

HSHAWB 43 Crisis

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: Crisis | Evidence from: Crisis

Committee Inquiry on the Homelessness and Social Housing Allocations Bill

Crisis response

June 2025



About Crisis

Crisis is the national charity for people facing homelessness across Wales, Scotland and England. We know that homelessness is not inevitable, and we know that together, we can end it.

Our South Wales Skylight provides direct one-to-one support to people who are at risk of or experiencing homelessness in Swansea, Neath or Port Talbot. We help our members find safe and affordable homes and support with accessing benefits, healthcare services and employment opportunities. We also offer a range of learning, social and wellbeing opportunities.

Our Best Practice team works with local authorities, third sector partners, businesses and other organisations on a range of homelessness projects across Wales and Great Britain to identify, test and promote ways of ending homelessness.

Our Wales Policy team works closely with Members of the Senedd from all parties, contributes to working groups and advisory groups, responds to consultations and calls for evidence, and connects with policy teams in other organisations in Wales. In 2022-23, Crisis was proud to be invited to convene the Expert Review Panel, looking at how legislative change can help to end homelessness in Wales.

We are passionate about working collaboratively across the sector to seek positive policy solutions to help end homelessness in Wales.

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?

Crisis warmly welcomes the Bill, which proposes a package of progressive legislative reforms that will ensure we continue our progress towards becoming a nation in which everybody has a safe place to call home, and homelessness is rare, brief and non-recurrent.

Crisis was proud to convene an Expert Review Panel in 2022, which considered how legislative change could help to end homelessness and made recommendations to the Welsh Government. The panel included representatives from local authorities, housing associations, third sector and academia. It consulted widely with professionals across the sector and beyond, and listened to the voices of more than 300 people with lived experience of homelessness. From all corners, there were powerful calls for change.

It is clear – both from our work on the panel and from our day to day work on the frontline that the current law is too slow to respond when people are at risk of homelessness and can lock people out of support when they need it most.

Legislative change has a key role to play in setting out direction and the guidance to which systems operate. In relation to homelessness, therefore, legislation is needed to set out new ways of working which are inclusive, trauma-informed, person-centred and focussed on preventing homelessness at the earliest stage.

The Expert Review Panel recommended a package of reforms, which sought to provide balance across the varying views of wide-ranging stakeholders. Crisis was pleased to see the former White Paper on Ending Homelessness largely reflect this package.

There have been further changes to the proposals within the draft bill since the publication of the White Paper, including – as is outlined in this response - some changes which we would have preferred not to have seen. However, **overall, we are pleased that many of the key items from the panel's proposed package of reforms remain in place.**

Aspects of the Bill which we particularly welcome include; the emphasis on prevention with an increased timeframe for the prevention duty and the

introduction of wider public sector body duties on homelessness; the abolition of intentionality and priority need, which lock people out of support; the introduction of a new duty to offer help to maintain a tenancy; and other measures.

With thousands of people experiencing homelessness in Wales, this legislation is urgently needed. The recent [Homelessness Monitor Wales](#) research indicated that homelessness in Wales has been rising more steeply than elsewhere in Great Britain. It demonstrated that if we don't act now, homelessness could rise by a further 24% by 2041. This research particularly pointed to the importance of driving forward changes to increase allocations to homeless households and improve the scope of homelessness prevention in Wales in order to turn the tide on rates of homelessness – which are coincidentally, two areas of key focus for the Bill.

The measures within this Bill are designed to take prevention upstream and to aid with flow through the system. While it can be challenging to introduce change when housing services are already overstretched, bold action is necessary to ensure that pressures do not build further. The proposed reforms would lead to considerable strides forward, which, in the long-term, will reduce public spending as well as demand on homelessness services.

To this end, Crisis would highlight that while the Bill of course requires investment into training and services in order to be effective, this is not only an invest to save measure, but also a measure to prevent a deepening issue with homelessness in Wales.

As is identified throughout this response, the successful implementation of the Bill will require clear accompanying guidance and monitoring.

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?

Overall, Crisis believes that the provisions within the Bill are workable and will deliver the stated policy intention. While there are some areas where we would emphasise the importance of guidance, monitoring, or seek tweaks, we warmly welcome the Bill overall.

We consider that this legislation would be a significant milestone in Wales' progress towards making homelessness rare, brief and unrepeatable.

Extension of the Prevention Duty to 6 Months: Crisis is strongly in favour of moving the prevention duty upstream. Providing a longer 6 month timeframe for preventative support will not only prevent people from living out the trauma of homelessness, but will also enable councils to support people before they become homeless and their support needs increase. This timeframe also mirrors and supports the 6 month requirement for no-fault eviction notice for private renters.

The Expert Review Panel heard strong and wide evidence for this shift towards preventative support. In addition, our recently published Homelessness Monitor Wales research demonstrated widespread support for this proposal among stakeholders across the sector.

Furthermore, this research demonstrated that the ability to make impact on homelessness prevention is limited by current constraints in the system.¹ We believe that this change, alongside the introduction of wider public sector duties will considerably widen the scope for homelessness prevention in Wales.

Abolition of the Priority Need test: Crisis has long campaigned for the abolition of the Priority Need test. Contrary to what is suggested by its title, the Priority Need test is not a test that creates a priority order in which people receive support. Rather, it is an eligibility test to determine whether a person is entitled to settled housing or not.

Under current legislation, local authorities do not have a legal duty to secure settled accommodation for people who do not have Priority Need status. This means that people who do not fall into the specific priority need categories can access assistance and advice, but are not eligible for the 'Main Housing Duty' under the Housing Wales Act 2014.

This outdated eligibility test locks people out of the support they need to help end their homelessness. Indeed, Crisis members have outlined that the priority need test makes them feel as though councils "*pick and choose who they help*" and that "*the system only works for a select few*".

For many people at risk of or already experiencing homelessness, the test is a significant barrier they have to face with little or no accommodation options whilst facing the trauma of homelessness or the terrifying prospect of not having a safe space to call home. The abolition of this test is an essential part of creating a more person-centred system. Furthermore, since this test locks people out of vital

¹ See page 131, <https://www.crisis.org.uk/media/50jfjipn/the-homelessness-monitor-wales-2025.pdf>

support, its abolition is imperative if Wales is to truly achieve the aim of making homelessness rare, brief and unrepeatable.

The overall projected impact of abolishing priority need is a reduction in the number of households experiencing the worst forms of homelessness in Wales. Indeed, overall core homelessness is expected to fall by 5% by 2041 if Priority Need is abolished.

While we understand the rationale for taking a phased approach to the implementation of the abolition of priority need, we would urge that the Welsh Government sets out a clear time frame and transitional approach. We note that, as outlined in the 2021 Homelessness Monitor, many local authorities are already operating without Priority Need following the “no one left out” approach adopted during the pandemic. Furthermore, the addition of rough sleeping to the Priority need categories in 2022 brought Wales even closer to the abolition of priority need. As such, Crisis does not feel that there should be a significant delay to introducing the abolition of Priority Need – especially given the impact that it will have on creating a more trauma-informed system.

Crisis is keen to ensure that, given the fundamental importance of abolishing Priority Need, a clear timeframe is set out for its removal, so that it cannot be kicked into the long grass. We note that the Explanatory Memorandum refers to abolition by 2030/31 “at the earliest.” **However, for the reasons outlined above, we believe it can and should be introduced before this date.**

We note lessons learnt from the abolition of Priority Need in Scotland, which took place over a 9 year period – a period which in hindsight, research demonstrates stakeholders feel could have been shortened.² Given that the context in Wales is very different and the removal of Priority Need will not represent such a significant change in ways of working (for example, rough sleeping has been added as a Priority Need category), we believe this reinforces the need for a shorter timescale in Wales.

Abolition of the Relief Duty: We would highlight that the proposal to abolish the relief duty was made in direct conjunction with the proposal to abolish Priority Need. In setting out transitional arrangements, it will be important that the abolition of the relief duty is phased in alongside the abolition of Priority Need. To

² Page 52, <https://www.gov.wales/sites/default/files/statistics-and-research/2020-10/review-of-priority-need-in-wales.pdf>

abolish the relief duty ahead of Priority Need would mean that people would miss out on vital support and would be inappropriate.

Abolition of the Intentionality test: The intentionality test was initially introduced with the aim of preventing deliberate system manipulation of the homelessness system. However, the Ombudsman and the Expert Review Panel has seen much evidence that this test is being misinterpreted and misused in ways that do not align with the reasons for which the law was brought in in the first place.

The Public Services [Ombudsman report on homelessness](#) states that “decisions of ‘intentionality’ or ‘ending duties for non-compliance’ were being made without first finding out the reason for behaviours and exploring why clients failed to engage in the process and whether this was due to a lack of support or understanding.” The report gives the example of an elderly woman who was found to be intentionally homeless because she had left the family home after her husband was accused of child abuse.

Being found to be “intentionally homeless” makes it very difficult for people to find a way to build a life beyond homelessness. Once someone is found intentionally homeless, they have very little avenue for support or hope of resolving their homelessness. One Crisis member described that they felt “*suicidal and unwanted*” when they were deemed intentionally homeless.

Ultimately, the intentionality test can push people into unsafe situations, hidden or street homelessness and further complexity of need.

Research from Shelter Cymru shows that intentionality decisions have “resulted ultimately in the continuation and, in many cases, exacerbation of a cycle of unmet support needs with the long-term resource burden that this implies”⁷

Data on housing outcomes of households assessed as intentionally vs unintentionally homeless are not available for Wales or England, but data on Scotland show markedly worse housing outcomes for households where intentionality is applied. In 2023-24 only 39% of households who were ‘intentionally’ homeless or threatened with homelessness secured settled accommodation, compared to 83% of ‘unintentionally’ homeless (or threatened with homelessness) households.⁸ Research has shown the heavy impact that intentionality decisions can have on individuals, leading to rough sleeping and pervasive detrimental effects on health, job prospects, and substance use.¹⁰

For the above reasons, as with Priority Need, Crisis considers the abolition of Intentionality to be a critical pillar in creating a system that looks to make homelessness rare, brief and unrepeatable. Crisis feels a system which labels people

intentionally homeless cannot not be a trauma-informed system – the two concepts are incompatible. The intentionality test is completely contradictory to the trauma-informed ‘no-one left out’ approach to homelessness that this Bill is striving to achieve, and its abolition is an absolute necessity.

We note that in 2023-24, only 90 homelessness cases in Wales were denied a duty on the grounds of being intentionally homeless,⁹ so while the change will be of great benefit to individuals affected, it should not increase cases by significant levels. Rather it is about shifting ways of working in line with the trauma-informed approach.

To this end, we would **urge that, as with Priority Need, and given the underlying importance of abolishing the intentionality test, the Welsh Government provides a clear timeframe for its abolition and that this is not subject to undue delays**. As with Priority Need, we note that the Explanatory Memorandum highlights that abolition will be by 2030/31 at the earliest. **We feel, given all the points raised above, that this should be earlier.**

Introduction of a new Deliberate Manipulation Test: Crisis would not call for the introduction of this test, but we understand that it is being introduced to alleviate concerns local authorities hold on abolishing intentionality. The Deliberate Manipulation Test was part of the Expert Review Panel’s recommended package of reforms in response to calls from local authorities to retain a deterrent for manipulating the system in order to access social housing. It seeks to provide a less punitive measure than the current intentionality test.

Crisis believes this test is preferable to the intentionality test because it does not lock people out of support. Rather, it applies at allocations stage so that, should a person deliberately manipulate the system to become homeless, they would lose the reasonable preference to access social housing that others are afforded through their homelessness status.

Crisis is keen to ensure that the guidance and wording around this test does not stretch beyond proportion and the intended purpose of losing the reasonable preference held as a result of homeless status. Indeed, households may hold reasonable preferences for other reasons – as is outlined in section 167 of the Housing Act 1996 (including, for example, needing to move on medical grounds or occupying insanitary accommodation). Individuals should not be stripped of further reasonable preferences afforded to them for these other reasons.

It will also be important to ensure that the test does not operate with local policies or approaches to the eligibility to the housing register (see our views on

this new provision later on in the response) to have the effect of entirely excluding people found to have "deliberately manipulated the system" from the housing register. This would be out of proportion and to the detriment of wider aims of the legislation.

We would also draw attention to the Expert Review Panel's suggestion that the deterrent for those found to have deliberately manipulated the system, should be applied over a time period. This is more appropriate than an indefinite application and should be carefully considered.

In light of the wide misapplication of the current intentionality test, Crisis would also urge that this is an area in need of clear guidance and on which the Welsh Government should collate data and monitor its implementation. It is important that the use of this test is reserved for only a very small number of people who have deliberately sought to gain access to social housing.

It is also important to ensure that, within its application, this test takes full account of where it would be unreasonable to expect someone to remain in accommodation. For example, the current intentionality test has been utilised against people for leaving rental accommodation before the bailiffs arrive – despite having been served an eviction notice with an elapsed timeframe. We must ensure that such practices do not continue under the new deliberate manipulation test.

Given that the Deliberate Manipulation Test was created to balance the abolition of Priority Need, it is important that this test is not introduced before intentionality is phased out.

Changes to the local connection test: Crisis has long campaigned for the complete abolition of the local connection test because it can run contrary to a trauma-informed approach. For many people, this test creates a significant barrier to finding a place to live where they feel safe and settled.

Indeed, the Expert Review Panel heard many cases whereby the local connection test has blocked people from accessing support and they have felt unable to return to a local authority where they have a local connection. For example, the panel heard from people who felt they could not return to their home authority for various reasons – including escaping judgement and abuse for their sexuality or needing to move away from former connections in order to move forward on a journey with substance misuse.

The panel also heard an "array of evidence from research, stakeholders and experts by experience which shows that the local connection test is being

interpreted and applied inconsistently across Wales, sometimes unlawfully, and often in a way that is not trauma-informed, person-centred or in alignment with the wider principles of prevention.”³

Despite this strong evidence, the panel heard mixed and strong views regarding its abolition – while many felt strongly that the test should be abolished, local authorities were firm on the need to retain the test.

The panel considered whether a mechanism could be developed to facilitate the abolition of local connection and alleviate local authority concerns. In particular, whether a mechanism might be able to provide assurances around fairly distributing the cost of supporting applicants from other areas. However, local housing authorities and, in particular, the local authority reference group advising the panel, sent a clear signal that more work would be needed on how such systems would operate. The further exploration and research of such mechanisms was not possible within the timeframe that the panel was operating.

As such, the Expert Review Panel sought to balance the strength of feeling among different stakeholders by recommending that the duty be retained, but softened for groups known to be at particular risk. It recommended that additional exemptions to the local connection test be given to groups who are known to be at particular risk of being disadvantaged by the local connection test (for those who are care-experienced; veterans and those who cohabited with them during their time in service; those at risk of abuse or are traumatised by abuse; prison leavers who specifically require a fresh start). In addition, the panel recommended that guidance on special circumstances for exemption be improved - with specific consideration to the following groups: young people aged 25 and under; members of the LGBTQ+ community; disabled applicants who require specific support; Gypsy, Roma, Traveller communities; people seeking recovery from substance misuse; refugees and former asylum seekers who have been granted leave to remain in the country.

We were hopeful that the exemptions to the test proposed in the White Paper would provide protection for groups who are particularly disadvantaged by the test and were disappointed that these have not been included in the draft Bill.

We note the powers within the draft Bill for the Welsh Government to add to groups as exempt from the test in the future, but would have strongly preferred these to be included from the outset. As a minimum we would urge that data on

³ See page 23, <https://www.crisis.org.uk/media/uqgbuwpp/ending-homelessness-in-wales-a-legislative-review.pdf>

local connection and its impact for different at risk groups is kept under review with a view to utilising the powers to add exemptions/review the test in the future. We also urge that guidance is developed on “special circumstances” for exemption from local connection, in line with the panel recommendations and giving particular consideration to the groups identified by the panel.

We believe that, where a person is being referred to an alternative local authority, interim and emergency accommodation must be provided to protect that person until they can access support in the alternative area.

We would also draw the Committee’s attention to the fact that, if a person has been experiencing homelessness for a long period of time, they may not have been able to establish a local connection to any area or local authority at all, or they may struggle to provide evidence of any connection. We feel it is important that people in this situation are supported by the homelessness support system, but at present hold concerns that the current wording of the Bill does not protect people who have no local connection at all. While this instance may be rare, it is of course critical that these people are able to access support. **We would urge that further consideration is given to how the new iteration of the local connection test does not exclude people with no local connection.**

Changing the definition of abuse: Crisis welcomes this change, which is in line with the Expert Review Panel’s recommendation and provides much needed improved protections for people fleeing domestic abuse.

Prevention, accommodation and support plans: Crisis welcomes the introduction of these plans, which reflect recommendations from the Expert Review Panel on requiring housing services to provide clear, accessible and regular communication with people who are experiencing homelessness. Experiencing homelessness is traumatic in and of itself, but the current lack of transparency in the system and poor communication can add to the stress.

We welcome the inclusion of the need to record (and ultimately consider) applicant views. **We would urge that the PSAPs also include reference to recording the applicant views on suitability – as was suggested by the panel.** Consideration of what makes a home suitable underpins a person-centred approach.

Crisis is keen to ensure statutory guidance assists ensuring these documents hold key information.

Crisis members suggested that these plans should include “*cultural and background sensitivity*” and “*other factors that contribute towards homelessness*.”

Crisis notes that 63A(15) states: “A notification under this section or a copy of any document comprising or forming part of a plan, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority’s office for a reasonable period for collection by or on behalf of the applicant.” We believe it will be important that every effort is made to contact the applicant to alert them to the availability of the documentation.

Duty to offer help to retain accommodation: We welcome the inclusion of this new duty, which is in line with the Welsh Government’s aim of moving towards a rapid rehousing approach and recognises that people can be at heightened risk of repeated homelessness.

We feel that this duty is nicely complemented by the extended duty to co-operate on wider public services.

Crisis is keen to understand more about how this duty will operate in practice – including whether eligibility for this offer will link to the PSAP and whether the PSAP will remain live while the help remains in place. We are also keen to understand more about guidance around this duty. At Crisis, we hope that the support offered would be tailored to the needs of the individual and may include a host of different types of support, as is appropriate to the individual’s needs.

Crisis members have suggested that support would be particularly useful when they have moved into a home:

“Important for people to know support is available, especially if it first time living alone.”

We welcome this new duty as a positive step forward. However, we would suggest that the 12-month cap should be more flexible to ensure that the support provided under this duty is person-centred. Allowing for flexibility as opposed to a strict cap would be in the interests of both the individual and the local authority who would wish to avoid repeat homelessness and pursue a preventative approach. Our preference would be to not have a cap on the timeframe of support, but even a discretionary power to extend the timeframe for support would be welcome.

Circumstances in which the duty to secure accommodation comes to an end: This section of the Bill is broadly aligned with the Expert Review Panel’s

recommendation to respond to local authority concerns that services are overstretched and to assist with flow through the system. There may also be times where an applicant is happy to end their homelessness other than through the PRS or social housing.

However, it is imperative that certain safeguards accompany this expansion of ways in which the main housing duty can be discharged as an individual should not feel pressurised to take an alternative route of discharge where this is not in-line with their wishes.

While many of the panel's recommended safeguards appear in the Bill, we feel it is important to include the offering of independent advice to a person before they accept discharge of the duty in this way. We would urge that this be included on the face of the Bill given the significance of the protection it provides.

In addition, we would suggest that this aspect of the Bill be closely monitored post implementation.

Further circumstances in which duties to help applicants end: This test, currently known as "failure to co-operate" has the effect of locking people out of support and needs, therefore, to be applied extremely carefully.

The panel heard significant evidence that the failure to co-operate clause is "a blunt tool, which can be open to interpretation". Evidence was received to demonstrate that this clause can be misapplied where an individual's uncooperativeness is misconstrued when, in fact, it is as a result of unmet support needs. As a result, this test can leave an applicant who already has vulnerabilities ever more vulnerable.

The panel heard examples of people being deemed as failing to engage when they had only missed one appointment (for example, an applicant had missed an appointment due to a clash with a probation meeting) or their communication needs had not been met.

While there were calls to abolish the failure to co-operate test, the panel also heard calls for its retention. As such, the panel looked to recommend a narrowed test, which focused instead on persistent non-communication and threatening behaviour towards staff.

Crisis is pleased to see the Bill taking on board learnings around the misapplication of "failure to co-operate" clause in the current law, whereby applicants have been unfairly dismissed from support for communication reasons.

The Bill offers welcome clarity that repeated communication attempts must be made before deeming that person to have “failed to co-operate.”

Crisis considers that guidance accompanying the Bill will be needed to help ensure the effective and trauma informed implementation of this. For example, we are keen to ensure that the timeframe is reasonable between providing the notice that the local authority is minded to make the decision to discharge on the basis of lack of co-operation and pursuing this action.

Furthermore, we note that the Bill states: “A warning notice under subsection (7) must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority’s office for a reasonable period for collection by or on behalf of the applicant.” We believe that every effort must be made to contact the applicant to let them know that information is available to them.

We welcome the clarification that the risk of unacceptable behaviour should be assessed in the current context. At present, people are often locked out of systems for behaviours in the past that resulted from very specific circumstances that may no longer be the case. **Guidance and monitoring will be critical in supporting implementation of this clause, ensuring that it is utilised correctly and with a trauma-informed approach.**

Crisis is, however, disappointed to see the inclusion of property damage within this aspect of the Bill, which was not recommended by the panel. We believe that property damage falls within criminal law. There is scope for this aspect of the Bill to be applied in a non-trauma-informed way and the consequences are significant – once found to be failing to co-operate, people can be locked out of support.

We also query whether, in its current form, people who reside with a person who damages property through domestic abuse may be disadvantaged as a result.

In general, Crisis considers that application of the failure to co-operate clause is closely monitored. It is also important that applicants are able to challenge decisions on their failure to co-operate.

Duty of a public authority to ask and act:

Crisis welcomes the introduction of these duties and believes that they are strengthened by the inclusion of the accompanying co-operation duty.

The Expert Review Panel heard strong evidence from wide-ranging stakeholders – including professionals and people with lived experience of homelessness - on the need to establish duties and collaboration between key public sector bodies. The enthusiasm for these new duties was also reiterated by survey respondents and key informants to our recent Homelessness Monitor Wales.

Furthermore, members at our Crisis South Wales Skylight have also expressed the importance of introducing these duties. One Crisis member called for:

“An integration of services throughout all sectors including mental health, physical health, addiction services, DV & SV services, police & probation, homelessness, training & employment, treatment and therapy etc... The treadmill of trauma that is currently available blatantly isn’t working.”

Bringing forward these duties for the public sector bodies listed within the Bill holds significant potential to make strides forward in homelessness prevention.

Crisis would emphasise the importance of developing guidance and training to implement these duties. In particular, we would urge that clarity is provided on what is expected of public service professionals under the ‘ask’ part of the duty and the connection to the assessment that it “considers” a person may be homeless or at risk of homelessness. **It will be important that this aspect of the duty encapsulates the wider ways, in addition to asking, in which public services can help to identify that a person may be at risk of or experiencing homelessness.**

Within the guidance on the duty, consideration should also be given to the terminology utilised by services in ascertaining whether a person is at risk of or experiencing homelessness. This is because the public can hold varying views on the meaning of homelessness – often there can be a misconception that this term only applies to street sleeping, whereas it should encompass other forms of homelessness too, for example, sofa surfing or living in unsafe or unconventional accommodation.

It is also clear that some people may not feel comfortable divulging that they are at risk of homelessness due to the stigma attached to homelessness. The public sector duties can be particularly helpful in ensuring that these people are supported. Again, guidance and training will be helpful in this regard.

Training and guidance should also include clear protocols for information sharing between agencies, which is often a barrier for collaborative multiagency working. When we surveyed Crisis members on how working across public services could be improved, a key theme was improvement of communication and information sharing between public services. Members told us:

“Communication is key and needs to be improved.”

“I think doctors and the job centre should be more effective when passing information on to housing options so they can process peoples’ applications more fairly”

Often, homeless applicants have to take on the responsibility of chasing their medical records for use as part of their homelessness/housing application. Better communication between services would prevent the burden falling to the applicant, who may be overwhelmed by the trauma that comes with experiencing homelessness, or may have limited access to a phone or internet. As suggested by one Crisis member:

“They [Housing Options] should work closer with medical/ health staff to get medical evidence.”

With regards to the list of public bodies subject to this duty, we are pleased to see the bodies included within the list and believe improved collaborative working across these organisations will make a significant difference to homelessness prevention for many people.

However, we also note that there is a welcome power to add to the list of public sector bodies under this duty in the future. We would urge that the Welsh Government continues in earnest conversations with other relevant bodies/departments/UK Government as outlined within the original White Paper with a view to further extending these duties in the future. In particular, this includes:

- The police
- DWP (rather than solely Job Centre Plus)
- Home Office
- Education
- Primary care (we understand that are considerations around general practitioners and contract negotiations, but primary care also includes broader services such as community mental health services. Given that mental health difficulties can be both a contributing factor and a consequence of homelessness, it would be highly beneficial to include primary mental health services, among other primary care services too).

Ensuring that these organisations are added to the list of bodies under the new duties would help to make an even greater impact on homelessness prevention. Indeed, these bodies are often a key point of contact for individuals who might not come into contact with or be aware of housing option services.

While, as highlighted above, we feel that guidance and training will be key in effectively implementing these duties, we are keen to see them phased in as soon as is possible, given the significant impact that they can have on prevention.

Protections for care leavers: Crisis understands that care leavers can be at increased risk of homelessness and therefore warmly welcomes the protections this Bill seeks to provide to this group.

We understand that there have been concerns expressed about the impact of removing Priority Need for care leavers, who currently form one of the Priority Need category groups. Crisis understands that this group is at increased risk of homelessness and requires particular protection, but it is important that Priority Need is abolished in order to prevent locking others out from key support. This can often include people who are care-experienced. Indeed, we know that the increased risk of homelessness among care leavers often continues into later life but the Priority Need status no longer applies as these individuals grow older.

With these points in mind, the protections within this Bill – including the enhanced reasonable preference for access to social housing - present important means of providing protection to care leavers, which we consider outweigh concerns of any impact for this group emerging from the abolition of Priority Need.

Prisoners and prison leavers: Crisis knows that this group can be at increased risk of homelessness, we welcome the introduction of measures which seek to improve support for this group, and the inclusion of secure estates and probation services within the public sector duties.

We are pleased to see the inclusion of a duty to provide information, advice and assistance to detained persons. At Crisis, we know that people who are detained can often be at risk of losing their home while serving their sentence and that they can also face increased barriers when leaving prison and seeking a secure home too. It is imperative, in line with the Expert Review Panel recommendations, that this group are able to access timely assessments and advice – both upon reception and in advance of release. The inclusion of probation services and others within the wider public sector duties will be helpful in delivering this aim. However, guidance will also play a critical role too.

We also welcome the new duty to take reasonable steps to prevent the loss or mitigate damage of personal property of prisoners in receipt of homelessness duties. We are aware that in losing accommodation while serving a sentence, prisoners can also lose personal possessions stored within that accommodation.

This can have a significant impact on the person and their ability to rebuild their lives after serving their time in prison.

Furthermore, we welcome the inclusion of new provisions for local authorities to take reasonable steps for people to view accommodation in person or otherwise. This flexibility will be of benefit to prison leavers – and again, guidance will be helpful in this regard.

There are a few aspects of the Bill on prisoner support, where clarification will be helpful. Firstly, the Bill emphasises that the main duty to secure housing does not apply if there is “no reasonable prospect” of release within six months, and instead they are eligible for the prevention duty. While we understand the reason for this measure, it will be important to consider how the “reasonable prospect of release” is interpreted and aligned with sentencing guidelines.

We would also suggest that particular consideration is given to how the prevention duty will work for prison leavers being released to reside in Approved Premises. The maximum length of time that can be spent in Approved Premises is 12 weeks, and people who are released to Approved Premises often have complex housing needs. It is important to ensure that a preventative approach is provided to enable these prison leavers to access long term accommodation after they leave Approved Premises.

In terms of the local connection test for prisoners, we understand the policy intention behind introducing the provision that a local connection referral cannot be made after two weeks of a local authority having accepted a homelessness duty. For many, consistency of planning is critical and it would not be fair for prison leavers to be passed between services. However, we are also mindful that a person’s circumstances can change drastically prior to release from prison. Therefore, we would suggest that a prison leaver themselves could have the right to request a local connection referral to another local authority due to a material change of circumstances beyond the two-week limit.

We are aware that the Welsh Government is looking at a range of guidance for prison leavers, including revising the national pathway, which is welcome.

Reports on use and condition of interim accommodation: We welcome the requirement to report on the condition of interim accommodation. Quality of temporary accommodation can have a substantial impact on people’s wellbeing – especially where they are already experiencing the trauma of homelessness. It is imperative that the Welsh Government keeps this under review. These reviews should continue to hold in mind the principles of rapid rehousing – that is to say

that interim accommodation should be of good quality and that people should be moved as swiftly as possible into permanent accommodation.

Crisis notes that the Expert Review Panel recommendation was to report every three years, which would be preferable to a five-year cycle.

Duty to seek the views of homeless persons in exercise of homelessness functions: Crisis warmly welcomes this provision, which acknowledges the expertise of people with lived experience and the essential support they can provide in developing trauma-informed and person-centred approaches.

Crisis considers people with lived experience of homelessness to be experts by experience and their meaningful engagement in shaping systems is essential. We were, indeed, grateful to the more than 300 experts by experience who informed the work of the Expert Review Panel by sharing their views.

Guidance will be beneficial to help ensure that these opportunities are accessible to experts by experience with different communication needs, as well as trauma-informed.

Protocol for handling cases involving persons in particular need of support: Crisis recognises that systems can be particularly difficult for people with complex needs to navigate and case-coordination can be critical in supporting a person through this journey. We therefore warmly welcome this provision, which is in line with a recommendation from the panel to provide a case co-ordination approach for people with complex needs.

However, we would question the Explanatory Memorandum which sets out that the “Welsh Government does not intend to specify a model protocol”. While we understand the need for local arrangements, centralised guidance can be helpful in providing direction.

Viewing accommodation: We welcome measures to help ensure people can view accommodation in order to make informed decisions as to whether it is suitable for them or not

Rights of Review: We welcome the inclusion of rights for applicants to request a review at key stages, and duties to inform applicants of these rights.

Furthermore, we welcome the extended timeframe for right to request a review of suitability of temporary accommodation, although with people currently staying in temporary accommodation longer than 6 months, consideration could have

been given to extending this further. Indeed, the panel recommended that individuals should be able to request a review at any time.

However, **We note that there is no right to review on failure to take reasonable steps under the prevention duty, and feel that this would be a beneficial addition.**

Co-operation between social landlords and local housing authorities: Crisis very warmly welcomes the introduction of this measure. Our research, and evidence heard by the Expert Review Panel indicates that, while there is existing good practice among RSLs in allocating to homeless households, this good practice is not consistent across Wales. Indeed, on the matter of housing association allocations to homeless households, our recent Homelessness Monitor for Wales reported:

*"LAs were divided [...] on whether housing association allocations to homeless households are high enough. Six (of 16) LAs were of the view that levels are not high enough, five disagreed and four were neutral. Again, this is likely to reflect that the contribution of housing associations varies significantly..."*⁴

The Homeless Monitor Wales research also uses modelling to project the impact policy change can have on levels of homelessness. Of the policy changes modelled, increasing social housing allocations to homeless households was found to have the most significant impact in the short and medium term in Wales and one of the most significant impacts in the longer term too.⁵

With, this in mind, Crisis believes it is critical to introduce measures to help address areas where housing association allocations are lower and is, therefore, pleased to see this power within the Bill.

The introduction of this power was recommended by the Expert Review Panel and is based on a similar power that is already in use in Scotland. It is designed to be flexible so that it can be used where local authorities deem it helpful and does not need to be utilised where it is not needed and good co-operation already exists. The panel considers that the very existence of this power will help to facilitate improved co-operation.

Crisis would highlight the importance of ensuring that the clause enabling RSLs to identify a "good reason" for not complying with a local authority request is used

⁴ See page 52, <https://www.crisis.org.uk/media/50jfjipn/the-homelessness-monitor-wales-2025.pdf>

⁵ See page 131, <https://www.crisis.org.uk/media/50jfjipn/the-homelessness-monitor-wales-2025.pdf>

appropriately. If this measure is to be effective, this clause cannot be called upon as the norm.

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?

The availability of social housing plays a key role in preventing and ending homelessness, and the social housing allocations process needs to work fairly and efficiently to this end. We broadly welcome measures in relation to social housing allocations within the Bill (noting our caution on setting out qualifying criteria).

Of course, we are disappointed that proposals in the White Paper to introduce an on/off power to give additional enhanced reasonable preference to homeless households in times of crisis has not made it through to the Bill. In particular, we consider that the on/off nature of this proposal was misconstrued by many during the consultation of the white paper, which may have guided some of the responses received against this proposal.

However, as indicated above, we are pleased that other key measures on allocations have been carried through, and we particularly welcome the power identified in part 1 of the Bill around co-operation between RSLs and local authorities.

Enabling local authorities to set out qualifying criteria for social housing:

The Expert Review Panel recommended that there be an ability for local authorities to remove people not in housing need from social housing waiting lists. This recommendation was in response to local authority calls around flow through the system. This proposal differs by setting out qualifying criteria.

Crisis notes that this criteria would need to include the reasonable preference groups – so that should include homeless households, and is an important protection. Nevertheless, this holds potential for unintended consequences and guidance and monitoring will be crucial to ensure this is appropriately applied.

As highlighted above, it will also be important that people who are homeless but are found to have deliberately manipulated the system (and have therefore lost their reasonable preference in relation to their homeless status), are not excluded from eligibility entirely. The policy intention has always been that such individuals lose the reasonable preference that they would otherwise have had to social housing through their homeless status, not that they lose eligibility altogether.

No preference for persons who try to manipulate the housing system: We have set out our views on the introduction of deliberate manipulation test earlier in this response, alongside our views on the importance of abolishing intentionality.

While this new deliberate manipulation test is not something that Crisis would have called for, we understand the Welsh Government's decision to implement a test to address local authority concerns that a small number of individuals might deliberately manipulate the homelessness system for the purposes of gaining priority access to social housing. This recommendation formed part of the package of reforms recommended by the panel.

We believe that this test is less punitive than the current intentionality test that it seeks to replace, since it does not shut people out of homelessness support.

There is a need to pay careful attention to the wording and guidance around this clause to ensure it meets the policy intention of removing the reasonable preference the individual would have otherwise received through their homeless status – and not removing them of their eligibility to social housing altogether.

We would also draw attention to the Expert Review Panel's suggestion that the deterrent for those found to have deliberately manipulated the system, should be applied over a time period. This is more appropriate than an indefinite application and should be carefully considered.

As a test created with a very small number of people in mind, it is imperative that the use of such a test is carefully administered with considered guidance and closely monitored. There must also be an appropriate mechanism for appeal if an individual is subject to sanctions as a result of this test.

Furthermore, as outlined above, this test should not be introduced prior to the abolition of intentionality given the intention that this clause replace intentionality.

Preference for young people leaving care: Crisis understands the increased risks facing young people leaving care and supports this measure.

Housing registers We support the proposal that local authorities in Wales are legally required to hold a common housing register, as well as an accessible housing register. Both of these provisions were recommended by the panel, in addition to a requirement for Common Allocation Policies, which we hope the Welsh Government will pursue through other means.

We know that disabled people can face particular barriers in accessing suitable housing and that the Equality and Human Housing Commission has highlighted the important role of accessible housing registers.

As the detail is developed around accessible housing register proposals, we would encourage recognition of the fact that 'accessible' is not a catch all term and disabled people are not a homogenous group. A property that is accessible to one disabled person may not be accessible to another. Accessible housing registers must contain detail about which features of the property are considered accessible so as to appropriately match an individual to a property accessible to them.

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?

As outlined elsewhere within this response, Crisis is keen to establish a firmer picture of the transitional approach for this legislation.

While we appreciate the need to phase in changes, **we are concerned by reference to a ten-year time frame and to holding on abolishing Priority Need and Intentionality until 2030/31.** These feel like long timeframes for changes that are much needed to prevent the further escalation of homelessness needs. In particular, 2030 and 2031 feel like long timeframes for introducing two tests which are not currently widely used, but of course, have a significant impact for the individuals who are affected by their use. **We consider that the abolition of these tests should be brought in over a shorter timeframe.**

Given the central importance of abolishing Priority Need and Intentionality to the trauma-informed and progressive nature of the Bill, Crisis strongly urges that a commencement order sets out a timeframe. Having a known date will assist local authorities in their planning for the change and will also prevent these essential changes from being pushed into the long grass in the next Senedd term.

We are also keen to establish more detail on the transitional approach – for example, ensuring that provisions designed to work alongside the abolition of existing clauses are not phased in prior to those clauses being abolished. **In particular, it would be damaging to abolish the relief duty ahead of priority need and to introduce the new deliberate manipulation clause ahead of abolishing intentionality.**

5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

As with any legislative change, there are barriers to effective implementation – but these barriers are not insurmountable. It is clear, as outlined in response to question one, that this legislative change is very much needed, and so we believe that the investment and regard to overcome these barriers is very much worthwhile.

We will need to carefully consider how to balance managing these barriers while not waiting too long to introduce the legislation given the impact that it will have on reducing trauma, levels of homelessness, and escalating demand on services.

Shortage of social homes

Firstly, the undersupply of social homes in Wales represents both a challenge and an emphasis on the need for introducing the Bill.

The National Action Plan to end homelessness was clear that both legislative change and social housing are key. Furthermore, the Expert Review Panel was clear that if this legislation is to turn the dial on homelessness rates, we must also see investment to increase the supply of housing so that it meets the needs of the population.

It is also clear that the legislation will look to alleviate pressures on the system – through its prevention measures and (albeit to a lesser extent) the increased ways to discharge the main housing duty.

We must invest in building social homes at pace, but also, in planning in the phased approach of the legislation, we must not unnecessarily delay ambition for progressive and fundamental legal reform.

Cross-public sector system design

In terms of the new Ask and Act duty and the extended duty to co-operate, it is likely that ways of implementing this and the actions that can be taken will look different across the different services. Working with partners to consider a nuanced, tailored approach to joint working for each public service will help to make these duties a success.

We would suggest learning from good practice that already exists across Wales and beyond. Extensive research has been carried out on multi-disciplinary working within health settings and learnings from this work can be extended to apply to a cross-sector response to homelessness. With regard to links between homelessness and health, particularly in secondary care, it would be useful to

consult with Cardiff and Vale Health Inclusion Service (CAVHIS), and Pathway, the UK's leading homeless healthcare charity.

Beyond health, Crisis' Critical Time Intervention team could assist in advising on strengthening links between homelessness and prison and probation services, and if the duties are to be extended to education, it would be advisable to consult Upstream Cymru.

It would also be helpful to learn from the upcoming pilot looking at the effective implementation of Ask and Act duties in Scotland.

In addition, information sharing protocols could be of assistance.

The panel recommended that regulatory bodies could also play a role in helping to hold authorities accountable for these new duties.

Culture and awareness raising – within the housing sector and across wider public sector bodies

It will be essential that frontline housing and homeless services are trained on the new legislation and trauma-informed approaches.

Organisations under the new public sector duties will also need training on the different types of homelessness and the causes and consequences of homelessness, alongside the new public service duties.

These changes in culture will need to be achieved through comprehensive training and leaders taking accountability for ensuring that the training is reflected in practice.

Oversight and leadership

Research by Pathway and Crisis highlights that a shortcoming of the Duty to Refer in hospital settings in England is a lack of effective governance, oversight, and accountability at both local and national level.⁶

The Expert Review Panel recommended the introduction of new Joint Homelessness Boards, which would help to monitor whether services are working

⁶ Page, E. and Hicks, C. (2023) *Beyond the Ward – Exploring the Duty to Refer in Hospital Settings*. Pathway and Crisis.

collaboratively to resolve homelessness, discuss complex cases, share existing good practice, and investigate where there are incidents of a serious nature.

Crisis was pleased that the Welsh Government's Ending Homelessness White Paper supported the principle of this recommendation, committing to exploring how existing partnership functions or boards might be able to deliver these policy aims. We urge that this exploration continues. For example, it could be helpful to explore how Regional Partnership Boards can support the legislative change.

Resource

The importance of investing in our homeless workforce to deliver their key role in this legislation is clear. As outlined at the start of this response, Crisis considers that such investment is imperative to avoid both the significant human and financial cost of escalating levels of homelessness in Wales.

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?)

As outlined throughout the response, Crisis considers that guidance will be critical to the delivery of much of the Bill and, as such, we welcome the inclusion here of a number of key aspects of guidance. We would reiterate that there are a number of other areas across the legislation whereby guidance and monitoring will be critical.

As outlined earlier, we at Crisis also feel strongly about further extending the list of bodies under the ask, act and co-operation duties. While we would have wished for the list of public sector bodies in the Bill to encompass all of those outlined within the White Paper, we understand that discussions – particularly regarding bodies under reserved power - can take time. The power enabling Ministers to add to the list of public sector bodies in the future is therefore welcome. We would urge that the Welsh Government continues conservations with a view to utilising these powers at the earliest opportunity.

In addition, as outlined earlier, the local connection test creates a significant barrier for many people. While we would have preferred to have seen exemptions for groups at known risk included within the Bill, if this is not possible, these powers for the Welsh Government to add to the list of local connection exemptions in the future are vitally important.

Furthermore, we have outlined within this consultation our reservations about the new ability for local authorities to outline eligibility for the social housing list. If this provision remains, it will be important to have the ability to centrally set boundaries around this, as is described in this table.

It will be critical that the Bill is phased in effectively. **We urge, as outlined across this response, that commencement orders consider feasible timeframes, but do not create an unnecessary delay to introducing these life-changing measures.** In particular, we would welcome further consideration of a named implementation date for abolishing intentionality and Priority Need.

7. Are there any unintended consequences likely to arise from the Bill?

As highlighted above, we are disappointed to see the inclusion of property damage listed within further circumstances in which duties to help applicants end. We are painfully aware that, if applied, this aspect of the law will lock people out of support. Furthermore, we are concerned as to whether this measure will be applied in a trauma-informed way, which considers the reasons as to why someone is causing damage.

In addition, we highlight that there may be unintended consequences within the current wording of the Bill for property damage in relation to people who are residing with someone who is abusive, and dismissed from support by having resided with that abusive person.

As outlined earlier, we are also keen to ensure that the deliberate manipulation test does not become more punitive than intended. The test was intended only to remove a person's reasonable preference for social housing allocation associated with their homeless status – not to exclude them completely from social housing. The removal of the reasonable preference provides a sufficient deterrent without impacting flow through the system or locking people completely out of support.

Crisis is particularly keen to ensure that this test is used as was intended, especially in light of the way in which we have seen intentionality misapplied. For example, in some parts of Wales, we have seen intentionality misapplied with some applicants being advised by councils that if they leave a rental home before the bailiffs arrive, they will be deemed to have made themselves intentionally homeless. Others have been found to be “intentionally homeless” for falling into rent arrears, which is an inappropriate use of this clause. **We must avoid similar**

practices and misapplication of the law from continuing under the deliberate manipulation test. To this end, guidance is needed and it will also be important to ensure that data is collated and monitored on the use of this test.

Similarly, Crisis would emphasise the need to highlight the provision of independent advice before an applicant agrees to an alternative means of discharging their housing duty under section 7 of the Act. The application of this section of the law should also be closely monitored.

Furthermore, as highlighted, Crisis is keen to ensure that the Bill includes an amendment so that people who have no local connection to any area are able to access support.

Crisis, as identified within this paper, also has reservations about the power for local authorities to set out eligibility for the social housing lists. There is potential for this to be misapplied and clear and careful guidance will be required.

Guidance and monitoring will be critical across multiple other aspects of the Bill, including around section 96A (4) which enables RSLs to refuse a local authority request to house a homeless household if there are “good reasons for not doing so”. While Crisis understands this clause is required, clear guidance will be required and data on the usage of this monitored. It is important that the use of this clause remains the exception and not the norm.

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?

Crisis considers that while these proposals incur costs and resourcing, they also present a significant opportunity to “invest to save” with the long-term benefits of this transformative programme of legislative reform representing a fundamental part of the Welsh Government’s wider strategy to make homelessness rare, brief and unpeated. Prolonged homelessness is not only traumatic on a personal level, but can also be costly to the public purse as longer-term homelessness often leads to increased and more complex health and support needs.

In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unpeated.

We acknowledge that this legislative process is set against a backdrop of significant financial difficulty and high workloads across housing services, but we must not let the current economic context dilute our ambition to implement

ground-breaking systemic change that will have such a long-lasting positive impact on the current and future generations of Wales.

Without shifting to a more preventative approach, homelessness presentations and the pressures on our system will continue to increase. The recent Homelessness Monitor for Wales projects that – without policy change – core homelessness in Wales would rise by a further 24% by 2041. This Bill represents bold actions that will turn this tide.

9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

Crisis would take this opportunity to reiterate that we welcome the principles and overall approach across the Bill, which represents a package of reforms that would make a significant difference in making homelessness rare, brief and unrepeatable.

As identified above, there are aspects of the Bill where we recommend amendments, monitoring or careful guidance in order to secure effective implementation.

In addition, we strongly urge that clear transitional arrangements for the abolition of intentionality and priority need are established.

Further information

Thank you for taking the time to consider this response. Crisis is happy to provide further information. Please do not hesitate to contact us.

Jasmine Harris, Senior Policy and Public Affairs Officer, Wales:
Jasmine.Harris@crisis.org.uk

Debbie Thomas, Head of Policy and Communications, Wales:
Debbie.Thomas@crisis.org.uk