

Julie James MS

Minister for Climate Change

10 January 2024

Formal response to the Welsh Government's consultation on the White Paper on ending homelessness in Wales

Dear Julie,

This letter, and its annex, is a formal response to proposals in the [Welsh Government's White Paper on ending homelessness in Wales](#). Our response focuses on the areas that are directly relevant to our work on radical reform for care experienced children and young people as set out in our [report 'If not now, then when?'](#) published in May 2023.

We are pleased to note that the White Paper says Welsh Government has considered our report as part of the development of the proposed reforms. There are several very welcome proposals in the White Paper that are in line with the recommendations in our report.

However the scale of disadvantage facing young people leaving care cannot be underestimated. Our report found that care experience is a "predictable route" into homelessness and indicates that as many as 1 in 4 care leavers are homeless when they turn 18.¹ We therefore urge you to accept the 9 recommendations we set out in the annex to this letter.

In combination, these recommendations will greatly assist Welsh Government and local authorities to act as the best 'corporate parents' they can be. In our report we said:

"Anybody claiming that the state is doing its corporate parenting job well should consider whether they would be happy for their own child to be cared for by that

¹ Welsh Parliament, ['If not now, then when?'](#), May 2023, pages 122-123



system. Whether any good parent would want that for their own child. We do not believe that they would. Corporate parents in Wales must do much, much better.”²

In your role as the Minister responsible for housing, and acknowledging that having a roof over a young person’s head is the most basic safeguard any ‘good parent’ would provide, we call on you to ensure that care leavers in Wales have much stronger protections in some aspects of this White Paper than are currently proposed.

A particular issue we want to highlight is one that is often overlooked. The housing needs of care experienced parents can be complex and yet have a significant impact of whether their own birth children can remain in their care. We heard time and again that housing issues were often a key factor when decisions are being made in the family court about whether their own children can remain in their care. We have made two recommendations in this regard.

A key recommendation which we want to emphasise for all care leavers, including care experienced parents, is our view that a sixth category entitled to ‘reasonable preference’ should be created for people who are care experienced regardless of homelessness status, in order to avoid them entering the homeless system to access social housing. You will be aware that this is in line with the recommendations of the Welsh Government’s Expert Group Review.

During our inquiry we heard many warm words and stated good intentions about corporate parenting for care experienced children and young people. Yet so many times we heard directly from young people that these are not being translated into concrete actions and did not make a genuine difference to their lives, even at times of crisis.

Based on the direct lived experience of the many care leavers in Wales that we had the privilege to speak to, it is clear that significant changes are needed in order for housing to play its vital part as a corporate parent.

We look forward to seeing these White Paper proposals develop even further for the benefit of all care experienced young people.

I have copied in the Chair of the Local Government and Housing Committee due to our committees’ mutual interest in these issues.

Yours sincerely,



² Welsh Parliament, ‘If not now, then when?’, May 2023, page 6

Jayne Bryant MS

Chair

Cc. John Griffiths MS

Chair of the Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex: Response from the Children, Young People and Education Committee

This response draws directly on the evidence we gathered, and conclusions we reached, during our inquiry into radical reform for care experienced children and young people.

Despite care leavers having existing legal rights, our inquiry showed that young people in care in Wales face a cliff edge of support when they turn 18. We heard that, in reality, the level of support they receive after turning 18, and certainly after turning 21, is very low, or in some young people's experience completely non-existent.

We heard that care experience is a "predictable route" into homelessness and that as many as 1 in 4 care leavers are homeless when they turn 18.³ Therefore, we make 9 recommendations to the White Paper proposals with the aim of ensuring that in respect of housing and homelessness, Welsh Government and local authorities act as the best 'corporate parents' they can be.

An issue which is often overlooked are the housing needs of care experienced parents. We heard time and again that housing issues were often a key factor when decisions are being made in the family court about whether their own children can remain in their care. We have therefore made a specific recommendation in this regard.

Entering the homelessness system

During our work we heard that not all parts of a local authority understood their corporate parenting role and therefore do not fulfil their duties. Llamau told us that "there is still an expectation for many young people who are care experienced to have to go through the homelessness route, and that is wrong."⁴ As you will be aware, care leavers can become homeless directly after leaving care or once a placement has broken down.

We are therefore very pleased to see proposals for clarifying within legislation that for those leaving social care or the youth justice system it is "expressly prohibited" to use the homelessness system as a route out of care or youth justice. We also fully support the emphasis that planning should be done, and arrangements made for accommodation in advance.

The White Paper proposes strengthening existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between

³ Welsh Parliament, *'If not now, then when?'*, May 2023, pages 122-123

⁴ Welsh Parliament, *'If not now, then when?'*, May 2023, page 122

services, and social services and homelessness services work in 'true partnership' to secure suitable accommodation and any broader support.

Recommendation 1: The Welsh Government needs to be more explicit about the practical expectations of its homelessness proposals that social services and housing services work 'in true partnership' as set out in the White Paper. It must be clear what this means in practice to ensure that care experienced young people have improved access to safe and suitable accommodation.

Priority need

We welcome the proposal for care experienced people of any age to have priority need status and urge the Welsh Government to act swiftly in creating the new priority need category, using existing powers in section 72(1) of the Housing (Wales) Act 2014.

The Committee understands the rationale proposed in the White Paper to abolish the priority need test and welcomes its ambition in terms of raising standards for all. Nevertheless we are concerned about the potential unintended negative consequences this proposal could have on care experienced young people who we know to be much more at risk of homelessness and are much less likely to have family they can stay with temporarily. NYAS Cymru has expressed concern to us that the proposal to abolish priority need status may have negative consequences for care experienced young people.⁵ Llamau has told us that whilst it fully supports the removal of priority need, there are a number of issues relating to care experienced young people that require further consideration by Welsh Government including:

- **Increased Competition for Limited Housing:** Abolishing the priority need test may lead to increased competition for limited housing resources. Care leavers and care-experienced children, who may already face challenges in securing stable accommodation, could face additional difficulties if there is heightened demand for housing.
- **Potential Delay in Housing Assistance:** With the removal of the priority need test, there might be a need for a lead-in time for the new system to take effect. During this period, care leavers and care-experienced individuals may experience delays in accessing housing assistance, which could contribute to their vulnerability.
- **Specific Vulnerabilities of Care Leavers:** Care leavers often face unique challenges, including the transition to independent living without family support. The removal of the priority need test should be accompanied by measures to address the specific

⁵ NYAS, 'Additional information', November 2023

vulnerabilities of care leavers, ensuring they receive the necessary support during the transition to independent living.

- **Impact on Homelessness Prevention:** The priority need test can serve as a mechanism to identify and prioritize vulnerable individuals at risk of homelessness. Its removal may impact the effectiveness of homelessness prevention efforts, particularly for care leavers who may be at a higher risk of housing instability.
- **Need for Adequate Support Services:** As part of the broader strategy, it's crucial to ensure that care leavers have access to support services that address their unique needs. This includes mental health support, education and employment assistance, and other services that contribute to their overall well-being and housing stability.
- **Resource Allocation:** Local authorities will still need to manage their resources effectively and determine how individuals, including care leavers, are prioritized for housing allocations. Clear guidance and policies should be in place to ensure fair and transparent resource allocation that considers the specific needs of care leavers.
- **Monitoring and Evaluation:** The impact of the abolition of the priority need test on care leavers should be closely monitored and evaluated. This includes assessing whether care leavers are disproportionately affected, and if so, adjustments to the system may be necessary to address any unintended consequences.⁶

Recommendation 2: Welsh Government must act swiftly to create a new priority need category for care experienced people up to the age of 25 to have priority need using existing powers in section 72(1) of the Housing (Wales) Act 2014.

Recommendation 3: Welsh Government must, consulting with care experienced young people and the stakeholders representing their interests, undertake an impact assessment to identify any unintended negative consequences of abolishing priority need on care experienced people who present as homeless, or are at risk of homelessness. The unintended consequences should include those identified in this response. Welsh Government must then ensure revised legislative proposals have clear measures in place to mitigate these risks.

Local connection (homelessness)

The White Paper proposes that care experienced people are exempt from local connection provisions in homelessness legislation. We are pleased to see this aligns with our recommendation that local connection should be disregarded for care experienced people, where we concluded:

⁶ Llamau, 'Additional information', December 2023

*"Care experienced children usually have very little - if any - choice over where they are placed. It will almost certainly not be the fault of the care leaver themselves if they do not have a connection to the local area they want to live in."*⁷

We support Welsh Government's proposals to exempt care experienced people from local connection provisions in homelessness legislation.

Suitability of temporary accommodation

We heard directly from young people who had been placed in inappropriate and even unsafe accommodation on both a temporary and long-term basis. Extensive evidence was also provided about unregulated accommodation (accommodation services that do not provide 'care', such as B&Bs, Air BnBs and hostels) and calls for all such inappropriate accommodation to be made illegal in Wales.

We note the White Paper refers to 171 occasions on which care leavers aged 18 to 21 were placed in Bed and Breakfasts in 2022-23 and it proposes to clarify within legislation that:

- For people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period.
- Where people of this age group are to be housed in temporary accommodation, it must be supported accommodation.
- Those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation.

We support Welsh Government's proposals in relation to temporary accommodation.

Social housing allocations

During our inquiry, we heard that care experienced young people often struggle to access social housing. Members heard that, due to the insufficiency of the social housing stock, up to 500 people can be in competition for one property. The Committee concluded that:

"There should be systems in place to avoid young people leaving care having to present as homeless. Housing legislation should ensure care experience is given the highest priority for both local authorities' and Registered Social Landlords' allocation policies."

⁷ Welsh Parliament, *'If not now, then when?'*, May 2023, page 123

We recommended that care experienced people should have the highest priority in housing allocation schemes.⁸

We note the White Paper makes a number of proposals aimed at increasing the proportion of social lets to homeless households. One proposal is to assign additional preference to homeless households over and above other reasonable preference categories. A further proposal is to 'allow for' care experienced people who are homeless (also termed in that paragraph homeless care leavers) to have additional preference. We are not clear from the current wording whether this would be a discretionary power for local authorities.

We note this is different from the Expert Review Panel's recommendation that people who are care experienced should form a sixth category entitled to reasonable preference.⁹ Our view on the benefit of the Expert Review Panel's proposal is that it would not require applicants to be homeless. By contrast, the White Paper proposal for (potentially discretionary) additional preference would only be available to care leavers who are homeless. We also have concerns that since the section uses different terms to refer to care leavers, it is unclear whether the intention is for this to apply to all care experienced people, as per the Expert Review Panel's recommendation, or only at the point of leaving care.

Recommendation 4: A sixth category entitled to 'reasonable preference' must be created for people who are care experienced regardless of homelessness status, to avoid them entering the homeless system to access social housing.

Recommendation 5: Legislation must ensure read across and consistency between homelessness and housing allocations and prevent any social housing provider or local authority 're-applying' local connection criteria to care experienced people via their own allocation schemes.

Multi-agency cooperation

Corporate parenting aims to promote collective responsibility across services and local authorities to safeguard the welfare and to promote the life chances of looked after children. The principle behind it is that a good corporate parent would seek the same outcomes for children in their care that a good parent would want for their own child. The Welsh Government sets out that local authorities "must act for the children they look after as any responsible and conscientious parent would act."¹⁰

⁸ Welsh Parliament, 'If not now, then when?', May 2023, pages 123-124

⁹ Expert Review Panel, 'Ending homelessness in Wales: A legislative review', 2023, page 47

¹⁰ Welsh Government, 'Social Services and Well-being (Wales) Act 2014: Part 6 Code of practice looked after and accommodated children', April 2018, page 70

Our report recommended that corporate parenting is given a strong legislative footing by giving a range of public bodies, including but not limited to local authorities, specific corporate parenting duties and expanding their duties in relation to care experienced children and young people.¹¹

The White Paper proposes to create a new duty on a range of bodies - such as social services departments, health boards, and landlords - to identify those at risk of homelessness and take action to mitigate that risk. It also proposes a statutory case co-ordination approach where individuals require input from three or more public services.

Recommendation 6: Welsh Government must strengthen its proposals to ensure mandatory cooperation between relevant public bodies in relation to all care experienced young people and clarification of what this means in practice.

Increasing housing supply

During our inquiry, we heard that both availability and appropriateness of accommodation is a problem and that the lack of housing is “a major crisis”. Care Inspectorate Wales wrote that greater multi-agency accountability beyond social services was needed to deliver more accommodation options for young people.¹²

Other professionals stressed to us that care experienced birth parents need access to housing that’s suitable for a new-born. We heard that care experienced birth parents are more likely than other parents to have their children temporarily removed or be asked to attend mother and baby units. We heard that most birth parents have no choice but to give up their home accommodation when they move into a parenting assessment centre because they can’t afford to keep it. Where the parent is a social housing tenant, the local authority or housing association may want them to end their tenancy.¹³

We are pleased to see the White Paper notes that care leavers should be taken into account when assessing the need for temporary supported housing.

The White Paper states that Local Housing Market Assessments (LHMAs) “are vital in determining local housing requirements and form a key part of Local Development Plans”. We note the Expert Review Panel also considered whether legislative change could help support building of the right homes to meet local housing need, particularly homelessness-related need. The Panel recommended that section 87 of the Local Government Act 2003 is amended to require local authorities to take into

¹¹ Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, pages 43-45

¹² Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, pages 120-121

¹³ Welsh Parliament, ‘[If not now, then when?](#)’, May 2023, page 76

account their homelessness review and strategy, and the current and future levels of homelessness in their area, when drawing up their housing strategy and Local Housing Market Assessment (LHMA).¹⁴

With substantial rises in the numbers of children in care is more vital than ever that LHMA's accurately reflect the current and future needs of care experienced people, including care experienced parents.

Recommendation 7: Welsh Government must restate in the new housing legislation the requirement for relevant public bodies to cooperate with one another in relation to all care experienced young people.

Recommendation 8: Legislation must be in place to ensure Local Housing Market Assessments (and in turn Local Development Plans) accurately reflect the current and future needs of care experienced young people, including care experienced parents.

Recommendation 9: In order to provide a baseline of relevant housing issues in light of the significant rises in the numbers of care experienced children (which will lead to many more care leavers), Welsh Government must commission a one-off specific Wales wide research project into the current and anticipated housing needs of care experienced young people and care experienced parents.

¹⁴ Expert Review Panel, 'Ending homelessness in Wales: A legislative review', 2023, page 52