of systems: Need to be accounted for, and they take funding and time to implement.

Workforce and training: Significant investment is needed for staff within the sector to attract a workforce and retain the staff so they can work in a trauma informed way.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

(We would be grateful if you could keep your answer to around 500 words).

N/A

Are there any unintended consequences likely to arise from the Bill?

(We would be grateful if you could keep your answer to around 500 words).

There are several factors to consider, including the lack of connection to issues outside the Working Group's control, such as the recently published Crisis paper and planning policy. Additionally, the impact of the Renting Homes Act and its implications for temporary and supported accommodation must be considered.

Increased dependency on local authorities and the financial pressure associated with this. Calculations and assumptions made are flawed and need to be reviewed.

What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

Failure to take into account current pressures or LA investment c.£5million in Newport over last 3 years. Most of the additional investment falls on the LA with no clarity on new burdens. The Welsh Government intends to provide funding to support local authorities during the initial years of the implementation period. Beyond this point, the financial benefits generated by local authorities are expected to more than offset the costs associated with the legislation.

NOLO funding currently goes nowhere near these levels of funding and WG are already aware of the shortfall. LAs have been doing this work locally for many years.

Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

(We would be grateful if you could keep your answer to around 500 words).

Housing;Health and Care Services;Social Care;Justice

HSHAWB 35 Cardiff Council

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Cyngor Caerdydd | Evidence from: Cardiff Council

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

In general, Cardiff Council agrees with the principles of the Bill; however, the Council has serious concerns that it may inadvertently increase demand for homelessness services and the need for temporary accommodation. Since the pandemic, Cardiff has already experienced significant increases in demand, with presentations to the service rising by almost 15% between 2019/20 and 2024/25 and the temporary accommodation estate expanding by 56% over the same period. The final two quarters of 2024/2025 marked the first period where sequential increases in demand began to subside, yet the temporary accommodation estate remains significantly inflated. There is a real risk of further increases if any aspect of the Bill unintentionally disrupts the delicate balance of entries and exits into temporary accommodation. As such, the Council's position on the Bill remains cautious until more affordable housing becomes available to improve supply.

Many of the principles and goals outlined in the Bill are already being implemented in Cardiff and are supported by the strategic priorities detailed in the recently updated Housing Support Programme Strategy. The Council believes that legislation is not required to achieve these policy objectives and has significant concerns that the legislation may hinder these goals by creating dependencies and preventing services from prioritising those with the greatest need.

Cardiff Council acknowledges that one of the primary objectives of the Bill is to reduce the number of individuals in temporary accommodation by enhancing prevention efforts. Whilst the Council supports this objective, the effectiveness of these prevention efforts is limited due to the ongoing shortage of affordable homes generally and the ongoing issues within the private rented sector. Homelessness services already assist people up to six months before they face homelessness. Despite these efforts, finding suitable accommodation to prevent homelessness remains challenging due to the difficult housing market.

The Council remains seriously concerned that the Bill may inadvertently increase the demand for homelessness services due to the removal of priority need. Additionally, it may diminish personal responsibility as a consequence of eliminating the unreasonable failure to cooperate provision and the intentionality provision. The combined effect of these changes will undermine the Bill's policy objective of reducing the number of individuals in temporary accommodation.

Wales consists of highly diverse communities, and the provisions in the Bill do not adequately address the variations among local authority areas, including differing demographics, communities, and housing needs. Currently, services have the flexibility to apply principles and objectives locally, catering to specific local requirements and demographics. Consequently, legislation is not necessary to achieve the stated policy goals, and due to the concerns mentioned above, we believe it may counteract the intended policy objectives.

What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Cardiff Council strongly objects to the abolition of differences in entitlement related to priority need. While the delay in removing this test is appreciated, there remains significant concerns about a potential increase in demand arising due to this change. It is clear from the experience in Scotland, where the priority test was removed and as a result the demand for temporary accommodation tripled, that this change will result in a significant increase in demand on temporary accommodation.

Despite existing legislation on priority need, the supply is insufficient to meet demand. The current priority provisions serve as a crucial safety net for many vulnerable groups. Eliminating any form of prioritisation would hinder the ability to prioritise the most vulnerable individuals or households, as all cases would then be treated equally.

The unintended consequence of this is that it will also increase dependency and expectancy by providing temporary accommodation to all who present as homeless. Many people, with some support, can and should source and maintain their own accommodation. The Bill removes all requirement for individuals to take personal responsibility to find accommodation. It will draw more people into local authority provided temporary accommodation, resulting in a significant increase in demand for this and long delays in move on.

The Council believes there should be a balance between the duty of services to assist individuals and the individual's responsibility to meet their own housing needs, where they are able to do so.

The Council also do not agree with the abolition of differences in entitlement related to intentional homelessness. Again, whilst the delay in implementation is noted, removal of the test would mean that homelessness services would have no ability to address cases where evidence shows there has been a deliberate act or omission which has caused the homelessness, increasing demand on the service and resulting in a lack of consequence for an individual's actions.

Not applying intentionality decisions sends the wrong message to those who present as homeless and encourages poor behaviour in a minority of homeless applicants. Removing the intentionality test dilutes the message about personal responsibility and the introduction of the deliberate manipulation test will further confuse the matter.

Cardiff has seen cases where individuals have deliberately withheld their rent, despite having the means to pay, or have given up suitable private rented accommodation that meets their housing needs so that they can enter homeless services. In many instances, this is to secure social housing as opposed to remaining in the private rented sector.

For those who have made themselves intentionally homeless and are under the duty to help secure, current legislation allows us to ask these clients to leave

Temporary Accommodation. The new provisions would mean that those found intentionally homeless would now be entitled to stay in Temporary Accommodation until suitable private rented accommodation is found, increasing the number of people in Temporary Accommodation. It will be very difficult for the local authority to source private rented sector accommodation for those who have given up a previous tenancy so these clients may end up spending prolonged periods of time in Temporary Accommodation.

Moreover, the proposed amendments to eliminate the 'unreasonable failure to cooperate' provision do not align with the Bill's overarching focus on applicants taking reasonable measures to address their housing situation. Removing the broader scope of this provision may undermine personal responsibility and accountability, potentially resulting in applicants being less motivated to manage their housing circumstances.

Maintaining the 'unreasonable failure to cooperate' test under Section 79(5) is particularly crucial when Personal Support and Accommodation Plans (PSAPs) are required at more frequent intervals.

What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Cardiff Council already operates a Common Housing List including an Accessible Housing Register with its partner Registered Social Landlords (RSLs) in the city. From managing a Common Housing List, good relationships exist with partner RSLs.

Cardiff Council welcomes the provision that Local Authorities should have discretion to continue to admit all applicants or not.

While the 'deliberate manipulation test' aims to prevent those deemed intentionally homeless from accessing social housing, it may cause confusion given the Bill's focus on removing the intentionality provision. Additionally, such individuals can be hard to rehouse in the private sector due to landlords' reluctance based on their past behaviour, potentially increasing temporary accommodation stays and reducing personal responsibility.

Additionally, the Council is concerned regarding the inclusion of reasonable preference categories for care leavers and veterans. The provision in the Bill does not clearly define what constitutes a 'veteran' in terms of service time or dates, nor does it specify how long an individual can be classified as a 'care leaver,' potentially broadening access to a large group of people. The Council is concerned that this reasonable preference is not contingent on local connection, which would result in any veteran or care leaver being prioritised on Cardiff's social housing waiting list regardless of local ties. Cardiff already has 9875 households on the Waiting List for social housing, and considering the attraction of the capital city for many, this extra demand could become unmanageable and hinder our ability to prioritise local needs, including homeless families and individuals in temporary accommodation.

What are your views on the provisions set out in Part 3 of the Bill - Social Housing Allocation (sections 39 - 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Cardiff Council does not have any major concerns with the provisions outlined in Part 3 of the Bill. However, the Council is concerned about the breadth of ministerial powers granted to "amend, modify, repeal, or revoke any enactment" or provisions within the Act. It is understood that including regulation-making powers is standard practice when introducing new legislation. However, there is concern that these particular powers relate to provisions that were removed from the Bill following feedback during the White Paper consultation- specifically in relation to local connection. This raises the risk that such provisions could be reintroduced through secondary legislation, without the same level of transparency, scrutiny, or clarity that would typically accompany primary legislation.

Cardiff Council appreciates the phased implementation approach, however there are still concerns that the proposed timeline may be too short and may not include sufficient resources necessary to achieve the intended outcomes.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

(We would be grateful if you could keep your answer to around 500 words).

The primary challenge to implementing the Bill's provisions is the shortage of affordable housing. The Bill will increase demand for housing by extending the full housing duty, including access to both temporary and permanent accommodation, to single people who do not have an additional vulnerability. Consequently, more affordable housing is necessary to accommodate the increased numbers entering temporary accommodation. Whilst Cardiff has an ambitious social housing new-build programme in place, it is recognised that even this cannot keep up with the scale and pace required to meet existing homelessness demand. Additionally, the costs involved in constructing new homes has increased significantly due to higher material and labour costs. Increasing the housing supply further to meet the demand the Bill will require a significant uplift in financial resources.

Due to this insufficient supply of social or affordable privately rented accommodation to move people on from Temporary Accommodation, the result of this will be that the length of time that people spend in Temporary Accommodation will become longer and therefore the revenue and capital costs associated with this will increase. Cardiff Council has already observed significant increases in the average journey length for those in temporary accommodation, with a 39% rise across all household types since the onset of the pandemic, and an 80% increase specifically for families.

While the Council supports the inclusion of 'Act and Act' in the Bill in principle, there are concerns that it may lead to increased service demand and place additional pressure on the Council's ability to move households out of temporary accommodation. To meet this potential demand, additional resources will be required for local authorities.

The housing workforce has been operating under sustained pressure for several years, and the introduction of this Bill could further intensify that demand. Beyond the need for additional resources, the retention of experienced staff in the housing sector must also be considered, particularly as they face yet another period of change and are expected to respond to a further uplift in demand.

With the removal of the priority need test, it is anticipated that more households will seek support. There is also concern that, as a city hosting a prison, Cardiff will be particularly affected by the introduction of the Act & Ask duty and the

strengthened requirement to provide advice and assistance to individuals in custody. While these changes are broadly positive in terms of reducing homelessness among people leaving custody, the size and turnover of the population at HMP Cardiff is expected to place significant pressure on local services.

The increased footfall, combined with the requirement to complete Personalised Housing Plans (PSAPs) every eight weeks, will add considerable strain. Although PSAPs are a constructive development, applying them to all applicants owed a homelessness duty will be extremely time-consuming and may be less relevant once the Prevention Duty has ended. Unless the additional methods for discharging the Section 75 duty are expanded to include placements into Supported Accommodation, Cardiff Council could be required to complete over 2,000 PSAPs every two months. Meeting this level of demand will require substantial investment- both in staffing and other financial resources- to ensure services can respond effectively.

The success of the legislative reforms are also dependant on other key policy intervention, some of which are the responsibility of the UK rather than the Welsh Government. These include increasing Local Housing Allowance rates and a clearer response to those with No Recourse to Public Funds (NRPF).

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

(We would be grateful if you could keep your answer to around 500 words).

Cardiff Council is concerned about the extent of these powers, particularly as they relate to key elements of the legislation that have been scaled back—specifically, provisions regarding local connection and suitability standards in temporary accommodation. These areas remain significant concerns for the Council, and there is apprehension that granting Welsh Ministers the authority to make subordinate legislation could allow such changes to be introduced without the same level of scrutiny at a later stage.

Are there any unintended consequences likely to arise from the Bill?

(We would be grateful if you could keep your answer to around 500 words).

The Bill will result in a heightened demand for homelessness services. The removal of priority need and intentionality assessments will increase the number of individuals requiring Temporary Accommodation. In addition, the Bill does not address the fundamental issue of a shortage of affordable housing. There remains an inadequate supply of social or affordable privately rented housing to transition people out of Temporary Accommodation or to assist those at risk of homelessness.

The removal of priority need and intentionality tests (set to be introduced at a later stage) for service access will lead to a situation where applicants apply for help too late or ignore support offered, knowing they will be guaranteed housing when they present as homeless. This could therefore act against the main goals outlined in the Council's Rapid Rehousing plan which seeks to improve early intervention and increase engagement and outcomes for homeless prevention.

The Bill eliminates the requirement for individuals to take personal responsibility for finding accommodation. This change is likely to draw more people into local authority-provided temporary accommodation, leading to a significant increase in demand and prolonged delays in moving on. Cardiff Council advocates for a balanced approach that combines the duty of the Local Authority to assist individuals with the individual's responsibility to meet their own housing needs, where possible.

There are also concerns about whether the new homelessness and housing allocations system will be equitable for those needing homelessness assistance, existing social housing tenants, and those in housing need

The Council believes that certain provisions in the Bill will promote dependency, reduce personal responsibility, and create expectations from applicants that the Local Authority cannot fulfil. These provisions diverge from the approach that empowers and supports individuals in finding their own solutions, which is a key principle of the Housing (Wales) Act 2014.

An increased number of individuals in Temporary Accommodation will escalate costs associated with providing such accommodation. Consequently, fewer resources will be available for prevention services or services for individuals with complex needs, where more significant impact could be achieved.

What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

Welsh Government's assessment of the financial implications of the Bill does not align with the consequences that will arise as a result of certain provisions within the Bill.

While additional funding for prevention services is appreciated, the core issue of a limited supply of affordable housing remains unaddressed. Effective prevention of homelessness is largely dependent on the availability of a consistent and adequate supply of affordable properties, especially within the private rental sector. Without this intervention, the number of individuals accessing temporary accommodation will rise in proportion to any increase in demand. Additionally, as previously observed, an increase in households entering temporary accommodation further extends the duration of their stay. This is due to the higher competition among households for a limited number of permanent homes, which consistently fall short of meeting demand requirements.

The introduction of the Bill is expected to generate a substantial increase in demand across homelessness services. This includes a rise in prevention work, the need for regular PSAP reviews, and a significant expansion in the use of temporary accommodation. Meeting this demand will require a major uplift in both revenue and capital funding.

Based on Cardiff Council's analysis, an estimated £18.9 million in additional revenue funding will be required. This would support the recruitment of additional staff across the homelessness service, including Review and Housing Officers, and cover the operational costs of managing approximately 1,236 units of temporary accommodation.

In addition, the Council estimates that £287 million in capital investment will be needed to expand the supply of both temporary and permanent accommodation. This is necessary to meet the increased demand resulting from the removal of priority need, the abolition of the unreasonable failure to cooperate and intentionality tests, and the extension of the full housing duty to a broader group of applicants.

Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

(We would be grateful if you could keep your answer to around 500 words).

HSHAWB 14 Community Housing Cymru

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Cartrefi Cymunedol Cymru | Evidence from: Community Housing Cymru

About CHC

Community Housing Cymru (CHC) is the voice of housing associations (HAs) in Wales. We represent 30 not-for-profit housing associations that provide almost 165,000 homes to 10% of the Welsh population. These homes include housing with care, support and/or supervision, supporting tenants with diverse needs to live well in their communities.

Summary

We share the Welsh Government's commitment to end homelessness, and we support the principles underpinning the legislation. We stand ready as a sector to play our role. This reflects the social purpose that is at the heart of HAs in Wales and builds on commitments the sector is already delivering on, such as ending evictions into homelessness.

Legislation alone can't end homelessness - we all know we need more homes, especially affordable homes. We need to make quick progress in parallel to this legislation on taking forward recommendations from the recent affordable Housing Taskforce report, as well as tackling wider, systemic barriers to supply. The recent boost in funding for Wales in the UK government's Spending Review offers an opportunity for a step change in the delivery of social homes in Wales. Along with a sufficiently long-term rent settlement for the sector, there is a cause for optimism that we can finally tackle the housing crisis blighting communities in Wales.

In terms of optimising the current homelessness 'system', the Bill has the potential to go a long way towards modernising the process and centring people - if the details are right and implementation is successful. There's concern that the accelerated timetable for the legislation increases the risk of unintended

consequences, similar to issues seen with the Renting Homes Wales Act. The sector stresses that accuracy is more important than speed and urges Members of the Senedd to ensure they have sufficient time for scrutiny.

It is reassuring to see some of the concerns we raised during the White Paper consultation reflected in the position reached in the draft legislation. There has been extensive consultation and engagement to get us to this stage. Our response recognises this and focuses on how we make sure the legislation works as best as it can.

With this in mind, these are the high-level changes and assurances we want to see to enable Registered Social Landlords (RSLs) to deliver the ambitions of this legislation for the benefit of people and communities across the country:

- Redrafting of section 38 so that it is fit for purpose: Whilst we support the principle of Common Housing Registers (CHRs), we cannot support this section as it is currently drafted. We have had constructive conversations with Welsh Government Officials around redrafting this so that it only covers social housing, not other types of affordable accommodation offered by HAs, e.g. market rent. In addition, the legislation must be remedied to allow for vital and urgent transfers to continue, for example, to move a domestic abuse survivor urgently away from a perpetrator.
- A more balanced approach to the duties in section 33: Matching the duty on RSLs to comply with a housing referral with a commensurate duty on LAs to make relevant information on housing and support needs available to HAs so they can take an informed view on whether they can reasonably comply. We know that people thrive when they are placed in a home suitable for them and with the right support in place. RSLs need to be able to share sensitive information safely to achieve this. We also think it would be beneficial to specify a non-exhaustive list of areas that guidance produced under this section should cover, and assurance that such guidance must be in place before this provision is enacted.
- Clarity on the role of RSLs: there are various areas of the Bill which we think would benefit from explicitly outlining the way that RSLs should be engaged or able to request certain approaches, especially around section 18 (help to retain) and 25 (multi-agency working). This would help to set the tone for partnership working.
- Bolstering data sharing: There are no specific data sharing provisions made in the Bill - this seems like a missed opportunity to streamline processes and ensure everyone has the confidence they need to share relevant data confidently. We

would welcome more information on how the public bodies and partners included in the Bill could otherwise safely share relevant data to enable a successful multi-agency, partnership working approach to flourish. We should learn from other legislation that has included data legislation to ensure we set up all partners for success.

- Wider consideration of costs: It is clear that the wide-scale system change that is envisioned through the legislation must be matched by adequate funding for all the elements contained within it. We are concerned that the Regulatory Impact Assessment (RIA) as drafted does not account adequately for the scale of increased demand on services and the knock-on impacts to other bodies, including RSLs. The very welcome move to supporting more people to stay in their homes will necessitate a real step change in the funding of programmes such as the Housing Support Grant (HSG).

- Finally, we remain very concerned that the measures outlined in this Bill constitute increased control by the Welsh Government and local authorities (LAs) over the operation of RSLs, which brings the risk of reclassification. RSLs are and should remain independent organisations guided by a social purpose. This is one of their unique characteristics, allowing the sector to leverage private investment - currently this private finance totals £3.5bn, rising to £4.5bn by 2027. Increased intervention by national and local government could give rise to the ONS reviewing the classification of RSLs and deciding that their debt should sit on the public balance sheet. This could lead to the UK Treasury placing borrowing limits on HAs, which would impact their ability to deliver new social homes at scale.

Detailed response

Overall - implementation

- We fully support the proposed transitional and phased approach, with reviews at each stage. It is important that this is implemented well, iteratively learning and reflecting lessons learnt from other legislation and other parts of the UK.

- This will be important to ensure that the necessary groundwork is in place to make the legislation a success. We would welcome engagement with the Welsh Government in the coming months on an indicative timeline for the changes, so that various sectors can gear up appropriately. For example, the expanded duties imply significant increases in coordination, administration, and reporting. RSLs and LAs alike face ongoing staffing challenges, and the Bill's success is contingent on realistic workforce planning and support

- In particular for RSLs, the timing of implementation and guidance of Sections 33 and Section 38 will be really important.

Overall - funding and impact

CHC view: As a headline, it is vital that LAs have sufficient funding to gear up for these changes. Furthermore, the proposed new system inherently requires more support funding to be available at the prevention stage, during the time someone is owed a duty, and once they transition to sustainable housing. The future budget for the Housing Support Grant must reflect this, and this should be multi-year to give certainty to services.

The Bill's RIA states that analysis is based on authoritative research and primary data led by Alma Economics, including engagement with LAs, RSLs, and the wider public sector in Wales.

Our members were engaged in one exercise through the Welsh Government/Alma Economics, which CHC coordinated. This is referenced in the RIA as a costing template, which summarised the estimated costs associated with the key proposals set out in the 2023 White Paper. Housing associations collectively found this a difficult exercise to undertake due to the lack of detail at that stage on how policy proposals would work in practice, as well as the assumptions presented to HAs, which many found too conservative.

We welcomed the initial exercise as a first step in the Welsh Government's engagement with RSLs on associated costs with the legislation on the proviso that this was an iterative exercise and that RSLs would not be held to assumptions. RSLs have not been engaged with any further before the publication of the draft Bill, as policy proposals were developed and, in some cases, deviated from the original White Paper proposals.

The RIA and Finance Committee scrutiny session of the Bill with the Cabinet Secretary discussed the lack of data available and the time taken to make accurate cost assumptions. Given the enormity of the proposed legislation, the consensus is that this has felt very rushed and leaves gaps in understanding, particularly across the following areas:

- **Transitional and recurrent administration costs for RSLs:** These have been collated together with the wider public sector, making it difficult to estimate the individual breakdown of costs to RSLs on the face of the Bill.
- **Section 18 - The duty to retain suitable accommodation that has been secured under homelessness functions:** The level of support and complexity faced by

those in homelessness accommodation is a crucial element which will drive the costs. The RIA estimates that 10% of those owed a homelessness duty would require additional support to retain their home. However, some of our members believe that this could be as much as 50% in their areas. Quarterly [statistics](#) in England show that over 50% of all households in each quarter owed either a prevention or relief duty, identified as having one or more support needs. 10% is likely, therefore, to be far too conservative an estimate for LAs and any support requested from other public authorities under the duty to cooperate.

Whilst there are some indicative data from Rapid Rehousing plans, work needs to be done to better understand the level of need to accurately establish a new base level of funding that effectively reflects the support services required. The Expert Review Panel was also unequivocal in its final report that the success of legislative reform relies on a properly funded Housing Support Grant. As part of this, it will be useful to differentiate between varying levels of support, including 'low level' tenancy sustainment support, and more intensive or multi-agency support. Both will be crucial. Whilst we appreciate that the government will not be in a position to confirm funding now, the Senedd committee should rigorously stress test the assumptions in the RIA. In addition, we believe that Senedd approval to enact the elements of this Bill in the future through secondary legislation must be conditional upon the assurance that adequate funding and training have been put in place to make it a success.

- **Section 38 - Common Housing Registers (CHRs):** Many RSLs contribute thousands of pounds each year to LAs CHRs, not including their own dedicated staff costs of accessing and working in CHR systems. This is not currently reflected in estimated ongoing costs, nor does it reflect CHR IT system changes or additional LA staff costs to enable them to operate to the new requirements in which RSL partners will be required to contribute.
- **Section 38 - Accessible Housing Registers:** No specific figures have been estimated for this, but our members have identified that this will require both set up and administration.
- **Section 21 - Ask and act:** The opportunity cost for all RSLs to access training is estimated at £5,531,500. Going forward, the total cost for RSLs across Wales for the estimated number of referrals per year is £3,000 and is based on 217 referrals. Originally, Identify, Act and Refer in the White Paper, this was never tested with RSLs as part of the costing template provided by the Welsh Government/Alma Economics. We will be undertaking further consultation with our members on this, which should be taken into account.

● **Section 33 - Co-operation between social landlords and local housing**

authorities: The costs for this are reflected in section 18. However, section 320 of the RIA states that 'There is no additional cost of accommodating a homeless applicant over a non-homeless applicant, unless they have specific or unique support needs.' We agree that there is evidence that demonstrates that homeless individuals grapple with a significantly higher burden of physical and mental health issues, substance misuse, and complex social needs compared to the general population. However, as noted in section 18, we believe that the support needs in the homeless population are far greater than what the Welsh Government perceives and so the 'true cost' of accommodating a homeless applicant based on the appropriate level of support remain unknown and an area of concern depending on how this duty is exercised.

What would help: Further work on costs must be undertaken ahead of implementation. CHC is happy to support in gathering updated assumptions and information from its members to aid this. We would also welcome a wider consideration of outcomes that we hope this legislation would deliver - such as educational attainment for children and young people; improved health; employment etc. This will be powerful alongside the headline metric already included in the RIA on the number of homeless households.

Overall - data and information sharing

CHC view: While local agreements are vital for the practical implementation of data sharing, statutory provisions elevate data sharing from a series of ad-hoc arrangements to a fundamental, legally sanctioned operational principle. Including provision for data sharing specifically in this legislation is important to give everyone confidence in sharing information about housing and support needs. Without this, fear and risk aversion can creep into practice and prevent partnership working from thriving. Including provisions for data sharing in the legislation will allow for a national framework, avoiding the need for detailed work at a local or regional level, instead supporting standardisation through things like a code of practice. Data sharing provisions in the Bill may also allow software and services to be designed early with interoperability included, meaning systems can speak to each other and allow for efficiencies.

What would help: Data sharing provisions should be specifically included within the Bill.

Section 1 - Meaning of 'threatened with homelessness'

CHC view: This duty would kick in if someone were issued a written notice or notice of possession, Some members have indicated that this would increase the number of people owed the duty, as many more notices are issued than evictions take place in RSL homes. When all other measures have failed and arrears or issues are significant, an RSL may sometimes use the issuing of a notice as a means to engage tenants, with the hope of engaging them in accessing support, budget advice, repayment agreements etc. There will be many cases where the LA duty will be really beneficial in enabling tenants to access support and services they require to remain in their homes. However, LA engagement may not be required on all cases - but the duty will still apply.

What would help: We'd suggest exploring the benefits and drawbacks of amending this section to require that a notice be served and you consider that the person is at risk of homelessness in order to trigger the duty on LAs. This could avoid additional unnecessary burdens on LAs whilst supporting those tenants that would benefit from additional intervention beyond what the HA can deliver by itself.

Section 7 - Circumstances in which the duty to secure accommodation for applicants comes to an end

CHC Views: In practice, LAs should check with RSLs, where they are the landlord, to confirm that the accommodation is suitable and sustainable before ending this duty.

What would help: An addition to the Bill to make this clear would be beneficial in setting the tone for balanced partnership working from the outset. As a minimum, a commitment from the government that this will be included in statutory guidance is needed.

Section 18 - Help to retain suitable accommodation secured in exercise of homelessness functions

CHC views: We fully support this proposal and think it could, if funded properly, be a real step change that prevents repeat homelessness. In making a judgement on whether the duty is owed to someone, LAs will need input from partners including RSLs where they are the landlord.

What would help: Amending the legislation to include further details on how LAs might make this judgement, including cooperation with RSL and other relevant partners, would make this section more effective. At the very least, clear statutory

guidance should be produced on the factors to be included in making this judgment, including the view of the landlord. Long term commitments to funding the Housing Support Grant at adequate levels are needed to ensure that LAs will be able to meet the demand flowing from this new duty. More details on our position on this were included in our recent response to the committee inquiry on housing support.

Section 20 - Further circumstances in which the duties to help applicants end

CHC View: We support this more trauma-informed approach to when duties ought to end, but think it may be worth considering violence in a slightly broader way to ensure it captures violence towards those other than staff.

What would help: it would be worth testing the idea of expanding the new subsection (5) so that it encompasses violence towards other members of the household or neighbours, especially where it puts community cohesion at risk.

21 - Duty of a public authority to ask and act

CHC views: We are supportive of this element of the draft legislation. RSLs already play a vital role in signposting information to their tenants and taking action to prevent evictions, as demonstrated by the very low numbers of evictions every year in Wales. The change here will be that this duty is owed to everyone, not just their tenants, with potential for increased costs for landlords. This is perhaps more so the case for RSLs than the other organisations listed, given the nature of RSLs business is in providing accommodation. Some further engagement with the sector on potential costs is necessary.

We are also concerned about being listed on the face of the legislation as a 'public authority'. This is inaccurate given RSLs are independent organisations. We believe this unnecessarily increases the classification risk. It may also potentially open RSLs up to the risk of judicial review under this section by suggesting that they are exercising a public function.

What would help: The Bill should be amended to remove the term 'public authorities'. An alternative could be 'specified bodies', 'specified authorities', or 'listed authorities'. The latter would mirror the language used in the Public Services Ombudsman (Wales) Act 2019, which RSLs are listed on, although 'bodies' would be a more accurate term for the organisations included on the list in this draft legislation. Clear guidance should be provided on what would be required of RSLs to reasonably comply with their duties in relation to the wider public as opposed to their existing tenants. Further engagement with RSLs on potential costs should be undertaken.

Section 25 - Protocol for handling cases involving persons in particular need of support

CHC Views: We are strongly in support of this proposal. We think it is crucial for ensuring that those with multiple complex needs can access a holistic, joined up approach from the organisations and agencies involved in their care and support. This needs to be adequately funded for LAs to ensure it is a success and avoid costs being shunted onto other bodies involved. It is clear from the current drafting that RSLs must be included in such a case coordination approach, but does not explicitly cover how an RSL or another organisation/person could request that such an approach be taken.

What would help:

1. We assume the details would be covered in the protocol required under the proposed new clause (1E). It may be additionally beneficial to make it clear in the Bill itself that such a protocol must allow for partners to initiate a case coordination approach and not just participate in it.
2. Welsh Government guidance should set out principles that should be followed in regards to case coordination.

Section 33 - Co-operation between social landlords and local housing authorities

CHC views: RSLs work successfully in partnership with LAs across Wales to address a range of housing challenges, including serving the needs of homeless communities. This legislation provides an opportunity to bolster that partnership working and bring in other relevant partners who can together make a meaningful difference to people's lives. The focus on prevention, support and co-operation in the legislation, if sufficiently funded, with enough lead in time and appropriate guidance/support on best practice should really make a difference. With that in mind, we would hope that there would not be a need for the powers and duties in this section to materialise. Where it is used, we envisage it should be infrequent, offering a last resort when partnership working has broken down. As drafted, we are concerned that there is not enough emphasis on LA's role in making this section work successfully, and too much importance is resting on undefined guidance. Limiting housing associations' ability to manage their homes would undermine the power of the partnership and ultimately, undermine their ability to work with LA to ensure a good match between a person, the type of home, and the community.

Whilst no single change is enough alone to prompt the ONS to review classification, we should be aware of the cumulative and incremental shift that is

happening over time towards more control of the sector. We believe that with intervention across a range of areas in recent years, we are approaching a tipping point. We suggest that the committee carefully consider this during the passage of the Bill, including the impact of any amendments proposed on the classification risk. We do not think this is the policy intention here, and believe our suggestions below will safeguard against these risks.

It is also important to consider the views of funders towards the Welsh legislative and policy environment, and guard against actions which may adversely affect HS ability to leverage private finance, and meet the costs of debt, that contribute valuable funding towards building new homes.

What would help:

1. An additional duty should be added to this section to require that LAs provide relevant information to an RSL on a tenant's housing and support needs when making a request. This is vital to ensure balance, given RSLs have a duty to comply with such a request unless there is a 'good reason' not to. They can only adequately make this judgement with the correct information.
2. The legislation should include a non-exhaustive list of areas that the statutory guidance should cover to ensure that it considers a wide enough range of issues on what constitutes a 'good reason', factoring in the nuances inherent in the allocation of homes. An example of what this might look like is included below.
3. In addition, whilst we understand that it is the Welsh Government's clear intention to produce guidance ahead of enacting this provision, we think this should be clear in the Bill itself. This could be as simple as amending the wording to make clear that the Welsh Ministers 'must' give guidance rather than 'may'.
4. We think that this element of the legislation would benefit from being subject to a specific review, set out on the face of the Bill, to ensure that it is delivering on the policy intention of promoting partnership working and allocating homes to those who need them. We are open to a discussion on the timing of such a review and do not think
5. Finally, Welsh Government officials should engage with lenders to reassure them of the direction of travel on this now and before this measure is introduced.

Example new section on guidance:

(9) Guidance under this section must include:

(a) Availability of suitable accommodation;

- (b) Social cohesion;
- (c) Safeguarding;
- (d) Safety;
- (e) Tenancy sustainability;
- (f) The registered social landlord's rules;
- (g) Support requirements;
- (h) Impact on neighbours;

Section 35 - Allocation of housing accommodation under Part 6 of the Housing Act 1996

CHC views: We understand the reasons for including this and the burdens that LAs can face in maintaining the register. As per our white paper response, we remain concerned that there is a risk in taking this approach that it could lead to negative perceptions of social housing and contribute to the existing stigma that can be attached to living in social housing.

What would help: Guidance should be provided to ensure that the approach taken is relatively consistent and that issues around perception and stigma are not exacerbated. RSLs should be involved in discussions and decisions on what should constitute a 'qualifying criteria'.

Section 36 - No preference for persons who try to manipulate the housing system **CHC views:**

We understand why this element has been tightened compared to the existing intentionality test, and why it has been moved to the allocations stage. Further details will need to be included in guidance to ensure it works operationally and reflects the wider ethos of being trauma-informed.

What would help: Guidance on operationalising this element must very clearly outline when the test is to be performed, within LA processes, in order to avoid someone being allocated a home before it is undertaken. We would welcome the views of those working with applicants on whether the term 'manipulate' is the right term that would encourage an open discussion.

Section 38 - Housing registers

CHC views: We agree with the principle of common housing registers, but cannot support this section as currently drafted. It operationally does not work and will not be deliverable as it has not been scoped appropriately and does not include necessary exclusions. We do not believe this is the policy intention of the government, and are hopeful that alternative drafting can be identified.

What would help:

1. Subsection 160B needs to be reworded to narrow the scope of homes that are included to include only social homes. The following types of properties owned by RSLs should clearly be excluded and/or not fall within the definition used in this subsection:

- Market rent
- Shared ownership
- Intermediate housing
- Student accommodation
- Extra care accommodation
- Other specialised accommodation that is already not currently let through housing registers
- Properties being used for temporary accommodation
- Non-residential properties, such as business properties and garages.

2. In addition, we are concerned that as currently drafted, the requirement to only offer housing to those on the Common Housing Register would preclude the following types of transfers that RSLs must be able to undertake:

- Urgent transfers as a matter of safety, security and safeguarding, for example in the case of flooding, loss of electricity, damage to property, domestic abuse, violence/ASB, victim of a serious crime, witness to a crime, urgent medical need, etc. These must be able to take place quickly without a need to place someone on the register first, both for safety reasons and so landlords are in line with wider legal obligations.
- Management transfers (such as for those whose properties are no longer suitable, over or under occupying, ASB etc), mutual exchange, and transfers relating to succession (where the Renting Homes Wales Act 2016 gave stronger

contractual rights). These must continue to be able to operate fluidly. If these were to go through the CHR, there must be absolute clarity that they would not be subject to local allocations policies and banded. Instead, the purpose of being on the register in such cases would be for transparency. The process for getting put on the register for such a purpose in the local area must also be simple to avoid undue burdens for both RSLs and LAs. The Housing Act 1996 Part 6 already makes clear that these types of transfers are not to be subject to allocations. It is vital that the changes proposed under this new draft legislation would not change this. Moving people into suitable accommodation allows the whole system to function and can help to avoid eviction.

3. In terms of thinking about implementation, we would highlight that additional funding and support will be needed for the three areas that do not currently have a CHR in place. Our members have highlighted that funding of software, and the potential for joint/sub-regional procurement, as well as participation with RSLs, will be important. The SARTH partnership is the only sub-regional model operating in Wales at present and there is the opportunity to build on this best practice and learn from what works.

4. The proposals for accessible housing registers should learn from best practice currently happening in Wales already, for example, the 'Adapt' scheme in Swansea. We would suggest the Committee consider the definition of 'disabled' and whether this will cover non-physical disabilities, which might require physical changes to the home. For example, children with particular learning needs may need additional space available above and beyond what you'd normally offer to a family of the same size.

5. We support the proposal outlined in the explanatory memorandum to produce guidance and best practice on Common Allocation Policies to underpin these registers. Our members have suggested that key principles could be set out in such guidance to aid consistency across areas whilst allowing for necessary divergence to meet local needs.

Contact

For further information, please contact Head of Policy & Research, Elly Lock: Elly-lock@chcymru.org.uk

HSHAWB20 Adra

This document provides a translation of correspondence received from Adra

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan Adra | Evidence from Adra

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Adra supports the general principles to improve homelessness prevention and fully supports Community Housing Cymru's response on behalf of the registered social landlords sector.

We will continue to work in partnership with local authorities that are our partners with a commitment to ending homelessness in Wales.

We agree that there is a need to change in terms of approach, investment, reforming legislation and policy to ensure a greater focus on person-centred prevention; and tenancies that are sustainable, alongside a commitment to invest more in the housing supply.

The availability of suitable accommodation, funding, partnership working and good housing management are essential to ensuring success.

What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

S6 – Welcome the proposal for a 'connection to Wales' and a connection to local authority area requirements. Local connection criteria are important in ensuring sustainable communities, community cohesion and access for people to support in their local area.

The Bill should recognise the connection between local connection and the Welsh language. Safeguarding the Welsh language throughout Wales should be a key factor in all legislative changes. The Welsh language is declining in many areas, and letting policies with local connection criteria are an important element in protecting the future of the language. Recently, the Welsh Government has responded to the Commission for Welsh-speaking Communities and has agreed to reform the allocation of accommodation and homelessness: guidance for local authorities to ensure that it matches the objectives of Cymraeg 2050, and also provide further guidance to registered social landlords on considering the Welsh language when letting social housing. It is important that the Homelessness Bill takes this commitment into account.

S7 – Guidance is needed on how the duty ceases and checks should be included with Registered Social Landlords for them to confirm that support is no longer required, together with confirmation of the suitability and sustainability of the accommodation.

S18 – Some people may need support for more than 12 months to maintain their tenancy. Both adequate resources and sufficient long-term funding should be available to achieve this intention within the policy.

S20 – We believe that the circumstances in which the duty would cease should be wider. Violent or threatening behaviour towards others should include behaviour towards neighbours, members of the household, and towards any employee of other agencies. Violent or threatening behaviour should also include abusive behaviour. Damage to property should be a consideration, but it is not the biggest concern; other factors should be considered such as the needs/protection of victims of violent, threatening and abusive behaviour; community cohesion.

S21 – The possible effects of referring to registered social landlords as public authorities should be explained.

We currently direct and refer tenants to homelessness prevention, tenancy breakdown prevention and/or other safeguarding, health and care needs. Consideration should be given to integrating this duty, which we support, into other "ask and act" statutory duties and the statutory referral procedure eg

safeguarding, in order to use current structures and training and avoid numerous referrals to local authorities.

S23 – Strongly agree with measures to support care experienced young people.

S25 – Agree with the proposal and its intention. However, the protocol should allow a registered social landlord to initiate a multi-disciplinary case conference, and not just participate by request.

S33 – We support the principles of the section but further clarification and amendments would be required. Clarity is needed on what "reasonable", "reasonable period", "good reason" means in relation to a request to an offer of accommodation from a registered social landlord. This could be included in further statutory guidance.

Guidance on the scope/definitions should include issues such as the suitability of the property for the individual(s); location; safeguarding risks; previous behaviour and abuse towards staff of registered social landlords and other victims; estate management reasons; community cohesion.

Although we support the intention, this will only be achieved through strong, open and proactive partnership work between the LA and registered social landlords – and if there is no clarity, unnecessary tensions could arise in the balance between partners and their autonomy as individual organisations that form any partnership.

S33 96B We do not anticipate numerous cases of non-compliance due to the strong emphasis on working in partnership and collaboration which is at the heart of this Bill. Systemic non-compliance should be escalated to Welsh Ministers/the housing regulator.

What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

35 We continue to be of the opinion that all possible measures should be taken to ensure that the intention of this policy does not lead to a harmful perception of social housing, or of homeless individual(s).

In introducing it, it should not exclude some people from trying to access social housing due to a fear of stigma/social labelling.

We are keen for the Bill and its introduction to ensure that other groups with accommodation needs and access to social housing continue to be addressed.

There may be different opinions from partners on the likelihood of unacceptable behaviour happening again, which may be mitigated with a joint assessment, shared risk assessments, and information sharing in relation to personal housing plans.

Section 38 - We are in favour of using common housing registers and common letting policies across all local authorities in Wales. Common letting policies, where agreed and implemented well, provide a consistent approach and strong partnership working between the local authority and landlords.

Although we support the intention in this section, we are also cautious due to a lack of clarity on exceptions to the common housing registers in relation to housing rights and estate management of registered social landlords.

We would support further clarity in the Bill that accommodation/social housing for the purposes of this policy proposal would not include affordable holdings such as intermediate rents, Rent to Buy or rental market properties etc. Accommodation/social housing needs to be clearly defined in the legislation.

The Bill should outline that the establishment of a common housing register would not prohibit the scope of any common letting policy, as RSLs currently agree with the LA on exceptions to the letting policies such as emergency transfers, relocation, managed transfers, exchanges, succession-related transfers etc.

There must be reference to allocation exceptions from Part 6 - Act 1996 in the legislation.

There must be reference to estate management bases (under RHWA), allowing the RSL to continue to exercise their housing management functions. These should be referred to in the list of exceptions.

Local letting policies and Section 106 properties (as required by planning conditions in Section 106) enable social housing landlords to let certain properties to people of a certain description - whether they fall within the reasonable priority categories or not. This should be explained and referred to in the Bill.

We strongly note that RSLs' ability to maintain autonomy in terms of stock management is essential. The exceptions as outlined above are important tools for RSLs and tenants, and can be used to avoid homelessness, respond to housing needs, and make the best use of stock etc.

We strongly support the requirement for an accessible housing register. We would ask that funding for this area of work is considered as part of WG policy and their funding considerations to realise the principles of this Bill. Clarity is needed between the use of "accessible" and "disability" - will the register include non-physical disabilities, adults and children with additional learning needs (the rules of the Disabled Facilities Grant are limited in scope).

What are your views on the provisions set out in Part 3 of the Bill - Social Housing Allocation (sections 39 - 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

S42 - we welcome the fact that there will be transition periods and a phased approach. Information about the timetables is important in order to understand the operational aspects of the Bill eg developing local policies and new IT systems takes time, along with partnership working systems and training which will be essential for success.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

(We would be grateful if you could keep your answer to around 500 words).

Sufficient resources and an appropriate allocation of resources across partners need to be implemented and agreed upon locally.

In terms of funding, the Bill should inform the direction of relevant grant programs eg HSG. CHC have discussed this in detail in their response.

Currently, further guidance is needed on certain elements and these should be developed with input from registered social landlords.

Information sharing protocols to facilitate information sharing.

IT systems vary across different LA areas and for a registered social landlord this could mean barriers in terms of access/training and cost.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

(We would be grateful if you could keep your answer to around 500 words).

We believe that the powers within the Bill for a Minister to make subordinate legislation are appropriate. However, it is essential that any subordinate legislation is properly scrutinised.

Our main concern is the definition around "good reason" in relation to a request from an LA for a registered social landlord to offer accommodation. We note that the Welsh Ministers will issue guidance, and as stated previously, this would allow flexibility compared to regulations. However, we remain concerned that guidance would be interpreted and applied inconsistently, which would cause obstacles, particularly for registered social landlords that operate across more than one LA area.

Are there any unintended consequences likely to arise from the Bill?

(We would be grateful if you could keep your answer to around 500 words).

Potential conflict with the duties and rights within the Renting Homes Act and other legislation; the legislative process must allow time for scrutiny and cross reference to other legislation.

Potential to affect the ability of an RSL to manage their own stock or support existing contract holders with changing personal circumstances or emergencies.

What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

There are significant resource implications in complying with the proposed legislation. We have referred to some of these in our previous responses and believe that CHC has provided a response with which we fully agree.

Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

(We would be grateful if you could keep your answer to around 500 words).

HSHAWB 11 Cardiff and Vale University Health Board

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Bwrdd Iechyd Prifysgol Caerdydd a'r Fro | Evidence from: Cardiff and Vale University Health Board

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

1. Duty to "Ask and Act":

CVUHB recognises and supports this as an important part of preventing homelessness, or supporting those experiencing homelessness more effectively. This is already in place within Cardiff and Vale Health Board through CAVHIS with in-reach into the Emergency Unit.

This duty necessitates changes in practice and potentially the GMS contract to ensure compliance. The effectiveness of the bill will be limited without a duty being placed on primary care. Most of the healthcare interactions happen in primary care and this is where those who are at risk of homelessness in the next 6 months would present and need referral. Those who are homeless and presenting at the EU/Secondary care are likely to already be known to services and have a duty open. There will of course be those who are not known to services and present at EU where CAVHIS can pick them up and this is a good start, but unless the duty comes into primary care via the contract, its effectiveness will be restricted.

For primary care, there should be a tiered model, which would directly impact on people accessing support through the EU:

Tier 1: ability to respond, ask and act as people at risk presenting to GMS as part of universal GMS services and the universal care offer

Tier 2: Immediate inclusion services and care for areas with lower numbers of excluded groups. Working as an MDT with partners to provide effective

coordinated assessment and support, particularly in areas of high deprivation. A DSS or LES may provide a suitable mechanism to support this.

Tier 3: Specialist inclusion health services for areas with high numbers and/or complexity

2. Integrated Care Models

Health Boards will need to adopt integrated care models, working closely with housing services to provide holistic support. This includes addressing both health and wider social needs simultaneously.

This is in place through CAVHIS, however to be effective, mechanisms will need to be established in GMS, and potentially other primary care providers, to work in a coordinated and collaborative way with key agencies (probation, DWP, mental health, drugs and alcohol services, social services, housing etc)

3. Training and Resources

There are significant education and training implications across all parts of the Health Board and primary care as individuals could come into contact with any service. There will be significant costs and time associated with this to deliver it effectively. Whilst CAVHIS and other specialist services that come into contact regularly with people at particular risk of homelessness will be well informed, other services will not. We would suggest that there should be a short mandatory training module for the NHS (and other partners) as part of the introduction of the new arrangements.

Health Boards would need additional resources to invest in training for healthcare professionals to better understand and address the unique health challenges faced by homeless individuals. This includes mental health support, substance abuse treatment, and chronic disease management.

4. Data Sharing and Management

Improved data systems and data-sharing practices will be essential for tracking the health outcomes of individuals affected by the Bill and ensuring that they receive continuous and coordinated care. There is not currently adequate funding nor national support to achieve integrated electronic care records across multiple systems.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

N/A

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The following are potential barriers for the Health Board alone – we have not addressed the wider implications for Local Authorities.

1. Integrated data and care records across organisations: lack of integrated data and shared systems will mean duplication of referrals and over-referral as health colleagues will refer all those who are homeless whether they have an open duty or not and the frontline homeless intake/assessment teams will have to field these referrals, unless there are local pathways and mechanisms in place via CAVHIS-style arrangements.

2. The lack of coding and data holding/sharing around those who have NRPF is a problem here when frontline staff come across those with unclear immigration status and who may have NRPF and LAs not having a duty to accommodate. They will likely be repeatedly referred as the NRPF status is very poorly understood by NHS staff. The development of local NRPF pathways needs to happen alongside implementation of the bill.

3. Training and education across a wide spectrum of NHS clinicians and other staff.

4. Ability to verify addresses and citizenship

4. Alignment of services and eligibility across Health Boards and LAs

5. GMS contract if no duty placed on GMS and included within the GMS contract.

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

N/A

7. Are there any unintended consequences likely to arise from the Bill?

1. Increased identification of individuals needing additional support will create additional demand on services, some of which will require a highly specialised response. There will be challenges in securing appropriate staff with those specialist skills.

2. Mainstream services will need to adapt access criteria and service delivery models to support this highly vulnerable group. 'Ask and act' may increase case finding as intended, however organisations will need time to build their capacity and capability to respond.

3. The social, health, housing and wellbeing needs of this vulnerable cohort of people can be highly complex and multifaceted and require support from many different services whose criteria and operating models may work against delivering a coordinated approach. There will need to be significant investment in developing an integrated delivery model

8. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

N/A

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

HSHAWB 26 Welsh NHS Confederation

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Conffederasiwn GIG Cymru | Evidence from: Welsh NHS Confederation

	The Welsh NHS Confederation's response to the Local Government and Housing Committee inquiry on the Homelessness and Social Housing Allocation (Wales) Bill.
Contact	Haleema Khan, Policy and Public Affairs Officer, Welsh NHS Confederation
Date	20 June 2025

Introduction

1. The Welsh NHS Confederation welcomes the opportunity to respond to the to the Local Government and Housing Committee inquiry on the **Homelessness and Social Housing Allocation (Wales) Bill**.
2. The Welsh NHS Confederation is the only membership body representing all the organisations making up the NHS in Wales: the seven local health boards, three NHS trusts (Velindre University NHS Trust, Welsh Ambulance Services University NHS Trust and Public Health Wales NHS Trust) and two special health authorities (Digital Health and Care Wales and Health Education and Improvement Wales). We also host NHS Wales Employers and are part of the NHS Confederation.
3. Housing is undeniably a fundamental determinant of health. The quality, stability, and affordability of housing directly impact physical and mental well-

being, influencing everything from respiratory conditions and cardiovascular disease to mental health and social isolation. Implementing better systems for communication and collaboration across sectors is not merely beneficial, but crucial for the well-being of vulnerable individuals and for the efficiency of the healthcare system.

4. Quality housing acts as a wider determinate for good physical and mental health, and when investing in good quality housing there is a proven return on investment in health benefits. The impacts of poor housing are reflected in health inequalities across Wales and have a disproportionate impact on the most vulnerable populations of society. As stated in the Welsh NHS Confederation's briefing, "**How does housing influence our health?**", poor housing costs the Welsh NHS £95 million per year in the first five years of treatment charges and costs Welsh society over £1bn a year.
5. The Welsh NHS Confederation, aligning with the "A Healthier Wales" vision, advocates for seamless services delivered through strong partnerships between health, social care, housing, and wider public and third sector. Good housing is not just about bricks and mortar, but also encompasses affordability, security, safety, and connection to community services.

What are your views on the general principles of the Bill and whether there is a need for legislation to deliver the stated policy intention?

6. Our members broadly agree with the general principles of the Bill and that there is a need for legislation to deliver the stated policy intention.
7. Our members emphasised that from a public health perspective, the Bill acknowledges the well-established link between housing and health. It specifically addresses the severe health issues faced by those without stable housing, such as rough sleepers, and recognises the complex interplay between co-occurring substance misuse and mental health conditions.
8. A significant strength of the Bill is its focus on preventing homelessness. This is achieved through the introduction of Prevention, Support and Accommodation Plans (PSAP), which are designed to enhance the ability of Local Authorities to intervene effectively. Furthermore, the Bill extends the homelessness prevention period from eight weeks to a more substantial six

months, providing a much-needed safety net to mitigate the risks of individuals becoming homeless.

9. The Bill also places a crucial duty of co-operation on public services to ensure its policy intentions are realised. While existing multi-disciplinary and multi-agency forums, like the Homelessness and Vulnerable Groups Health Action Plan and the Hywel Dda University Health Board (UHB) Co-occurring Mental Health and Substance Misuse Board already facilitate this collaboration at local and regional levels, our members suggest that legislation might be beneficial for effective performance management.
10. While supportive of the Bill, successful implementation will likely hinge on reaching clear agreements among partners and may necessitate additional resources, including for primary care. The severe housing and homelessness situation frequently presents in primary care through requests for supporting documentation for housing applications or appeals, such as housing letters or the sharing of medical records. While the need for clinical corroboration of health-related housing needs is understood, the current system places a significant administrative burden on GPs. This burden is exacerbated by a lack of integrated service provision, collaboration, and effective communication tools to support these processes.

What are your views on the provisions set out in Part 1 of the Bill – Homelessness (sections 1-34)? In particular, are the provisions workable and will they deliver the stated policy intention?

11. Our members support the provisions set out in Part 1 of the Bill – Homelessness (sections 1-34).
12. Our members agree with Part 1 of the Bill for its aim to prevent homelessness, a welcome policy given the well-documented negative effects homelessness has on individuals, their health, and the broader economy. The provisions within this section offers a strong framework to tackle these issues.
13. In particular, sections 1-34 of the Bill lay out a thorough strategy that emphasises early identification, prompt intervention, collaborative efforts, and solutions developed jointly by public bodies and non-statutory services. Our members suggest organising these efforts into locally tailored and practical delivery streams should be achievable.

14. Our members highlight that a particularly promising aspect of the Bill is the proposed amendment to the definition of "threatened with homelessness," which would expand the reach of services to more people before they reach a crisis point, allowing for earlier partnership intervention.
15. While supportive of the provisions within Part 1, a potential challenge lies in the workforce and resourcing requirements, especially if there's a high demand for services across various partnerships. The text also highlights a limitation in the healthcare response within the Bill, noting that it primarily focuses on secondary care services. It suggests that the role of primary care services might need to be re-evaluated, as individuals at risk of homelessness may interact with their GP or Community Pharmacist without necessarily being involved with secondary care. While acknowledging that many at-risk individuals may already be receiving secondary care, there appears to be a gap concerning the involvement of primary care teams that needs addressing.

What are your views on the provisions set out in Part 2 of the Bill - Social Housing Allocation (35-38)? In particular, are the provisions workable and will they deliver the stated policy intention?

16. While our members support the aims within Part 2 of the Bill, they have recommended that further improvements could be made to the provisions.
17. In relation to Part 2, our members have highlighted that while the Bill's provisions appear practical and are expected to achieve their stated policy goals, real-world implementation might present challenges. For instance, there could be disparities between the demand for services and the available accommodation supply. To mitigate this, it is crucial that the duty of co-operation among public service organisations extends beyond individual local authority boundaries. Therefore, adopting regional approaches to this work might be a prudent step to ensure that the Bill's provisions are effectively delivered and its stated policy objectives are met in practice.

What are your views on the provisions set out in Part 3 of the Bill - Social Housing Allocation (sections 39-43) and Schedule 1? In particular, are the provisions workable and will they deliver the stated policy intention?

18. Our members agree with the provisions set out in Part 3 of the Bill and though concise, contain provisions that are deemed reasonable, workable, and aligned with its stated policy goals. More significantly, Schedule 1 introduces

substantial and welcome elements that appear practical for achieving the Bill's intentions. These include a "duty to ask whether a person is homeless or threatened with homelessness" and a corresponding "duty to act where a person is homeless or threatened with homelessness." In practice, these duties represent a significant and proactive step towards empowering local authorities and their partners in homelessness prevention efforts. While acknowledging the importance of a local connection test, it also highlights the necessity for broader regional co-operation.

19. However, the precise role of healthcare services in supporting these provisions is less clear within the Bill. While a partnership approach is acknowledged, healthcare, despite not being a housing provider, holds influence and can play a crucial role in identifying patients at risk of homelessness. This identification could occur in various settings, such as emergency care, or even at an in-patient level by ascertaining housing circumstances prior to discharge. There is also potential for primary care services (as mentioned earlier) to contribute significantly to this effort.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

20. Our members agree that there are some potential barriers to the implementation of the Bill's provisions.
21. While the Bill has received widespread positive feedback from homelessness charities and housing agencies, from an NHS and public health standpoint, there are specific areas that must be considered. The first crucial point is to shift the approach from a medical model to a social model of health, embedding this perspective across all levels of healthcare delivery, including primary, secondary, acute, and emergency care.
22. The second potential barrier is logistical: creating sufficient time within healthcare delivery to ensure healthcare staff are fully aware of the Bill's provisions. This awareness is vital for enabling appropriate referrals, or at minimum signposting, for individuals with housing needs. To support this, there's a potential for needs assessment work using healthcare records, coupled with a "mapping and gapping" analysis of current service supply and demand.
23. The third potential barrier concerns prioritising these efforts. Impact measurement will be essential, and this could be further enhanced by

developing a health economic case, demonstrating how housing interventions can reduce healthcare demand. If the integration of housing and healthcare services is to be taken seriously, there's an opportunity for housing discussions to become part of the "**Making Every Contact Count**" initiative, where conversations about topics like vaccination uptake could expand to include housing. Conversely, when individuals experiencing housing crises present in healthcare settings, broader conversations about their overall health should also take place.

24. Regarding the Bill's current effectiveness in addressing these points, more work is needed. The Bill primarily places a duty of co-operation on the NHS, but the specific impact of this duty remains unclear. While local partnerships exist and there's a basic duty of good practice within this framework, the full implications for NHS involvement are yet to be seen.

How appropriate the powers in the Bill for Welsh Ministers to make subordinate legislation as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?

25. Our members agree that it is reasonable for Welsh Ministers to make subordinate legislation as set out in Chapter 5 of Part 1 of the Explanatory Memorandum.

Are there any unintended consequences likely to arise from the Bill?

26. Our members agree that they cannot foresee any additional unintended consequences likely to arise from the Bill. As highlighted previously, resources and awareness across the healthcare workforce, and wider, may be a challenge.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in part 2 of Explanatory Memorandum?

27. Regarding views on the Welsh Government assessment of the financial implications of the Bill as set out in Part 2 of the explanatory memorandum, our members have highlighted that it is hard to comment as the model is limited by the absence of what would be the outcome for a homeless person if they were not homeless. There does need to be some further return on investment analysis undertaken.

Are there any other issues you want to raise? Summary of our position below.

28. Our members largely view the Bill as a positive step, primarily for its focus on establishing a robust framework for early identification and intervention in homelessness. Our members welcome this potentially transformative change for individuals, families, and communities in Wales, given the well-documented detrimental impacts of homelessness on individuals and also communities.
29. The primary responsibility for delivering on accommodation issues will fall to local authority housing teams and their partner organisations. However, a significant concern is the deliverability of these duties, especially considering the existing imbalance between the supply of services and the demand for accommodation in Wales. The current statistics highlight ongoing challenges, with a rising number of households assessed as homeless and a high number of individuals in temporary accommodation.
30. The Bill's economic case is not clear, and there's no apparent immediate investment, which presents a challenge in transitioning from current provisions to the desired future state. Despite these concerns, the multi-agency partnership approach is seen as a major opportunity within the Bill and supported by our members.
31. Regarding NHS implications, our members strongly welcome the inclusion of health boards in the duty of co-operation across public bodies. There are significant opportunities within healthcare settings to identify individuals at risk of homelessness. This is particularly evident for those already accessing mental health and/or substance misuse services, where the "housing first" principle is already well-established in Wales and has shown impressive tenancy sustainment rates (around 91%). This principle, which prioritises stable housing before addressing other complex needs, offers significant potential for individuals with co-occurring mental health and substance misuse issues, though its resource dependency is acknowledged.
32. A key concern, however, is the lack of clarity surrounding the role of primary care services. Many individuals with poor health who are at risk of homelessness frequently interact with their GP or seek advice from a pharmacist, yet primary care seems to be a significant omission in the Bill's explicit provisions. There's a strong argument that primary care's involvement should be strengthened within the Bill. Discussions with primary care

contractors would be crucial to determine how they can contribute effectively. This proactive engagement is essential to avoid an "inverse care law" situation, where those most in need of healthcare—including many at risk of homelessness—are paradoxically the least likely to receive it, particularly as some may not even be registered with a GP.

33. Additionally, the impact of inadequate housing has a broader impact across the health service. Secondary care clinicians also face pressures to validate housing needs and facilitate safe hospital discharges. Unstable or insufficient housing can directly block discharge planning, leading to bed blocking and increased strain on the healthcare system. Ultimately, our members' experiences place them at the intersection of social need and clinical care, and they welcome more joined-up approaches to improve outcomes for some of the most vulnerable members of our communities.
34. Furthermore, there is a notable absence of systematic communication between housing, social services, and health providers, despite clear benefits for patients. Historically, health-related needs often receive low weighting in local authority housing prioritisation frameworks. To address this, our members highlight the need for structured collaboration and the development of digital solutions to support better information exchange.
35. Regarding digital solutions and information sharing, our members advocate for a secure, structured digital pathway to share relevant health information with local authorities and housing associations, and other key stakeholders, ideally with patient consent and appropriate safeguards. Current processes often rely on outdated or inefficient communication routes, despite the security of NHS email systems.

HSHAWB 15 Clinks

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

YYmateb gan: Clinks | Evidence from: Clinks

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

The general principles of the bill, taken together, are a significant step in the right direction when it comes to addressing homelessness in Wales. A focus on earlier identification and prevention will enable support to be provided at an earlier stage, often before people reach crisis point and, at which point, they may require more extensive support. For people due to be released from prison, early intervention must incorporate more timely engagement so that accommodation support needs can be considered holistically and within an appropriate time frame.

We firmly support the principle of both identifying and supporting vulnerable individuals and urge throughout this response that people in contact with the criminal justice system are not inadvertently de-prioritised as a result of any legislative changes. As long as the Bill does what it intends to do and makes sure that no one in Wales is homeless beyond a very short period, we can offer our full support.

We are pleased that several Clinks recommendations, made in our response to the consultation on the White Paper on Ending Homelessness in Wales, have been taken into consideration. For example, we suggested the removal of priority need and intentionality tests, which were explicitly abolished in sections 9 and 10 of the Bill, respectively. This is a step in the right direction, since there is evidence to suggest the priority need test ended up excluding numerous persons based on subjective assessments of need, particularly persons coming out of the prison. It is

imperative to us that no one should continue to experience exclusion after the abolition of an exclusionary category. However, as will be discussed in later sections, there are issues with provisions that function to replace these tests, such as section 167A.

We have concerns about several of the components of this Bill, which will be addressed in subsequent sections. For example, one of these concerns is related to consistency in application. A notable consequence of this may be that individuals in similar circumstances end up being assessed differently. After all, we cannot ignore the role of the postcode lottery when administering these services, since not all areas would have equal access to programming and support provision tools, nor would all organizations have an equal capacity to deliver services.

Despite these issues, we are pleased that the following sections which describe the local connection test were amended in line with our recommendations as well. These amendments should help ensure that people in contact with the criminal justice system are not faced with barriers to accessing accommodation help on the basis of these tests and so are likely to increase the prevention and relief of homelessness for this cohort. However, as was mentioned in our response, as these changes are implemented, it is important they are reviewed and monitored to ensure they do not inadvertently amplify other barriers and challenges people in contact with the criminal justice system face or create new ones.

The Bill's promotion of cooperation amongst the relevant parties is particularly important to Clinks given that we believe a whole-system, multi-agency approach is the most effective approach to supporting people in contact with the criminal justice system with the accommodation needs. Therefore, Clinks overall supports this Bill, and the duty introduced by the Welsh Government in section 21 on several public services to work together to better prevent and relieve homelessness. However, we wonder, as they are all reserved functions, how will this collaboration work in practice?

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

Overall, sections 1-34 of the bill's provisions are well-defined and structured to deliver the stated policy intention of creating an equitable and effective system. Although these sections are comprehensive, the success of these measures heavily depends on the availability of adequate funding and resources. Otherwise, authorities may struggle to meet the expanded duties, potentially leading to inconsistent implementation across regions. Additionally, although the abolition of distinctions based on priority need and intentional homelessness appears to be equitable in theory, it has the potential to overwhelm service providers if not accompanied by increased capacity and support. We also wish to reiterate our comment in the previous questions that removing the priority need classification must not exacerbate existing barriers and challenges for people in contact with the criminal justice system, particularly given the risk that this cohort will be de-prioritised for housing.

The emphasis on inter-authority cooperation and public authority referrals is commendable, but practical challenges such as training, coordination, and data sharing must be addressed to ensure these provisions are effective, and that service providers are held accountable for the actions they do or do not take. Furthermore, the focus on vulnerable groups is essential, but the Bill must ensure that support systems are robust and accessible to truly meet their needs. Lastly, the requirement for authorities to seek the views of homeless persons is a positive step towards inclusive policymaking, but it must be implemented in a way that genuinely values and incorporates their input, rather than merely asking for their opinion to check off a requirement. In this way, Wales can try to ensure that asking for the opinions of homeless individuals results in genuine collaboration among all stakeholders and does not end up being a tokenistic exercise. Ultimately, if these factors are considered, then we can understand that these sections are workable and deliver the stated policy intentions.

Regarding specific subsections, we are particularly pleased with section 25 as it reflects our input on the consultation on the White Paper. We can understand that this section will be instrumental in addressing the need to address less-formal barriers to accessing help faced by people in contact with the criminal justice system, given that, for example, sometimes people leaving prison can be required to repeat difficult conversations with different service providers and stakeholders, which takes up valuable time for people on release as they try to access several different services on their day of release.

The Bill also attempts to address our concern about ensuring the clarity of support criteria and it being shared with partner organisations so that people are

directed towards the services that properly support them through Section 3, 4 and 32.

It is also worth noting the value of the safeguards presented in sections 5 and 63B protect individuals faced with homelessness from unjust outcomes. There are also further provisions to ensure clear, accessible and supportive forms of communication in sections 62(5)(ca), 63A(5)(c), 63A(12), which serve as additional safeguards.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

The provisions in Part 2 are clearly designed to create a fairer and more transparent system for social housing allocation. By allowing local authorities to define qualifying persons, prioritizing vulnerable groups, and centralizing housing registers, the bill aims to ensure that social housing is allocated to those most in need. Once again, the success of these provisions will strongly depend on local authorities having detailed criteria to prevent manipulation and maintain consistency. It is also essential that providers have access to adequate resources so that they can provide sufficient housing stock and support for vulnerable groups. For this reason, it is crucial to ensure that there is cooperation between local authorities and housing providers, so that there are less people on the margins. Therefore, although the provisions in Part 2 are workable and align with the policy intention of improving social housing allocation in Wales, like Part 1, their effectiveness will rely on careful implementation and ongoing support.

Despite Part 2's merits, there is some concern about section 167A, listed under section 36, as it may function to replace the intentionality test, given that it assumes that persons would want to manipulate their life situation in order to secure housing support. To reiterate our previous sentiments, homelessness, in almost all cases is not a choice that a person makes and is almost always out of the affected persons' direct control. Nonetheless, although there is a potential to exclude those in need, we recognize that there may be specific circumstances where the Local Authorities or Social Housing Providers may need to retain some ability to exclude certain individuals. We also acknowledge that as mentioned in Part 1, sections 5 and 63B may be able to mitigate this concern.

4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

(We would be grateful if you could keep your answer to around 500 words).

The provisions in Part 3 are designed to support the effective implementation of the Bill by ensuring clarity, coherence, and flexibility. By providing clear definitions, aligning existing legislation, granting regulatory powers, and specifying commencement dates, these sections aim to facilitate the Bill's overall objectives. The success of these provisions will depend on several factors. Foremost, there must be effective communication, ensuring that all stakeholders understand the changes and the implication. There must also be adequate oversight and monitoring the use of regulatory powers to prevent misuse. If these factors are kept in mind when delivering on the services outlined, Part 3 of this Bill does well to provide the necessary framework to ensure that its objectives can be achieved effectively.

It is commendable that this Bill recognizes, even indirectly, that there can be, and most likely will be, amendments to its structure. An openness to change and adaptability is a key feature of this Bill as a result, since circumstances around homelessness are constantly changing, as are the types of organizations that are available to provide specific services to individuals faced with homelessness.

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

(We would be grateful if you could keep your answer to around 500 words).

This Bill faces several potential barriers to implementation, including resource constraints such as funding and staffing, inter-agency coordination challenges involving communication and collaboration, legal and bureaucratic hurdles related to aligning new provisions with existing laws and streamlining administrative processes, and public awareness and compliance issues that require educating the public and gaining their support.

The Bill addresses these barriers by including provisions for funding and resource allocation, mandating training programs for relevant personnel, establishing clear mechanisms for inter-agency coordination, incorporating public awareness campaigns to inform the public about the new laws, and amending existing laws

to facilitate a more streamlined implementation. However, it is worth noting that the allocated resources may still be insufficient to meet the high demand for social housing and support services. Additionally, the effectiveness of inter-agency coordination mechanisms remains unclear, since, in the past, efforts have often been slowed by bureaucratic inertia and lack of clear accountability mechanisms. In addition, it is also important to emphasize that public awareness campaigns, while necessary to start the process of changing the public's minds about homelessness, may not fully overcome deep-seated public misconceptions and resistance to change.

For us, there is important barrier that the Bill does not fully address, related to how the Bill is going to intersect with reserved policy. It is not quite clear how resettlement is going to work under the Commissioned Rehabilitative Services (CRS) and how we can ensure that Welsh legislation is recognised and implemented especially for Welsh people in English prisons returning to Wales. We wonder how the Welsh Government can ensure that the Ministry of Justice builds these provisions into the resettlement elements of the CRS contracts.

On a larger scale, while these measures aim to mitigate the potential barriers and ensure the effective implementation of the Bill's provisions, similar to what has been noted in previous sections, their success will largely depend on the practical execution and ongoing commitment from all stakeholders involved.

6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

(We would be grateful if you could keep your answer to around 500 words).

The Bill grants Welsh Ministers a wide range of powers which include the authority to make subordinate legislation in several areas, including amending definitions, setting procedural requirements, and making incidental, supplementary, consequential, transitional, or saving provisions. Most of these powers are intended to provide flexibility, allowing Welsh Ministers, and the Welsh Government, more broadly, to respond to evolving circumstances and practical challenges in homelessness and social housing policy without the need for primary legislation each time. The powers are described as necessary to ensure the legislation can be kept up to date and responsive to changing needs, such as shifts in housing demand, new forms of homelessness, or changes in related UK or Welsh law.

Most of these powers are subject to the affirmative procedure, meaning any regulations made must be approved by the Senedd. This provides a significant check on ministerial discretion and ensures democratic oversight, which provides an appropriate limitation to their powers. The Explanatory Memorandum confirms that the powers fall within the legislative competence of the Senedd, provided that appropriate consents from Ministers of the Crown are obtained where functions relate to reserved authorities. The Memorandum justifies the use of subordinate legislation powers by highlighting the need for a nuanced and sustainable approach to homelessness and social housing allocation, which cannot always be achieved through rigid primary legislation, which is a commendable acknowledgement to make. For example, the Bill amends key definitions (such as “threatened with homelessness”) and allows for these definitions to be updated by regulation, ensuring alignment with other legislation such as the Renting Homes (Wales) Act 2016. Powers are included to impose or remove functions on reserved authorities, subject to Minister of the Crown consent, reflecting the complexity of devolved and reserved matters. The use of the affirmative procedure for most powers ensures that significant changes cannot be made without Senedd scrutiny. Where powers affect reserved authorities or Ministers of the Crown, appropriate UK Government consents or consultations are required, further safeguarding against overreach. This approach is consistent with legislative best practice for complex, evolving policy areas such as homelessness and social housing, which is both necessary and proportionate.

7. Are there any unintended consequences likely to arise from the Bill?

(We would be grateful if you could keep your answer to around 500 words).

While these aims are well-supported by stakeholder consultation and evidence, the increased duties and expanded definitions (such as broadening the period for being “threatened with homelessness” from 56 days to six months) may lead to increased demand on already pressured local authority services. This could result in higher caseloads and resource challenges, especially if additional funding and staffing are not sufficient to meet the new duties. The scale of change this Bill introduces will require significant cultural and operational shifts within local authorities and partner agencies. For example, while the Explanatory Memorandum acknowledges the need for training and additional resources, the pace and effectiveness of workforce development may vary across Wales. As a result, there is a risk that some authorities may struggle to implement new duties

consistently, especially in the early years, which could lead to uneven service provision and outcomes.

There is also the possibility that widening access and responsibilities could have knock-on effects, such as more people presenting earlier to homelessness services, which, while positive in terms of prevention, may initially overwhelm local authorities and create bottlenecks in service provision. Additionally, the Bill's emphasis on prevention and rapid rehousing, while intended to reduce long-term use of temporary accommodation, may face practical limitations if there is insufficient affordable housing stock to meet increased demand. Indeed, the delivery of new homes is subject to wider market, planning, and budgetary pressures. If housing supply does not keep pace with increased demand generated by the Bill's provisions, there is a risk that homelessness prevention and rapid rehousing ambitions will be undermined, leading to continued reliance on temporary accommodation.

The Bill's provisions for imposing new duties on "reserved authorities" are subject to consent from the UK Government, and any delay or refusal of such consent could create legal or operational uncertainty during implementation. As a result, it will be important to monitor these interactions and provide clarity to stakeholders as implementation progresses.

Although the Bill is underpinned by a commitment to ongoing monitoring and post-implementation review, the effectiveness of this approach will depend on the quality and consistency of data collection across local authorities and partners. Clear frameworks for measuring outcomes, sharing best practice, and adapting policy in response to emerging evidence will be essential for ensuring the Bill achieves its intended impact. This is particularly important because the Bill places new duties on a range of public authorities, not just housing and homelessness services. Effective implementation will require strong partnership working across health, social care, education, criminal justice, and other sectors. At this time, we are particularly concerned around accountability mechanisms and how we can ensure that the Welsh Government will work with criminal justice agencies to meet the provisions of the Bill. It is important to recognize that there may be challenges in embedding new responsibilities and ensuring that all partners are fully engaged, particularly where competing priorities or resource constraints exist.

As the Bill amends multiple pieces of existing legislation, there is also a risk of transitional issues or confusion among practitioners and service users as new definitions and processes are adopted as well as how entitlements are provided.

Clear communication, guidance, and support will be instrumental in ensuring that those affected understand their rights and responsibilities under the new system.

8. What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

(We would be grateful if you could keep your answer to around 500 words).

The Welsh Government’s assessment of the financial implications of the Bill is thorough and grounded in both recent data and extensive stakeholder engagement. Overall, it is robust, evidence-based, and realistic about the scale of investment required to achieve the Bill’s aims. While there are inherent uncertainties, particularly around demand and the speed at which prevention can reduce system pressures, the approach is prudent, with clear mechanisms for review and adaptation. The RIA provides a sound basis for legislative decision-making and demonstrates a strong understanding of both the immediate and longer-term financial implications of the proposed reforms.

More specifically, the RIA provides a detailed analysis of the anticipated costs and benefits associated with the Bill’s provisions, including estimates for local authorities, health services, and the voluntary sector. The RIA outlines several options, including the “do nothing” scenario, and compares these with the preferred approach of legislative reform. The costings are based on evidence from the Covid-19 response, current levels of homelessness, and the expected impact of widening access to prevention services and increasing the responsibilities of public authorities.

The assessment acknowledges that there will be significant upfront costs for local authorities, particularly in the early years, as they adapt to new duties, expand prevention work, and manage increased caseloads resulting from the broader definition of “threatened with homelessness.” These costs include additional staffing, training, IT upgrades, and communication efforts. The RIA also reflects the need for increased investment in affordable housing and temporary accommodation, although it notes that many of these costs are already being incurred under the current system due to high levels of demand and use of temporary accommodation.

Importantly, the Welsh Government’s analysis anticipates that these initial investments will be offset over time by a reduction in the use of expensive

temporary accommodation, improved prevention outcomes, and better flow through the homelessness system. The RIA projects that, as prevention rates improve and more people are supported to avoid or quickly exit homelessness, overall costs to the public sector will stabilize or decrease in the medium to long term. The assessment also highlights wider benefits, such as improved health and wellbeing, reduced pressure on other public services, and social value gains from more stable housing outcomes.

The financial assessment is impressive in its transparency about uncertainties and risks. The RIA explicitly recognizes that actual costs will depend on a range of factors, including the pace of implementation, the availability of affordable housing, and the effectiveness of partnership working across sectors. The Welsh Government commits to ongoing monitoring and post-implementation review to track actual costs and outcomes, with room to adjust if necessary. Still, it is worth emphasizing that there is always a risk that short-term pressures could outstrip available funding, particularly if demand rises faster than expected. Ongoing political and financial commitment will be required to sustain the reforms and realize their long-term benefits.

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

(We would be grateful if you could keep your answer to around 500 words).

The Bill and Explanatory Memorandum are comprehensive and reflect a strong commitment to evidence-based reform. Still, there are some other relevant issues to consider, which, if addressed proactively, will help ensure the Bill delivers on its promise to make homelessness in Wales rare, brief, and unrepeatable.

Namely, since the Bill aims to enhance support for vulnerable groups, it will be important to monitor its impact on protected characteristics and ensure that no group is inadvertently disadvantaged. It is essential to make sure that this Bill lives up to its premises of being person-centred and trauma-informed so that individuals do not experience overlapping layers of disadvantage through intersectional factors, such as race, gender or age at any stage, so that their level of need is accurately portrayed and addressed.

It is also worth considering expanding the eligibility for support to non-citizens, since although the Bill's framework is designed to be inclusive in its definition of homelessness, recognizing that non-citizens, refugees, and migrants can experience homelessness in Wales, the actual assistance provided will depend on

whether the individual is "eligible" under the relevant regulations, which are shaped by UK-wide immigration law and policy. Doing so is particularly important to ensure that the Bill does not leave anyone behind.

HSHAWB 10 Prison Officers' Association

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Prison Officers' Association | Evidence from: Prison Officers' Association

Submission on Homelessness Following Release from Prison

By Paul Cotterell, Prison Officer and POA Representative, HMP Cardiff

Introduction

This submission is presented by Paul Cotterell, a serving Prison Officer at HMP Cardiff and a union representative for the Prison Officers' Association (POA). While the POA does not currently hold a formal national policy on homelessness after release from prison, this submission is based on my professional experience within the prison system and on data collected from official sources and stakeholders. The observations herein are intended to provide a front-line perspective on a growing and critical issue affecting both public safety and rehabilitation outcomes.

The Scale of the Problem

Homelessness among prison leavers remains a deeply concerning and worsening issue. In the period from April 2023 to March 2024, 13.1% of individuals released from prisons across England and Wales were homeless upon release—an increase from 11.3% in the previous year. In absolute terms, this translates to more than 9,200 individuals released into homelessness or rough sleeping during that year. On average, approximately 800 people each month leave custody without a place to stay.

Moreover, there has been a 45% increase in the number of individuals rough sleeping three months after their release, rising from 2,330 to 3,375. These figures, sourced from Ministry of Justice (MOJ) data and NACRO analysis, paint a stark picture of the systemic challenges faced by former prisoners in accessing safe, stable accommodation.

The Link Between Homelessness and Reoffending

The correlation between homelessness and reoffending is well documented. Individuals released into homelessness are at significantly higher risk of engaging in antisocial behaviour, theft, substance abuse, and other criminal activities. In my experience as a prison officer, I have personally encountered individuals who have stated that they committed offences specifically to return to custody, where they would at least have shelter, warmth, and regular meals.

One particularly distressing case involved a man with multiple medical conditions and a history of substance abuse, who wept upon release due to having no accommodation and fearing both for his life and for relapse into addiction. This example is not isolated; many individuals work hard to overcome addiction during their custodial sentences only to be released back onto the streets with minimal support, where relapse becomes almost inevitable.

Gaps in the Current System

Despite regional improvements—for example, in the Wales probation region, where 79.4% of ex-offenders were in settled accommodation three months post-release (a 1.5% increase on the previous year)—many still fall through the cracks. There is a critical shortage of suitable housing options, and current provision often fails to meet the needs of those leaving custody.

Privately run hostels, which are sometimes the only available option, are frequently described by former prisoners as unsafe and counterproductive, particularly for those in recovery. I have been told by numerous individuals that they would prefer to sleep rough than risk relapse or harm in such environments.

A Proposal for Transitional Accommodation

In response to this urgent need, I propose the establishment of supervised transitional accommodation—akin to bail hostels—operated by trained prison and probation staff. These facilities would serve as short-term, warded environments for newly released individuals with no fixed abode. They would:

Offer a safe, structured, and substance-free environment.

Include strict conditions such as curfews, no-drug/no-alcohol policies, and drug testing protocols.

Allow residents to voluntarily engage while receiving continued support from probation services, social services, drug and alcohol workers, and employment advisors.

Provide stability while individuals apply for benefits, secure long-term housing, or pursue employment or education.

Though requiring initial investment in infrastructure and staffing, such facilities would likely yield long-term savings by reducing rough sleeping, improving rehabilitation outcomes, and decreasing reoffending rates. It will also improve public perception of safety in cities and towns. Importantly, participation in this scheme would be voluntary, offering a choice for those who genuinely wish to reintegrate and rebuild their lives.

Conclusion

Homelessness upon release from prison is not just a housing issue—it is a public safety, public health, and human dignity issue. We must break the cycle of incarceration and homelessness through practical, humane, and evidence-based solutions. The implementation of supervised transitional housing, backed by experienced prison and probation staff, represents a promising and necessary step forward.

As a front-line prison officer, I urge policymakers to prioritise this issue with the seriousness it deserves. No one should be left to sleep on the streets after serving their sentence. True justice must include a path to reintegration, not a return to desperation.

Submitted by:

Paul Cotterell

Prison Officer, HMP Cardiff

Union Representative, Prison Officers' Association (POA)



Llywodraeth Cymru
Welsh Government

John Griffiths MS
Chair
Local Government and Housing Committee
Senedd Cymru
Cardiff
CF99 1SN

20 June 2025

Dear John,

Thank you for your letter of 5 June following my oral evidence to the Local Government and Housing Committee's first scrutiny session of the Homelessness and Social Housing Allocation (Wales) Bill. I am writing to provide you with the further information requested by the Committee.

We offered to provide further information in relation to the provisions in the Bill relating to local connection, both in terms of homelessness services and social housing allocation. This information is set out at Annex A.

The Committee also requested further information on the Welsh Government's intentions in relation to applying the duty to ask and act to primary care. Annex B provides further detail on this area of work.

Reasonable Preference for Social Housing

The Committee requested further information on the rationale for creating a new reasonable preference category in social housing allocations for young people leaving care and an outline of the specific circumstances in which the section 23 duty on local authorities applies to young people leaving care up to the age of 25, and not only to those up to the age of 21.

Firstly, as outlined in my oral evidence, the Bill mirrors the Social Services and Wellbeing (Wales) Act 2014 and therefore applies to care leavers up to the age of 25. We are not re-defining care leavers in this Bill and have relied on the six categories of care leavers set out in the Social Services and Wellbeing (Wales) Act 2014.

The Bill amends the Housing Act 1996 to add a new group of people who must be given reasonable preference under a local housing authority's housing allocation scheme. That

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Jayne.Bryant@llyw.cymru
Correspondence.Jayne.Bryant@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

group is young people in relation to whom responsible local authorities are required to take reasonable steps to secure that suitable accommodation is available under the new section 108A of the Social Services and Well-being (Wales) Act 2014 (which is inserted by section 23 of the Bill). This will facilitate and align with the work of local authorities in the exercise of the new duty under section 108A, in that it gives prioritisation in the allocation of social housing to those owed those duties.

The new section 108A introduces two duties on responsible local authorities concerning care leavers, as defined under the Social Services and Well-being (Wales) Act 2014, to (where their well-being requires it) take reasonable steps to ensure suitable accommodation is available to them. The first duty applies to young people in categories 1 and 2 when they turn 18 and become category 3 care leavers. The duty in those cases applies until they turn 21 but this duty may extend beyond age 21 if they remain in education or training. For categories 5 and 6, this first duty applies from 18 to 21.

The second duty applies to categories 3 and 4, and in certain cases for category 5 and 6 young people for a period of 12 months (or longer if the person's well-being requires it) following the end of their respective duties under the Act. The duties under the Act could extend beyond age 25 where the individual is pursuing, or intends to pursue, education or training.

Report on condition of temporary accommodation

The Committee requested an explanation as to why the Bill sets a deadline of 31 December 2030 for the first report on the condition and use of temporary accommodation and whether there is a need to carry out a baseline assessment earlier than this.

The Bill places a duty on the Welsh Ministers to undertake an ongoing review of the use and condition of temporary accommodation across Wales. This is intended to demonstrate our commitment to ongoing improvements in the suitability of temporary accommodation, and to help reduce the reliance on such accommodation over time, through strengthening our understanding and data held on such accommodation.

The duty requires publication of a report every five years, with an initial deadline for publication of the first report of 31st December 2030. This does not however stop work happening before this date - indeed we believe significant work will be necessary before this in order to develop a long-term research methodology, align to wider homelessness data collection and undertake necessary fieldwork.

Accessible Housing Register

The Committee requested an outline of why primary legislation is required to ensure that every local authority has an Accessible Housing Register and queried the lack of specific costs in the Regulatory Impact Assessment (RIA).

Welsh Government recognises there is a significant shortage of accessible accommodation across Wales, and demand for such properties exceeds supply. We therefore need to ensure more effective and efficient management of this accommodation in order to better address the housing needs of disabled people sooner.

The majority of local authorities already have an Accessible Housing Register in some form. The Bill requires local authorities to establish and maintain an Accessible Housing Register, in order to ensure that all local authorities have a means to identify and support effective matching of accessible and adapted accommodation to those who require it, in order to live

independently. These registers will work alongside/be integrated with Common Housing Registers and will enable all accessible or adapted accommodation to be identified.

Local housing authorities will have discretion over the design and implementation of both their Common Housing Register and Accessible Housing Register, subject to regulations made by the Welsh Ministers, which will result in flexibility across authorities, providing them with the opportunity to develop a system that best fits local need. Most authorities already hold such registers, and the RIA sets out costs for those authorities who do not yet have them in place.

I once again thank the Committee for your work in this area and hope this additional information aids your ongoing scrutiny of the Bill.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

Annex A - Briefing paper for the Local Government and Housing Committee on “local connection”

1. The concept of local connection applies both to homelessness support and the prioritisation of applicants for the allocation of social housing. While the definition remains consistent across both areas, its practical application differs.
 - For homelessness, local connection relates to which authority must help with homelessness assistance under the Housing (Wales) Act 2014 (the 2014 Act) and is the basis for a referral process which facilitates the transfer of applicants between authorities, depending on where their local connection is.
 - For the allocation of housing, it affects how someone is prioritised for an allocation of housing under the Housing Act 1996 (the 1996 Act).
2. The Homelessness and Social Housing Allocation (Wales) Bill (‘the Bill’) includes provisions which make amendments to the role of local connection as it relates to homelessness assistance.
3. The Bill does not make any amendments to the application of local connection in relation to the allocation of social housing. However, an existing power in the 1996 Act can be relied upon to make regulations so that local connection is disregarded for certain categories of persons when determining priorities in allocating housing.
4. This paper sets out the current function of local connection in relation to both homelessness and social housing allocations and how its function will change as a result of provisions within the Bill.

Homelessness Legislation

Local connection referrals between local authorities in the homelessness system

Current system – Wales to Wales

5. There is no specific requirement for a person to have a local connection to an area in Wales to qualify for homelessness services.¹ However, section 80 of the 2014 Act provides a system for referrals of people who have a local connection to another area in Wales, but not to the local authority to which they have applied. Referrals are discretionary and authorities are not obliged to make enquiries as to whether an applicant has a local connection.²
6. The conditions for a referral are as follows and apply to the main applicant or any person who is reasonably expected to reside with them:
 - No local connection to the area where the applicant has presented.
 - A local connection to another area.
 - There is no risk of abuse or domestic abuse in the area where there is a local connection.
 - The applicant meets one of the priority need categories.
 - The applicant is not intentionally homeless.

¹ There are eligibility requirements based on residency and immigration status (Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014).

² Section 80(2) and para 18.1 Code of Guidance. **Pack Page 99**

7. This referral mechanism enables a local authority to refer a person who has a local connection to another authority in Wales to that authority. The referring authority retains a duty to secure that suitable accommodation is available for occupation by the applicant and their household, pending acceptance of the referral by the other authority. When a referral is accepted, the duties of the first authority are discharged and effectively transferred to the second authority.
8. Section 80 provides that a referral can only be made prior to the acceptance of the section 73 duty (relief duty) which means that referral is not possible while a section 66 (prevention) duty is ongoing. Where the local authority has not made a local connection referral, whether by choice or because the applicant does not meet all of the five criteria above, the local authority may owe the applicant the section 75 duty once the section 73 duty has ended.
9. Entitlement to the interim duty does not rely on local connection but is currently limited to those whom a local authority has 'reason to believe' meet one of the priority need categories.
10. The applicant has the right to request a review of the decision to make a referral under the local connection provisions and that the conditions for referral are met.

Current system – Wales to England

11. This same system and set of conditions also apply to those with a local connection to an authority in England. The local connection referrals process operates in both directions, with reciprocal provisions for England to Wales referrals set out in the Housing Act 1996. However, due to the differences in the priority need categories in both countries, any referral must meet one of the priority need categories applicable in the referring country.
12. This referral system only exists between authorities in Wales and England. There is no statutory mechanism for referrals in respect of people who have a local connection to a place other than England.

Proposed amendments to conditions for referral – Wales to Wales and England

13. The Bill proposes two significant changes. Firstly, in relation to the conditions for a local connection referral and secondly, in relation to the application of the local connection test prior to acceptance of the section 75 main housing duty.
14. Due to the proposed removal of the section 73 duty, a local connection referral must take place for most before a section 75 duty is accepted. However, for individuals in custody, a referral may be made during the section 66 prevention period to support enhanced preventative efforts and to clarify which authority is responsible for addressing their needs.
15. Given the removal of the priority need and intentionality tests within the Bill, the applicant will no longer be required to have a priority need or be unintentionally homeless to be referred and, the conditions for a referral will be met where the applicant or any member of their household:
 - has no local connection to the area where the applicant has presented;
 - has a local connection to another area;
 - is not exempt from a referral.

16. The Bill will retain an exemption from referral for those applicants or any member of their households that are at greater risk of abuse were they to return to the area where they have local connection. The Bill amends the definition of abuse as set out in section 58 of the HWA 2014. The Bill broadens the definition of domestic abuse to align with the Domestic Abuse Act 2021 and its inclusion of coercive control. It includes other kinds of abuse which give rise to harm, including modern slavery and stalking and harassment. The Bill also prevents referral for an applicant in custody who has been notified that a duty is owed to them under section 66 or 75 and a period of two weeks has ended following notification that the duty is owed.³ The Bill does not contain any additional exemptions.
17. The Bill also provides a new regulation making power to prescribe further categories of people who could be exempt from referral in the future.
18. The Bill also amends the 1996 Act to remove priority need and intentionality as conditions for a referral to Wales from an English authority. The impact of this change will be that the referral mechanism throughout England and Wales will be the same, regardless of whether the authority being referred to is in England or Wales. This amendment is subject to Minister of Crown consent.
19. While the referral can be made without the applicant's permission, the applicant will continue to have a right to request a review in relation to whether or not the conditions for a local connection referral are met.
20. No significant changes have been made to the responsibilities placed on local authorities who are referring applicants. The referring authority must ensure that suitable accommodation is available for accommodation by the applicant until the applicant is notified of the decision as to whether the conditions for referral are met.

Proposed new local connection entitlement test for section 75

21. The concept of local connection is not currently a factor in determining entitlement for the main housing duty. The Bill introduces a new mandatory local connection test to determine entitlement to the section 75 main housing duty. This will require an applicant or a member of their household to have a local connection to any local authority in Wales in order to be entitled to the main housing duty. As set out above, the Bill includes exceptions to this requirement, ensuring the duty continues to apply to individuals at risk of abuse and to any other categories to be specified by Welsh Ministers through regulations.
22. Entitlement to the interim duty to accommodate (section 68) is currently local connection blind. The Bill amends entitlement to the interim duty so that where an applicant is not owed the section 75 main housing duty on the basis that the applicant or a member of their household do not have a local connection to an authority in Wales, the interim duty is owed. This interim duty will be owed until the authority is satisfied that the accommodation secured under section 68 has been available for a sufficient period to give the applicant a reasonable opportunity to secure alternative accommodation.

Social Housing Allocation

Local connection in relation to the allocation of social housing

³ Applicants can only be subject to a referral under section 80 of the 2014 Act once during the same application.

23. The concept of local connection has another role, outside of the homelessness system, in determining preference or prioritisation for the allocation of social housing. This differs to the role for entitlement to homelessness support as discussed above, however the same definition is used for both purposes.
24. Under the 1996 Act, local authorities in England and Wales must have an allocation framework for the purpose of prioritising and allocating social housing in their local area. Local authorities are afforded discretion in the formulation of their social housing allocation schemes subject to compliance with the requirements set out in that Act. They can use local connection as a factor in determining banding or points within their housing allocation policies.
25. Legislation currently provides that certain groups, including those who are homeless or who need to move on medical or welfare grounds must be awarded 'reasonable preference' for the purpose of an allocation of social housing. Under current law whilst care leavers, veterans, and survivors of domestic abuse are not explicitly listed as reasonable preference categories, they may still qualify if, for example, they need to move on welfare grounds or to avoid hardship to themselves or others. The Bill will introduce an additional category of person to be awarded reasonable preference for those care leavers who are owed the new duty to ensure young people leaving care have suitable accommodation available for their occupation.
26. Local authorities also have the means to award additional preference to particular groups who are identified as having an urgent need, who fall within the reasonable preference groups.
27. The 1996 Act prescribes that a local authority's scheme may contain provision for determining priorities in allocating accommodation to those people in reasonable preference groups, that may take account of:
 - a. the financial resources available to a person to meet their housing costs;
 - b. any behaviour of a person (or of a member of his household) which affects their suitability to be a tenant;
 - c. any local connection which exists between a person and the authority's district.
28. For this purpose, local connection is given the same meaning for the allocation of social housing as it has for the application and eligibility for homeless services in the 2014 Act. However, local connection for the purpose of social housing allocation can be applied within local authorities, at ward or community level. Where the test is applied, this can limit the housing options (by location) available to an applicant. It is also possible for an applicant to fall within a reasonable preference group but, due to lack of local connection, be deprioritised for social housing in that area.
29. In Wales we do not currently require any exemption to local connection for social housing allocation purposes, for any applicants including care leavers, veterans and survivors of domestic abuse. Local authorities have discretion and flexibility in the development of their social housing allocation schemes and can take local connection into account when framing their allocation policies (but those in reasonable preference groups must still be given appropriate priority). The Welsh Government has existing powers under the 1996 Act which enable Welsh Ministers to specify factors that local housing authorities must disregard when allocating housing accommodation.

Local Connection for Veterans

30. It is recognised that for serving members of the armed forces and for veterans, it can be difficult to demonstrate a local connection to any particular area.

England

31. Since 2012 local authorities in England have not applied local connection criteria to determine qualification for the housing register for applicants who are either serving in the regular armed forces or who have ever served in the regular armed forces⁴. Before 18th December 2024, this exemption did not apply to former members of the armed forces who left service more than five years ago.⁵ Local authorities can no longer prevent a veteran from joining the housing registers if they have no local connection to that area. In addition, local authorities must give additional preference to veterans who are in a reasonable preference category and have an urgent housing need. It should be noted, this is not an exemption from local connection for access to homelessness support in England and where a veteran in England presents as homeless to an English local authority, they could be referred or refused homelessness support in accordance with the local connection provisions in the 1996 Act.

Wales

32. The Welsh Government has existing powers under the 1996 Act which enable Welsh Ministers to specify factors that local housing authorities must disregard when allocating housing accommodation. Work is ongoing to consider using these powers to ensure that veterans are not de-prioritised or disadvantaged due to a lack of local connection with a particular local authority area. It is not, therefore, necessary to make any additional amendment to the Bill for this purpose. Policy officials are currently developing instructions for a similar exemption for veterans to be progressed alongside the Bill.

⁴ This exemption also applies to bereaved spouses/civil partners leaving MOD housing, (if the death was service-related), reserve forces members/former members with a serious service-related injury, illness, or disability.

⁵ The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 SI 2012/1869; as amended by The Allocation of Housing (Qualification Criteria for Armed Forces) (England) (Amendment) Regulations 2024 SI 2024/1225

Annex B - Briefing paper for the Local Government and Housing Committee in relation to applying the duty to “ask and act” to primary care contractors.

Overview

The list of specified bodies within the Homelessness and Social Housing Allocation (Wales) Bill includes a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care contracted services (or where, in limited circumstances, Local Health Boards provide such services under the ‘managed practices’ approach). Services not within the remit of the Bill are General Medical Services (GMS), General Dental Services (GDS), Optometry Services and Community Pharmacy Services. These services are all contracted with Local Health Boards and operate as private businesses.

That said, there is a far wider provision of services outside of hospital or secondary care settings and whilst the contracted functions are outside of the remit, there are a number of services included in the wider umbrella of Primary and Community Care which are within scope as they are delivered by Health Boards. This includes services delivered by nurses, midwives and Allied Health Professionals (AHPs) who **work within multi-professional primary care clusters to deliver health and social care**. The inclusion of the Local Health Board means the duty will apply to, amongst others, urgent and emergency care, inpatient care and mental health and substance use services.

Primary Care contracted services are not included in the Bill because they are not public bodies, and NHS Wales has a different, contractual based relationship with this element of health services. We do, however recognise the important role primary care services play in homelessness, and work is underway with health services to meet our policy objectives outside of the legislation.

Primary care focused work

The Welsh Government has set out a requirement for health boards to develop strategic plans that articulate their approach to reduce inequity and improve the lived experience of vulnerable people (letter attached at annex c). This includes the development of Inclusion Health Services to meet the needs of people traditionally excluded from mainstream services, which includes patients who are homeless or at risk of homelessness. [Planning support and resources](#) have been developed to support health boards to lead this work through community focused cluster planning and delivery of health and care that is inclusive of the needs of the most vulnerable individuals.

Resources include a [‘Blueprint for needs-based Services for Inclusion Health’](#) to assist GP practices to plan services to address the inequalities in health often seen by patients experiencing homelessness.

The Blueprint is informed by [NICE guidelines](#) which promote equitable access to primary care services. Emphasis is placed on the importance of integrated care which includes making a referral (with consent) to housing services.

Training and education are fundamental to changing systems and culture. Public Health Wales and the Strategic Programme for primary care have developed a programme of work to include inclusion health and homelessness in GP training schemes. Delivered by GPs, third sector organisations and people with lived experience of homelessness, the training is underpinned by evidence, data and approaches to identify and support people who present as homeless or at risk of homelessness. This includes making referrals to the local housing authority and other support services to prevent the escalation of poor outcomes.

The [Directed Supplementary Service – Homeless Scheme](#) can be used by health boards to strengthen local care arrangements through commissioning enhanced care from GPs, who ‘opt-in’ to provide this service. **Prick Page 64** requirement to develop and produce an up-to-

date register within the practice to identify people affected by homelessness, a requirement to liaise with local statutory services and homelessness agencies and where appropriate, the development of joint protocols, and links with local urgent and emergency care units.

We consider this renewed focus on inclusion health in both secondary and primary care delivers on the policy intention to ensure people at risk of homelessness or experiencing homelessness are identified and referred to the local housing authority and relevant support services earlier.

Annex C

Cyfarwyddwr Cyffredinol Grŵp Iechyd, Gofal Cymdeithasol a'r
Blynyddoedd Cynnar / Prif Weithredwr GIG Cymru

Director General Health, Social Care & Early Years Group /
NHS Wales Chief Executive



Llywodraeth Cymru
Welsh Government

To: NHS Wales Health Board Chief Executives

Our Ref: JP/RD/SB

26 March 2025

Dear Colleagues

Guidance for the development of local Inclusion Service models

A Healthier Wales has an ambition to build a society in which people's physical and mental wellbeing is maximised and in which choices and behaviours that benefit future health are understood.

The national milestone on healthy life expectancy is to increase the healthy life expectancy of adults and narrow the gap in healthy life expectancy between the least and the most deprived by at least 15% by 2050. However, inequalities in life expectancy and mortality remain wide and for the most vulnerable in our society life expectancy is significantly reduced and many years are lived in poor health.

Through our focus on understanding and improving health for communities it is important that we understand the needs of our most vulnerable citizens and that all services work together to plan seamless solutions that are tailored to individual needs. These developments should be proportionate to the scale and complexity of local needs.

Strategic plans must clearly articulate the approach to reducing inequity and improving the lived experience of vulnerable people to satisfy the Duty of Quality and Equity [The Duty of Quality in healthcare | GOV.WALES](#)

Under the IMTP / NHS Wales Technical Planning Guidance 2025/28 NHS organisations are expected to develop plans demonstrating:

- Clear and strong board level commitment to prevention and tackling health inequalities based on the 5 ways of working in the Well-being for Future Generations Act (long-term, prevention, collaboration, integration and involvement) and on Value in Health interventions.
- Developing Inclusion Health Services to meet the needs of vulnerable groups.

Resources have been developed to support Health Boards to lead this work, encouraging and supporting local collaboration to build community focused Cluster planning and delivery of health and care that is inclusive of the needs of the most vulnerable individuals.

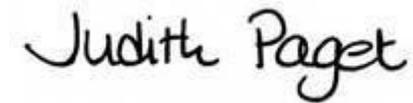
[Planning Support and Resources - Primary Care One](#)

These include: -

1. Inclusion Health Planning Tool
2. Inclusion Service Development Guidance
3. Examples of good practice

The Maturity Matrix for Cluster Working also describes how this work can be developed. More effective service provision for vulnerable groups will improve outcomes, reduce inequity and make more effective use of resources. These are key priorities for public services in Wales. Progress will be monitored through Integrated Quality Planning and Delivery and Regional Partnership Board reviews.

Yours Sincerely

A handwritten signature in black ink that reads "Judith Paget". The signature is written in a cursive, slightly slanted style.

Judith Paget CBE

Agenda Item 10

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted