

HSHAWB 03 Cyngor Ffoaduriaid Cymru | Welsh Refugee 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 Ffoaduriaid Cymru | Evidence from: Welsh Refugee Council

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?

It is evident that Wales needs immediate action to tackle homelessness. The current figures for those in temporary accommodation are indefensible. Some of the suggested proposals, such as the extension of prevention duties to six months (section 1), the introduction of PSAPs (section 5), the removal of intentionality tests (section 10) and provisions for the removal of priority need (section 9), or help to maintain accommodation (section 18) are among the extremely positive steps to alleviate or end homelessness in Wales.

There is a desperate need for this legislation, but there is a worry that implementation may come too late. Consideration should be given to using all the powers in existing legislation to lay the groundwork for the successful introduction of this Bill. A perfect example of this is Section 34, which is a great proposal. It is somewhat surprising though that we need to create a new duty on local authorities to take “reasonable steps” to provide an applicant with an opportunity to view accommodation being offered, “whether in person or otherwise”, before the local authority can end its homelessness duty on the basis that the applicant has refused a suitable offer. It seems that amending current guidance could achieve this aim.

There are other parts and sections of the Bill which we find more disappointing. These will be detailed in question 2. We were pleased when in January 2024, the Welsh Government commissioned us to feed into the White Paper’s consultation process with the lived experience of sanctuary seekers. At the time, we found that several of the proposals felt alien to participants in the focus group we set up, and other proposals did not take particular consideration of the experiences of sanctuary seekers. There was a frustration among participants that they were ignored in these proposals and that there was no effort to find solutions to their

problems. Members of the focus group did not understand why sanctuary seekers were not mentioned and were regularly excluded from the proposal, as seen with local connection or with the groups mentioned in Chapter 3 of the White Paper. Although there was some cause for optimism, confidence was low that the White Paper would end homelessness for sanctuary seekers unless there were specific proposals for them. Disappointingly, the Bill has actually gone further back in its sanctuary seeker-specific proposals. This may act to further alienate this demographic group. We hope that this Committee and Members of the Senedd can advocate to make this Bill friendlier to sanctuary seekers. The notion of a Nation of Sanctuary and an anti-racist Wales must count for something.

The Bill recognises that “while multiple factors lead to homelessness, the highest recorded reason for homelessness applications in Wales is the end of a tenancy or occupation contract.” It is evident that homelessness legislation alone cannot solve the multi-faceted causes of homelessness. This was demonstrated by the housing sector’s overwhelming response to the recent White Paper on Fair Rents and Adequate Housing, which we feel has continuously been watered down since its inception. Without introducing the progressive realisation to the right to adequate housing and taking control of spiralling rents, we will continue to see record numbers of homelessness applications.

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 welcome the extension of the definition of “threatened with homelessness” from 56 days to 6 months in Section 1, aligning with the Renting Homes (Wales) Act 2019. This is an important step forward in homelessness prevention. However, this change will have limited impact on sanctuary seekers, particularly newly granted refugees.

Currently, newly granted refugees must leave their asylum accommodation within 56 days; a recent trial extension from the previous 28-day period. While this change has slightly improved outcomes, 68% of refugee households still end up in local authority temporary accommodation and 9% experience homelessness or sofa surfing. Delays and inconsistencies in implementation also remain, meaning that some newly granted refugees still do not have 56 days. Despite the Welsh Government’s limited control over Home Office policy, further support for refugees within Wales’ Nation of Sanctuary aims is necessary. It is unjust that this group cannot fully access the rights and support laid out in the Bill.

We strongly support the introduction of more person-centred and trauma-informed homelessness assessments through Prevention, Support, and Accommodation Plans (PSAPs) in Section 4. These plans will foster greater transparency and individualised support. Language access through interpretation services must also be strengthened, as evidenced by a recent local authority's eviction of a family in temporary accommodation who claimed that there had not been enough translation provision for them to understand what was happening.

We are disappointed that the removal of local connection requirements was not adopted in the Bill. The previously proposed "special circumstances" category in the White Paper was a reasonable compromise. Yet refugees, who are dispersed without choice across the UK, were explicitly excluded from this category. This policy undermines integration, especially when individuals are forced to remain in areas where they feel isolated or unwelcome. Maintaining local connection rules will increase barriers to support and contradict the Anti-Racist Wales Action Plan's vision.

The new duties in Section 21 requiring public services to support homelessness prevention are encouraging. However, we are concerned by the omission of education bodies, as young people are particularly vulnerable. Additionally, while we recognize limitations in devolved powers, the Home Office must take on similar "ask and act" responsibilities to prevent refugee homelessness. Many refugees receive inadequate information before status is granted and fall through the cracks as a result. Better coordination between the Welsh Government, Home Office, and contracted accommodation providers such as Clearsprings Ready Homes is needed.

Finally, we welcome Section 29's requirements for lived experience to shape local and national homelessness strategies. We urge clear guarantees that sanctuary seekers and marginalised groups will be able to participate fully in these processes, regardless of immigration status or language barriers.

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?

Overall, the sections in Part 2 of the Bill are positive. Our only concern is that new powers for "qualifying persons" and "unacceptable behaviour" in Section 35 are used to exclude certain demographics based on racial biases.

At a recent joint event with Tai Pawb, a local authority staff member shared that a local housing association had been rejecting applications from a certain minority

group. Hopefully, provisions in Part 1 of the Bill would prevent this from happening, but we hope for caution.

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 Bill’s Explanatory Memorandum addresses the barriers to implementation best.

“The current approach to homelessness service provision is therefore not sustainable and does not have a sufficiently preventative focus. Since the start of the 2014 Act, prevention rates have stagnated and dropped significantly in the last two years. Moreover, repeat homelessness is high and the system is very expensive to deliver. Long stays in temporary accommodation can result in negative impacts for individuals. In order to address this, alongside broader practice, policy changes and investment in housing supply, legislative reform is required to achieve systemic transformation to enable more effective homelessness prevention, provide a more effective individualised service to those who are homeless or at risk of homelessness in Wales and make better use of accommodation supply to those most in need.”

There is a further acknowledgement that aspects of the Bill “will not address issues with housing supply and applicants may not have full and free choice of the accommodation on offer.” Other similar supply caveats are present throughout the Bill’s Explanatory Memorandum.

Until the necessary housing supply is made available, the overall Welsh Government aim of making homelessness rare, brief, and unrepeatable will not be realised.

The removal of specific interventions or special categories for a number of demographic groups will also impact implementation. We know that a ‘one size fits all’ approach is not adequate, and that certain demographics are more likely to become homeless than others. Without acknowledging this, and without taking action, the outcomes for these groups will not improve.

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?

Without an increase in housing provision and supply, local authorities risk failing in their legal duties as set in the future Act to follow on from this Bill. The legal costs involved would be one aspect. There would potentially also be an impact on relationships between statutory duties, homelessness applicants, and volunteer support services, where one perceives the other to be failing in its duties. We must ensure that existing good collaboration practices remain unaffected by any legislative change

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?

N/A