

## **HSHAWB 38 Cyngor Sir | Fynwy Monmouthshire County Council**

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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: Cyngor Sir Fynwy | Evidence from: Monmouthshire County Council

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**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).

**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).

**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).

**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).

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PSAPs:

The Regulatory Impact Assessment (RIA) allows for four hours to complete a PSAP. It is not entirely clear whether this four-hour allocation relates to the creation of the PSAP only, or whether reviews throughout the applicant's journey are included in this time frame. If the former the RIA does not take into consideration the burden of reviewing PSAPs on an eight-weekly basis. If the latter, then this is an unrealistic time frame. It is not uncommon for an applicant to be owed a homeless duty in excess of 18 months. Four hours across this lifecycle will not go very far.

Timescales for the completion have not been given as part of these papers, but as they are due to be reviewed every eight weeks it is assumed that PSAPs will need to be completed at pace. This could cause issues for Monmouthshire's HSG team as support for an applicant cannot always start promptly due to waiting lists for services.

Reviews:

For reasons provided below, MCC anticipates a greater percentage of reviews than accounted for in the RIA. Even if the three and a half hours attributed to completing a review is accurate, and MCC is dubious about this claim, there will be an unmanageable increase in the workload of senior officers. For the amount of work this will produce MCC would expect to require a dedicated reviewing officer. If all LAs require at least one of the same, the costs attributed to the change will be an increase from that given.

Removal of Priority Need:

It is difficult to see how local authorities will be able to meet the demands of removing priority need. Whilst it is understood that this element of the Bill will not be introduced immediately, if it is introduced alongside the abolition of intentionality it is anticipated that homeless presentations will increase again.

Although not in operation in MCC, there are local authorities in Wales who are having to operate waiting lists for temporary accommodation. There are not the resources to meet the current need and it is hard to foresee this situation abating. In these circumstances the absence of priority need would hinder the ability of authorities to ensure that the most vulnerable are accommodated.

Duty to help retain accommodation:

It is unclear how this duty will work with households who may be accommodated out of area, say if a PRS property was found.

It is the interpretation of MCC that this duty will apply if it is felt that a household would not sustain a tenancy without support and thus be at risk of homelessness. If this is the case then there needs to be a clear distinction between the statutory 'risk of homelessness' and a risk of homelessness in the broader sense. This will prevent misunderstandings operationally as housing duties cannot be discharged where there is a threat of homelessness and will set expectations around when support can end (if prior to 12 months).

Further ways to end duty:

To ensure consistent practice across Wales there will need to be clear guidance as to what constitutes violent and threatening conduct to staff.

Requires local housing authorities to make arrangements to promote co-operation:

At present Monmouthshire HSG team promotes joint working on complex cases through the Homelessness Intervention Panel. Membership of the panel is broad. However, there are barriers to working in true partnership, even when encouraged and facilitated. In particular, the HIP has faced difficulties in working with teams across social care due to processes around consent and this has restricted information sharing.

It will also be a challenge to bring services to the table to discuss complex clients whilst the thresholds for accessing other public services remains so high.

Prisoners/ Secure Estate

There are concerns that the legislation regarding the duties for those entering and leaving the secure estate may conflict with the established 'Prisoner Pathway' which could cause confusion and prevent a streamlined, effective system.

## **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).

### PSAPs:

There is no obligation for the applicant to comply with the steps or actions on a PSAP which, if not careful, could become a tool to enable undesirable behaviours rather than challenge and support to make better choices relating to housing.

HSG commissioned services have a huge role in supporting and complimenting the statutory homelessness functions. Now that there is an expectation that these services will be actively involved in providing a statutory function through PSAPs it feels that HSG is being brought closer into the statutory arena, something prohibited by current funding conditions.

### Reviews:

It is unclear what the local authority is expected to do in cases where an applicant requests a review of interim or temporary accommodation prior to accepting the offer. If the LA is expected to accommodate an applicant for the duration of such a review, MCC would very quickly run out of accommodation options.

In the Bill, the right to request a review extends to decisions made about an applicant's assessed support needs. In MCC the assessment of any support needs would be conducted by HSG workers and providers. This again would pull HSG into a statutory sphere.

### Removal of intentionality

In its present form intentionality is a term that is known and used by housing partners to support their clients to make positive choices. In practice, as the data shows, it is rarely applied. It is disappointing that this controversial measure has been taken through to the legislation without further research into its use by housing partners or establishing the outcomes for those to whom intentionality was applied.

Once the intentionality test is removed it will not take long for people to realise that the local authority is duty bound to accommodate regardless of the reasons for the loss of settled accommodation. Unfortunately, there will be people who abuse this system. This will have an impact upon social and private landlords.

### Deliberate Manipulation Test

Whilst it is true that there will be households that try to manipulate the system to obtain social housing, there are households who would be comfortable to remain in TA indefinitely. At present MCC is struggling with households who refuse to move from their TA, even into social housing. Thus, the deliberate manipulation test will have a limited impact.

#### Duty to help retain accommodation

As care leavers are no longer to come through the homelessness process, the duty to help retain accommodation would not apply. This seems to disadvantage a vulnerable group who would benefit from the security of a duty to help retain accommodation.

#### Further ways to end duty

Whilst in agreement that the ability to end housing duties for violent and threatening conduct should exist, MCC believes that this should be applicable to any acts of violent or threatening behaviour linked to LA temporary accommodation. This should include other residents and neighbours.

As it stands if a household is evicted from temporary accommodation not only will they not lose their homeless duty, but they do not also seem to lose the duty to accommodate. If this is read correctly this will cause significant issues for the local authority in managing rent arrears and anti-social behaviour.

### **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).

PSAPs:

The Explanatory Memorandum does not seem to take into consideration the burden of complying with the demands of the PSAP on support providers. Whilst time is allocated for completion on the housing functions, it does not expand to others who will be expected to contribute.

For the PSAPs to work in a streamlined and effective way there is a need to develop a platform where the PSAP will sit that can be accessed across departments and agencies for input. Current systems are not in a position to do

this, and extensive reconfiguration, or even procuring a system, will come at considerable cost.

The staff resources and time required to transfer the backlog of homeless cases from a PHP onto a PSAP has not been accounted for. At present MCC has approximately 400 open cases that may require a PSAP (working under the assumption that all existing homeless cases will require this transfer), that is 1600 hours of work before considering new applications.

Reviews:

The RIA does not take into consideration the number of applicants who are not progressed under a S62 in table 10. It is likely that all of those who are not assessed will challenge in particular a no change in circumstances decision.

The RIA does take into consideration the number of applicants who may request a review on the settled accommodation offered under S75.

It is anticipated that the right to request a review will become a major tool for those advocating for applicants. Once its availability becomes common knowledge there is a real likelihood that the LA will receive requests to review any decision that is not to the applicants liking.

Removal of intentionality

The number of intentional decisions issued in Wales may currently be very small, but these figures do not take into consideration the times intentionality has been used by housing and partners to encourage households to make positive choices around their housing. Once intentionality has been removed this will no longer apply, therefore, MCC does not feel the number of additional households requiring assistance in Table 12 truly reflects the impacts of this decision.

Deliberate Manipulation Test (DMT)

Failure of the DMT will result in a household remaining in temporary accommodation almost indefinitely. Once the option of social housing is removed, and with a housing duty remaining, MCC would need to accommodate households until alternative settled accommodation is located. With a small PRS in Monmouthshire the local authority could become a de facto housing provider. The costs provided in the RIA do not reflect this.

Duty to help retain accommodation

There is a risk, given that HSG funds the support services that will be crucial to this duty, that again HSG could be pulled into a statutory sphere.

The RIA has taken figures relating to loss of rented or tied accommodation only whereas anyone approaching as homeless may require this additional support.

There are waiting lists in operation for some support services in Monmouthshire. That the duty could last a full 12 months would put significant strain on an already overstretched system.

Protection of property: prisoners

MCC does not agree that this duty will be at 'no additional cost'. There could be a requirement to store personal possessions for a number of years. Instead MCC feels stronger direction to authorities in relation to communicating with family/friends to transfer responsibility for personal possessions would have been more beneficial.

**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