

## **HSHAWB 29 Barcud**

---

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: Barcud | Evidence from: Barcud

---

### **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).

Whilst the principles set out in the Bill are admirable, and we are in support of eliminating homelessness across Wales, housing in Wales is in very short supply. More therefore must be done at a strategic level to both increase the supply of new homes as well as to ensure the “best use” of existing housing stock at the same time as any legislation in relation to homelessness and social housing allocations. The proposed legislation alone will not solve the problems it aims to solve and, in the short-term it may make things worse.

The focus on homelessness – which is present currently – leaves many people concerned that social housing will not be available for those, for example, on low wages for whom social housing is the only option of a home of their own. There needs to be more “balance” in the system if we are to avoid long-term socio-economic problems presenting themselves.

Behind the intentions in the Bill there also appears to be a misconception that housing associations don’t already assist local authorities in tackling and preventing homelessness and in meeting housing need. We do, and the proposed powers of “direction” are concerning on a number of levels which we set out later in our response.

We are also concerned generally about the pace of any implementation of legislation – and the cost to do so. This concern comes on the back of the real-life experience of the implementation of the Renting Homes Wales Act. We therefore request much more thought and detail on any transition arrangements, rather

---

than a focus on speed of implementation. This is particularly important since the Bill proposes changes which will see an increasing number of people being owed a homelessness duty. Whilst, in principle, this is laudable, Wales cannot house – either temporarily or permanently - the current number of homeless people and we are seeing this result in a poor use of existing housing stock where a significant percentage of ALL temporary social housing in Wales is allocated to single person households, regardless of its size. This is not a “best use of stock” approach and is potentially storing up issues for the future which go way beyond just housing. Such issues could include the worsening of community infrastructure, the economic resilience of areas as well as reductions in transport, health-care and education provision. This could be particularly negatively impactful in many of the small rural and coastal villages and towns which are prevalent across Wales.

In short, whilst we welcome change, it has to be the right change, implemented at the right pace, in the right way with the necessary level of funding and must be considered in a “big picture” way.

### **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).

The changes to homelessness practice proposed should be considered against a backdrop of how well the existing system is working to ensure that changes will not exacerbate an already problematic issue. Changes of this magnitude need proper planning and resourcing and work best in a “mature” social housing environment. We also believe there should be more emphasis on initiatives which tackle “revolving door” cases of homelessness.

In relation to section 1 – careful consideration needs to be given here to amending this section to require that when a notice of seeking possession is served there is also an assessment of the RISK of homelessness from the service of that notice as otherwise it will create a legislative duty when in practice one does not exist in reality.

Section 4 - The requirement for Prevention, Support and Accommodation Plans (PSAPs) is welcomed, as is the continuing support for up to 12 months. This is, of course, caveated by the need to ensure that the support promised actually materialises on the ground.

Section 6 – welcomed provided support IS available. It is also imperative that we try to break the cycle of repeat homelessness especially for those leaving prison.

Section 7 – we would welcome a change in tone here to reflect the need for a balanced partnership as well as the provision of statutory guidance.

Section 8 - Specifically, the “local connection” clause in relation to secure accommodation is a cause for concern since it applies to the whole of Wales without any area, town or regional refinement. Even more of a concern is the lack of a need to demonstrate local connection when securing interim accommodation. The intention behind both of these proposals – i.e. that they are designed to avoid “exclusion” of certain groups of people – is supported, however, when the current system cannot accommodate the existing levels of demand, adding in more demand without a proper resourcing plan is potentially problematic. For example, both of these proposals could have a significant level of unintended consequences - an influx of homeless people – particularly single homeless – from England when the rules on accessing accommodation and local connection are much tighter.

Sections 9 and 10 - The above comments are also true of the removal of the “priority need” and “intentionality” tests without allowing for any discretion. These proposals could create further tensions in the use of social homes if they are implemented without a more strategic and phased approach and without a fundamental review of the operation and impact of the current approach to homelessness. Whilst the intention behind Wales retaining the “everyone in” approach is laudable it needs to be phased as it has the potential to create a dysfunctional social housing sector where families cannot get the larger housing they need because it is being occupied by single people as temporary – and sometimes permanent – accommodation.

Section 21 – ask and act – is supported provided costs of training are taking into consideration in any HSG funded made available.

Section 23- The duty to source appropriate accommodation for care leavers is welcomed

Sections 24, 25 and 32. The development of a protocol between care and housing is also welcomed, as is the widened view on the requirement to collaborate. This is, of course, caveated by the need to ensure that the collaboration required actually materialises on the ground.

**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).

Section 33 - More balance needs to be included here. There appears a misconception that housing associations do not currently collaborate on housing and homelessness and this feels unfair. Housing associations need adequate information on cases in order to be able to provide the right housing and support. This is currently often not forthcoming and a data sharing requirement would be welcomed. The power for Welsh ministers to compel social landlords to make an offer of accommodation is not supported. This is not “in the spirit” of the legislation. Social landlords are not public bodies. Whilst accepting that social landlords do and should meet statutory and regulatory requirements, they have their own governance and legal structures. The government having power to make such directions seems overly controlling, could be considered ultra vires and also might lead to unintended consequences. Such consequences could include a reclassification of housing associations as “public bodies” which would in turn lead to housing association debt being classed as “public debt”. This could lead to limitations on the levels of housing association debt and restrictions on borrowing. Housing associations borrow to ensure they can fund new housing development and so putting anything into a legislative arena that has any potential to restrict housing providers’ ability to borrow to build much needed new homes, seems counter-intuitive.

Section 35 - Discretion upon ‘need’ – will provide greater flexibility. Currently LA’s limited in determination of qualification and so this is welcomed.

Section 38 The requirement for all Welsh authorities to use Common Housing registers is welcomed provided they cover social housing only. It is also suggested that keeping an “accessing housing register” is also mandated but that costs are adequately provided for.

**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).

**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).

In general delivery needs to be considered in the light of current pressures in the homelessness and social housing allocations system - which are considerable. Long-terms strategic approaches needed to be factored in, together with appropriate planning and implementation costs. We share concerns that there will not be sufficient funding in the system- neither for the initial set-up and continued delivery costs - nor in the wider public sector arena to allow for the promised, longer-term support to households and the levels of inter-organisational collaboration required.

We also request that the pace of any change as well as transition arrangements - is reasonable. We ask this is the light of our experience of implementing the changes in the RHWA.

**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).

**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).

Yes. we have set these out in the various sections above but repeat them here:

The focus on homelessness – which is present currently – leaves many people concerned that social housing will not be available for those, for example, on low wages for whom social housing is the only option of a home of their own. There

needs to be more “balance” in the system if we are to avoid long-term socio-economic problems presenting themselves.

The Bill proposes changes which will see an increasing number of people being owed a homelessness duty. Whilst, in principle, this is laudable, Wales cannot house – either temporarily or permanently - the current number of homeless people and we are seeing this result in a poor use of existing housing stock where a significant percentage of ALL temporary social housing in Wales is allocated to single person households, regardless of its size. This is not a “best use of stock” approach and is potentially storing up issues for the future which go way beyond just housing. Such issues could include the worsening of community infrastructure, the economic resilience of areas as well as a reduction of transport, health-care and education provision. This could be particularly negatively impactful in many of the small rural and coastal villages and towns which are prevalent across Wales.

The proposals to remove both the "priority need" and "intentionality" rules could also have a significant level of unintended consequences - an influx of homeless people – particularly single homeless – from England when the rules on accessing homelessness accommodation are much tighter.

The power for Welsh ministers to compel social landlords to make an offer of accommodation is not supported. This is not “in the spirit” of the legislation. Social landlords are not public bodies. Whilst accepting that social landlords do and should meet statutory and regulatory requirements, they have their own governance and legal structures. The government having power to make such directions seems overly controlling, could be considered ultra vires and also might lead to unintended consequences. Such consequences could include a reclassification of housing associations as “public bodies” which would in turn lead to housing association debt being classed as “public debt”. This could lead to limitations on the levels of housing association debt and restrictions on borrowing. Housing associations borrow to ensure they can fund new housing development and so putting anything into a legislative arena that has any potential to restrict housing providers’ ability to borrow to build much needed new homes, seems counter-intuitive.

---

## **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).

---

There needs to be a wider consideration of costs. It is clear that the wide-scale system change that is envisioned through legislation must be matched by adequate funding for all of the elements contained within it. We are concerned that the RIA as drafted does not account adequately for the scale of increased demand on services and impacts to other bodies. The very welcome move to supporting more people to stay in their homes will necessitate a significant change

**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).

Children and Young People;Communities ;Equality and Human Rights;Health and Care Services;Housing