

## HSHAWB 15 Clinks

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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

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### **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

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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).

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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 deprioritised 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

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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.

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**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

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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.

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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

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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.

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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

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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

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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.