

HSHAWB 36 Cyngor Sir Ceredigion | Ceredigion County 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 Sir Ceredigion | Evidence from: Ceredigion County Council

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).

New legislation will improve the availability of assistance to households who are homeless, but as a Local Authority we are concerned with the increased responsibility placed upon us to prevent and relieve homelessness and more specifically the additional resources we will require to fulfil obligations.

Of particular concern is the removal of intentionality and the message that this sends some households that it does not matter if you behave badly or take reckless decisions because the LA will help you always. We welcome the measures introduced to counter this for Social Housing Allocations (eg deliberate manipulation, ending duty reasons) however this still leaves homeless teams with increased responsibilities and in some cases less opportunity to resolve cases. We would like to see some measure of intentionality remain.

Whilst we think we will be able to achieve the outcomes in the bill, this will require some changes to systems and processes and will require additional resources.

We do not think that the policy intentions would be properly satisfied without the introduction of this legislation as in a landscape of constrained resources Local Authorities fall back on legislative rules when making decisions, hence new legislation will mean more people will be assisted.

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).

Earlier intervention is welcomed and aligns with notice periods.

The new legislation provides a sounder basis for the continuation of HSG (in support plans) and is welcomed for this. Changes to align processes will be required.

Some concern over the increased onus on LAs to formally review the PSAP's every 8 weeks and what this would look like in practice without it becoming a bureaucratic paperwork exercise. Concern also regarding taking into account the views of the household and managing expectations.

There is concern over the additional resource it will require at senior level to undertake more reviews. Costs identified are an underestimate.

We welcome the increased ability to award s75 duty for those who are accommodated temporarily for instance by family, to relieve pressure on TA. The ability to end duty in a wider range of scenarios is welcome, however there is some concern about our ability to assess these scenarios against 'suitability of accommodation'. In particular a return to owned family homes.

We don't believe the formal removal of priority need will lead to an increased pressure (due to the 11th category); we do have concern over no longer being able to find a household intentionally homeless and the way in which the threat of this consequence dictates some more positive behaviours in potentially homeless households. It will be Local Authorities who are left with holding cases.

We welcome local connection being applicable, but it appears that this won't be applicable to s66 prevention and neither will the ability to make a referral to another LA. Our concern is whether this leads to an LA being obligated to deal with a prevention case in a different area due to not being able to apply local connection or a referral, having to then pick someone up into TA in our area after end of notice, only to then refer after. It is not clear if this is a deliberate decision or an oversight and unintended consequence. Being able to make a referral due to local connection at s66 stage would be welcomed. In addition, further guidance on the timeframes around acceptance or rejection of a referral would be useful.

We believe the 'help to retain' can be discharged through HSG services and welcome this step which provides further evidencing for housing support to continue. We would have concerns if we lost this funding and ability to provide support in this way.

We have some concerns with the requirement to contact voluntarily withdrawn cases between months 5 - 7 after closure and worry about this leading to us 'finding' more cases, though we appreciate the intent behind this.

In relation to ending duties at s20, we believe there is a loophole here with the aggression, as explained further in 7 below. We have concern also that the test is too narrow. The new legislation does not cover situations where applicants do not follow the agreed reasonable steps in PSAPs (for example, follow up on properties, apply for benefits etc). There is a concern that this will allow applicants not to engage in a meaningful way in our attempts to identify/secure private rented accommodation which will result in applicants simply waiting for an allocation through the HR. This will impact our ability to resolve homelessness and move them on from interim accommodation.

s21 'Duty to ask and act' will open more doors for homeless households. However, we caution against services 'handing off' to the homeless service as has been evident in some prior cases. We welcome the reference to further guidance made in s21(3) and would seek to ensure LA's are included.

Care leavers; we have yet to work through the practical application of the changes with our social care colleagues and believe proposals about suitable accommodation need to be explored in more detail.

see also Q18 for further remarks.

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).

We recognise that the legislation tries to provide some mitigation against homelessness becoming a route into social housing. Our concern with this area is that housing register teams would not have the skills or capacity to undertake this level of investigative assessment, which previously naturally fell under intentionality investigations of housing options teams. Further that the only thing

this prevents is the ability for housing options teams to relieve homelessness through the social housing sector. It closes doors for the Local Authority homeless service, as well as the homeless household.

We do not feel there will be many cases found of deliberate manipulation due to the narrowness of the definition. It requires the LA to prove intent behind the actions or lack of them to enable the applicant to become entitled to help under part 2 or to improve their chances of being allocated. This will be extremely difficult, if not impossible in cases of collusion with family members making this test completely redundant.

If the intention is to discourage bad practice (to get social housing) why has the intentionality test been removed, as this is also a tool used to discourage bad practice.

We recognise the addition of an additional preference group for certain care-leavers, however we caution against this becoming the start of introducing further additional groups at a later stage and where would this end. Whilst other preference groups need to show a need for housing, it would appear that care-leavers only need to show they are care-leavers and will get a preference despite not necessarily having a housing need. As a wider Local Authority however we welcome the ability to aid the pathway of care leavers into settled accommodation.

In relation to a common housing register, we already operate this in Ceredigion though may need to introduce a wider remit. In addition, this only relates to a common register, and not a common allocation policy, (as operated here) which we feel would better enable clarity around the eligibility for social housing in any area. We feel that this could therefore go further and that a common allocation policy for an area could be mandated.

We do note that there appears to be a contradiction between s38 (160B)(2) which states registered social landlords can still choose who is offered accommodation and the requirement for registered social landlords to accept homeless households proposed by an LA.

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).

We have no views on this section save for where they may be implicated by our views above.

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).

Potential barriers include:

LA teams will need additional staff to be able to carry out effective early prevention activity and additional reviews. Many teams are understaffed leading to working too often at crisis point, and not enough resource being dedicated to prevention.

Thought will need to be given to PSAP’s and how these compliment Housing Support Plans (which are in our case designed around the HSG outcomes). Guidance or a template should be considered.

We are uncertain over the right to request a review of suitability of accommodation up to 6 months after moving in, and what timeframe/information the reviewer ought to be looking at, and the later steps should the accommodation be not suitable. (see also 7 below). Clarity in a guidance document would be helpful.

Some further thought needs to be given to the additional ability of LA to end duty other than into a tenancy, and whether we need to assess suitability of accommodation for these circumstances, and the practical difficulties this might pose.

Additional resource would need to be made available for safeguarding offenders property. This is not something that currently routinely takes place, and improvements to access to homeless advice and support for prisoners will inevitably lead to this becoming more frequent.

Duties to ask and act and to cooperate will require dedicated training and resource to ensure all relevant organisations are aware of responsibilities. This may be made easier if LA's have the time to arrange frameworks and procedures to make it easy for participating bodies.

Requiring specific solutions for those with higher/ complex needs will require the cooperation above, and may require joint funding solutions, which can take time to negotiate. (In agreement with the need.)

In relation to the increased cooperation by RSL's including accepting nominations, specific guidance as related to in s33 should be developed prior to implementation in order that LA's can maintain good relations.

Local Authorities may have a mixed requirement for upgraded software systems to take account of changes. In Ceredigion we will need some alterations to be made to our database system Abritas. This is shared with some other LA's.

Changes we foresee will be in the removal of s73, priority need and intentionality requiring the change of functionality and embedded reporting, additional changes for suitability of accommodation assessments (particularly where we will need to provide data for our own TA), changes to data recording in relation to the PSAP's so that we can capture additional information and continue to produce the web based plan. We already use the system for a housing support gateway and our common housing register, and don't foresee a lot of requirement in these areas other than introducing changes to capture an accessible housing register. We may also need to make changes to account for increased homelessness data reporting, as proposed.

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).

It would appear that there are sufficient proposals included in the bill to enable Welsh Ministers to make subordinate legislation, though we would appreciate knowing which of these are intended to move forward at pace, and the reasoning.

In addition to the subordinate legislation opportunity, we feel the Code of Guidance needs to be updated to reflect the changes and feel also that Local Authorities need to be included in this process. We feel this would help provide

consistency across Wales in relation to the interpretation and implementation of the new bill. Some areas of particular concern are raised above and include guidance around RSL refusals, PSAP's and reviews, local connection, suitability of accommodation in relation to voluntary ending, help to retain and other public authority responsibilities.

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).

5 (3)(b)(4B) Right to request a review of suitability of accommodation. It is not clear if we would be reviewing whether the accommodation was suitable at offer, or at the date of request. New circumstances may have arisen in the intervening 6 months. Subsequently what steps should be taken if accommodation is found unsuitable due to the time already passed. Would this be a new prevention case, or a requirement to place in interim accommodation immediately?

In addition, in relation to the ability to close a homeless case not into a tenancy, would suitability of accommodation still be applicable in these cases? We foresee that there may be difficulties in obtaining this information as these may not be rented properties, and caution against this being so restrictive as to cause us to not be able to close a case eg a family home doesn't have a CO alarm, or has a Cat 1 hazard or would need too much resource to determine. Further guidance would be welcome here.

In relation to local connection, in our reading of the proposals it does not appear that local connection is applicable at s66 prevention duty. Whilst you may consider that homeless prevention is occurring within Local Authority boundaries, there appears nothing to suggest that an LA could refuse to provide the early intervention because a case is out of area and equally we could not refer the case. This could lead to an approach to an LA from another area in the Country, and the LA would not effectively be able to practically engage with the person, provide housing support workers, and for instance engage housing standards teams to improve conditions due to the distances however would also not be able to refuse or to refer. We feel therefore that the local connection requirement is equally applicable to s66, and this should be introduced as well as the ability to refer at this stage.

In relation to s19 duty to keep in touch with certain applicants, whilst we appreciate this intention is to provide support for the most vulnerable, we have concerns that re-contacting these applicants (where we have ended the s75 duty and therefore have no further duty here) leads to a scenario where we would be obligated to provide 'advice we consider appropriate'. There is no obligation on the LA to open a new case, in fact we would argue that we would not, unless there was a material change in circumstances. Therefore it feels like this conversation would be a bit of a kick in the teeth for these persons, "we ended duty because you stayed away, now we're calling to see if you are ok, and if you are not, we advise you to find somewhere else to live/ pay your rent/ behave but we're not going to give you more interim accommodation or duty". If the intention is that we would offer them interim accommodation and further duty this should be explicit in the legislation, or in the guidance. The cases that usually get closed under these grounds are generally cases where the interim accommodation has only been in use sporadically, sometimes with rent arrears, often with service charge arrears, and it is not in the best use of resources for the LA to keep these rooms open but unused, nor to offer further interim accommodation likely to be treated in the same manner.

In relation to ending the s75 duty and interim accommodation, proposals seek to remove 76(6) in the H(W)A14 which gives the ability to end the duty due to intentionality. As well as the violence/ damage/ non-contact which has been covered off in new proposals, we would also utilise this for those who had not abided by their licence conditions including for example smoking/ taking drugs in the property or not paying service charges and rent due. Removal of this section removes the ability for us to end duties for these reasons, and could leave the LA holding a great deal of debt in unpaid charges and an obligation to pick them up in alternative accommodation immediately.

see Q18 for further response

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 are a few comments relating to the assumptions in the document to raise.

Homeless prevention. It seems that the figure obtained by data collection which estimates the cost per person under s66 to be £1,716 per case is skewed by the

fact that the work undertaken with a case is not reflective of what could and should be undertaken by a staff member, but by what time they currently have to undertake it. We accept a premise of 15% increase in the number of cases, however the assumption is made here that each case will take x hours of work. This may be what is currently happening, however we would argue that to provide proper intervention and prevention each case would deserve potentially twice as long attention by an officer. This was not captured in the data collection, as LA's only put the staff they had, and not the staff they felt they needed.

This may be partially ameliorated by the additional recognition of PSAP's and preventative spend below (although 4 hours seems an underestimate) however the preventative spend is not broken down, and from best guesses does not include additional staff time after review to follow up new tasks, and only such things as small spends issued to alleviate threat of homelessness.

In relation to the carrying out of reviews, in our experience the time taken for a thorough and proper review is closer to 10 hours, and not the 3.5 hours used.

Additional funding to support changes would be welcomed and it is vital that should this be forthcoming LA's are able to utilise it to secure additional staffing. This would include some certainty over the funding period, in order to commit to advertising for and employing new staff.

Duty to contact applicants, we believe this is underestimated at 30 mins, and does not account for further actions that may be required after initial contact is made in order to prevent homelessness further.

In relation to the costs associated with provision of accommodation as a result of removal of intentionality and priority need, we note that your figures claim the cost to general needs of £15,075 and to supported accommodation of £12,540. Since supported accommodation is generally more staffed and in our experience more costly, we query the rationale, and have concern as to whether the true costs to the public purse have been factored.

We also think that the inability to end duty due to intentionality from interim accommodation (see above) (eg arrears) would further increase the number of households that should be considered in this calculation and the debt the LA may end up carrying.

In relation to protection of property, we consider the assumption that this relates to key belongings and not someone's entire possessions to not be in alignment with the practice of the LA. Our interpretation following the Code of Guidance is in relation to the full household items in the main. Given this, either your

quantification requires altering, or the Code of Guidance needs to be updated to reflect this approach. We would estimate therefore that there is a cost associated with this, at a sum of £100/ month for storage unit per person, for the duration assessed. We accept the numbers of offenders would be relatively small, however this will be greater than the near zero sum currently and we estimate on our part potentially 10 persons per year based upon offenders who may now continue to have duty open with the service whilst incarcerated.

In relation to assessing and reporting upon the condition of interim accommodation, we would propose that sums relating to the alteration of databases to capture the information has not been factored in. Further, this would also be the case for some other elements of the proposals which will require database changes. Based upon our experience, the estimated total for Ceredigion Council to make alterations to existing database system as a result of the new legislation would be an estimated £30,000 in one off costs.

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).

Housing