

## **HSHAWB 24 Bwrdd Cyfiawnder Ieuenctid | Youth Justice Board**

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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**

Ymateb gan: Bwrdd Cyfiawnder Ieuenctid | Evidence from: Youth Justice Board

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Thank you for inviting views regarding the consultation on the Homelessness and Social Housing Allocation Bill (2025) . You will be aware that the Youth Justice Board (YJB) is the non-departmental public body which oversees the youth justice system in England and Wales.

Our vision is to ensure a youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society.

The consultation is informed by our unique oversight of the youth justice system and the evidence base which demonstrates that four “Child First” tenets underpin prevention offending by children. For ease of reference, these tenets are as follows:

1. Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
  2. Promote children’s individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
  3. Encourage children’s active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
  4. Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.
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Our response does not seek to cover every question outlined in the consultation. Instead, we would like to draw your attention to the following key points for consideration.

## **General Principles**

We are pleased that the underlying intention of the Bill is prevent homelessness through strengthening early intervention, increasing consistency, and removing barriers to accessing housing support. These aims are vital for children involved in or at risk of involvement in the youth justice system, who and often their families experience complex housing challenges either because of offending behaviour or in many instances a potential precursor to children becoming vulnerable to offending behaviour. The explanatory note accompanying the Bill for instance identifies at the time of writing 2679 children under the age of 16 in temporary accommodation which is a depressing statistic, with temporary accommodation unlikely to support positive outcomes and contrary to the UNCRC and a children's rights approach. No data meanwhile is provided for the number of 16-17 year olds in temporary accommodation.

## **Part 1 of the Bill - Homelessness (sections 1 -34)**

From a youth justice perspective, the provisions in Part 1 of the Homelessness and Social Housing Allocation (Wales) Bill 2024 (sections 1-34) represent a positive and necessary shift toward early intervention and more inclusive service delivery, which we can anticipate will have a positive impact not only in the short but the longer term. We would also anticipate that reductions in homelessness would support broader positive outcomes including reductions in offending and consequently improved public protection.

The YJB endorses the Bill and the proposed increase to the statutory period for homelessness prevention to 56 days before homelessness is expected, allowing earlier support. This will be particularly valuable in supporting the resettlement of children from custody back into the community (although not without practical challenges) in securing suitable and nurturing accommodation for children.

The YJB does not collect data on homelessness and at present we have not identified any trends through our engagement with youth justice services that suggest homelessness is a current pressing issue. However, homelessness is not always an immediately visible issue, so to an extent may be hidden from oversight. We do however gather data on the suitability of children's accommodation. At the time of writing in Wales over 90% of children in the youth justice system are currently placed in suitable accommodation at the end of their orders. The

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judgement on suitability is at the discretion of the youth justice practitioner, taking into account the unique circumstances of each individual child. As such it will be at least in part subjective and potentially open to challenge. We will work with services to interrogate whether upon reflection decisions are accurate.

Judgements will also be comparative and informed by what the practitioner considers to be the best available option to the child, which may not objectively be suitable or conducive to positive outcomes. We know availability of suitable accommodation can be a challenge, which can be even more pronounced in the case of children resettling from custody. While resettlement planning begins at an early stage, services often find that demand for suitable accommodation outweighs the supply, or it is impossible financially or practically to pre book accommodation. Despite this, Youth Justice Services in Wales work well in collaboration with partners to overcome these obstacles and identify appropriate accommodation for the children they support

Consequently, while YJB supports the measures in question, there remain practical challenges regarding the availability of suitable accommodation for children. Whilst a child may not be technically homeless accommodation may also not be suitable- the Bill itself will not change this.

**For the Bill to achieve its ambition, necessary investment is also required in a range of suitable and safe accommodation options.**

### **Unintended Consequences.**

We note the intention to remove the 'priority need' and 'intentionality' tests. Whilst we understand the reasons for removing priority need status the YJB does have some concern as to the potential impact of this for children, who are particularly vulnerable and lacking in control over their circumstances.

Our view is that removing priority need may have unintended consequences if no safeguards are introduced for groups with compounded vulnerabilities. In addition, Children in the justice system are not explicitly referenced in the Bill, which, whilst is non stigmatising in theory, further risks them being overlooked in practice.

We believe that children in the justice system should retain priority need status, as they are often the most vulnerable children in our society. Preventing offending by children is also in the interest of broader society and offers longer term financial savings.

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To ensure workability and impact, the following steps are essential:

- **Explicitly recognise children known to Youth Offending Teams (YOTs)** as a group requiring targeted prevention.
- Invest in **specialist housing options** that are trauma-informed, safe, and developmentally appropriate.
- Provide training and national guidance to local authorities on **child-specific risk factors and accommodation planning**.

### **Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)**

The provisions in Part 3 of the Homelessness and Social Housing Allocation (Wales) Bill 2024 (sections 39–43 and Schedule 1), which amend and clarify social housing allocation rules, **The YJB consider this to represent a valuable step toward greater consistency and fairness.**

Despite these positive intentions, children in contact with the justice system face several practical and systemic barriers in accessing social housing:

- Eligibility criteria may still implicitly disadvantage those with histories of offending or antisocial behaviour.
- Exclusionary practices by some landlords, including blanket bans or restrictive risk assessments, disproportionately affect families with children with justice involvement or young adults who have had justice involvement.
- Discretionary decision-making by local authorities and RSLs can lead to inconsistent outcomes, especially when staff lack training in working with vulnerable adolescents.
- These challenges are compounded for children leaving custody, many of whom do not meet “tenancy ready” expectations due to a lack of life skills support, social networks, or trauma recovery.

To fully achieve the stated policy intention, **these provisions must be implemented in a way that actively includes justice-involved children**, to counter the systemic exclusion from social housing processes referenced above.

In conclusion, The Bill lays a strong foundation, but to deliver on its promise for justiceinvolved children, close attention will be required at implementation stage. Without targeted guidance, training, and resources, the existing structural and cultural barriers that disadvantage these children may persist, limiting the impact of the reforms.

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It is **critical that guidance reflects the lived experience and structural barriers** faced by children in or at risk of entering the youth justice system. The YJB would be pleased to support in the drafting of guidance. Most importantly co-production should involve the children that the policy seeks to support and would be in accordance with Article 12 of the United Nations Convention on the Rights of the Child. Without such inclusive development, there is a risk that guidance will reflect a generic adult-centric lens, failing to translate statutory duties into effective support for children.

Addressing these gaps will be essential for realising a system that prevents homelessness, promotes rehabilitation, and supports long-term stability for all children, including those in the justice system.

A final broader comment we would like to make is that nowhere in the Bill does it reference children. References are instead made to young people often 17 years of age and under. Whilst we understand that specific legal drafting is involved here, we would always advocate that children are referred to as children, which is what anyone under the age of 18 is legally. Our view is that this conveys more accurately both the child's legal standing, their vulnerabilities and the responsibility of adults towards them. To our mind the term "young person" dilutes these points.

If you would like to discuss our comments, please do feel free to contact [YJBCymru@yjb.gov.uk](mailto:YJBCymru@yjb.gov.uk)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paula Williams', enclosed within a thin black rectangular border.

Paula Williams

Cyfarwyddwr Gwiethrediadau Cymru / Director of Operations Wales

Youth Justice Board for England and Wales / Bwrdd Cyfiawnder Ieuencid Cymru a Lloegr

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