



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

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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 31<sup>st</sup> 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 style with a large, stylized 'J' and 'B'.

**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.<sup>1</sup> 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.<sup>2</sup>
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.

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

<sup>2</sup> Section 80(2) and para 18.1 Code of Guidance.

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.<sup>3</sup> 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**

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<sup>3</sup> 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 forces<sup>4</sup>. Before 18th December 2024, this exemption did not apply to former members of the armed forces who left service more than five years ago.<sup>5</sup> 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.

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<sup>4</sup> 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.

<sup>5</sup> 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. This includes a 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.

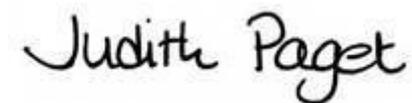
### [Planning Support and Resources - Primary Care One](#)

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