

HSHAWB 44 Cyngor Abertawe | Swansea 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 Abertawe | Evidence from: Swansea University

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?

(We would be grateful if you could keep your answer to around 500 words).

We don't agree that the proposals will increase the prevention of homelessness. We believe that this Bill is likely to lead to more homelessness cases within the system and this will impact greatly on officers' caseloads. Historically very few of our prevention cases have been closed as a result of being able to stay in their own home and in the vast majority of cases we have needed to help them find alternative accommodation. The majority of which has been into social housing. We are concerned about the ability to prevent homelessness in this way due to having more cases in the system and more households in temporary accommodation.

In many cases we are working with individuals prior to the 56 days so in some ways legislation is not necessary as good practice is already happening within LAs. We have historically worked with prevention cases as early as possible and we are currently working with prevention where a notice has been issued by a landlord 3 months before the notice expires. Therefore, we feel that having this in guidance rather than legislation is a better approach.

There will also be an impact on the time households spend in temporary accommodation. Currently, a number of households have been in temporary accommodation for over 6 months and we are concerned that the proposals will mean that households will spend longer in unsuitable temporary accommodation.

There is nothing in our monitoring to indicate that the climate in which we are currently operating and the housing crisis is going to improve in the immediate future. This needs to be considered in the timescale for implementation, due to the ongoing problems with limited availability of

affordable properties both in the private sector and limited development of new social housing. The proposals will add further pressures on services. Additional resources (staff and temporary accommodation units) would also be required to deal with the volume of cases as referenced above.

In addition, there are a number of causes of homelessness that it is very difficult to prevent, such as refugees leaving Home Office accommodation, those experiencing domestic abuse, people leaving prison and therefore extending the timescale to 6 months will not make a difference to those cases.

With no priority need test and more households in the system we have grave concerns that the most vulnerable and most urgent cases will slip through the net and not receive the preference that they currently do. Making all homeless or at risk of homeless households a priority essentially results in no households having a priority and we will be unable to assist the critical cases as we do now without extensive additional resources.

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?

(We would be grateful if you could keep your answer to around 500 words).

S.1 The extension of the timescales from 56 days to 6 months is too long, circumstances can change considerably in a 6 month period. It means that there will be significantly more cases for caseworkers to manage at any given time and will add further pressure to services that are already under significant strain. It will undoubtedly require additional resources to manage the increased workload.

S.55 meaning of homelessness/ threatened with homelessness.

We strongly disagree with the premise that a LA should have a duty towards someone who doesn't have a valid notice. This contradicts Renting Homes legislation where WG have drafted the relevant notices that should be used by landlords and dictates that the notice must be served in prescribed way. In this Bill, there would be a duty towards someone without a valid notice. This could

create bad practise from landlords and likely to increase the number of illegal evictions.

S.4 We feel mandating the need for PSAP's is unnecessary. This should always be good practice and agree that its beneficial for the client to have a plan, but it has limited impact on prevention as its related to written communication with the applicant. This may have a negative impact on the client as the case officer could spend more time completing the PSAP rather than with the individual trying to prevent their homelessness. Our plans are person centred and therefore are often reviewed much sooner than 8 weeks. The requirement for an 8 week review could also mean that there would be increased challenges which would inevitably add to an already heavy workload. The review of the PHP after 8 weeks could also potentially could raise the expectations of the individual that there will be an outcome at this point. As a case remains open at a s66 whilst a person is in prison on remand, its seems futile and unproductive to spend time reviewing a plan every 8 weeks when there is no planned release date.

We would like to see that PSAP's could be completed/issued/reviewed by other support agencies as well as Housing Options services. We have concerns that a right to request a review of the content of the plan could create unnecessary and spurious challenges which will detract from the efforts made to prevent homelessness.

Extending the right to request a review of the suitability of accommodation beyond 21 days will be a huge administrative burden for local authorities. For example, where the circumstances change once the tenancy commences such as a property allocated to a single person, they subsequently have a child, and the property then becomes too small for their needs. The initial offer is suitable, but they may then request a review in these circumstances. In the current system a person in unsuitable accommodation may apply via a transfer or a mutual exchange however with an extended right to review, a new homelessness duty may be owed. We wholly disagree with this change and feel it will again lead to unnecessary and spurious challenges.

The 21 days seems to be working currently but we regularly consider a review outside of that timescale. If the timescale is considered too short, possibly a period of 56 days may be more appropriate.

With regard to the right to request a review of reasonable steps taken outlined in the assessment and PSAP. We feel that this right to review is not necessary and could lead to spurious challenges. Homelessness caseworkers will always try to ensure they prevent homelessness where possible and are finding they have less

and less options regarding reasonable steps in the current climate. Additional legal challenges on this issue will lead to considerable resources being needed in this area as opposed to the service being able to focus on the help the household needs. In order to limit challenges, information recorded on the PSAP will be very limited which would be contrary to the aim of the use of a PSAP and drive bad practice.

S.6 Local Connection - welcome changes made to allow referrals to other LA's whilst in custody and satisfied with proposals overall.

S.9 Agree with priority test in principle but in some ways it appears to be changing parameters rather than abolishing the test as others will get more consideration under the new legislation i.e. targeted proposals for those disproportionality affected. The Explanatory Memorandum references the low numbers of non priority households at the end of a s73 stage currently. However, our Allocations Policy determines a decision is made on priority need at a s66 stage. We currently have 340 single households who are 'threatened with homelessness' who currently would not have a priority need. We are concerned that bringing these households into the same scope as those households in temporary accommodation will have a significant detrimental effect on times scales and therefore overall placements in temporary accommodation. It will mean we are unable to prioritise those most in need. The Bill appears to disregard any other options a person may have to solve their own homelessness in respect to financial income or assets.

There is a risk there will a substantial increase in the length of time spent in temporary accommodation and therefore the numbers in temporary accommodation will increase. There would need to be a robust system in place for discharging duty where people refuse offers or lose their accommodation as a result of their behaviour.

In the current housing crisis where there is a desperate need for more social housing and temporary accommodation that a disproportion amount of allocations will go to homeless households in temporary accommodation. Although this is unavoidable it does have a negative impact on RSL/council tenants that are themselves in housing need and require a transfer from their current property. It also impacts on community cohesion as we are unable to facilitate transfers within the community where applicants/ tenants potentially have support networks or other reasons for needing to stay within a lettings area. Abolishing the priority need test will also have a negative effect on households accepted under a S.66 duty as we will be unable to prioritise them for allocations given the number of households projected to be in temporary accommodation.

An unintended consequence of the proposal could be that other services don't take assertive action to prevent homelessness that they previously would have due to the extended housing duty.

We feel it is important to note that removing the priority need test does not mean that there will be no rough sleeping. It's been reduced by the 'no-one left out' approach but it doesn't address the very complex cases, who in some cases continue to sleep rough despite this inclusive approach.

S.10 We feel the intentionality test should remain as it is a useful deterrent, but more consideration should be given to the language used to make it more trauma informed.

As an LA we have made very few decisions in the past decade and we feel we have applied test in correct way. Therefore, we feel the test should still be available as long as the guidance is updated to show when it can be used correctly. There is a possibility that there will be less prevention work if the intentionality test is not available. We have taken, and we will continue to take a trauma informed approach to cases where households have made themselves intentionally homeless. Therefore, what is key to this area is making the guidance for LA's clearer and restricting the use of the intentionality test without removing it completely.

The explanatory memorandum specifically references the intentionality test leading to repeat homelessness of those with complex needs, that is not our experience. We feel without the test households with complex needs may not settle in their new home leading to repeated long stays in temporary accommodation.

If the intentionality test remains there would be no need for the addition of the deliberate manipulation test. S.596.

We feel this test may not be enough of a deterrent to ensure the small number of households this applies to do not deliberately lose their accommodation. We are concerned that it will lead to repeated long stays in temporary accommodation as it will be difficult to engage with private landlords that are willing to work with this cohort.

S.20 Unacceptable behaviour- In the Bill it references all staff involved in the provision of temporary accommodation but it doesn't include where there have been any threats/assaults on other residents, this is particularly pertinent to B&B's and this will increase the risk of harm to households in temporary

accommodation, so we strongly oppose the removal of ending a duty in this way for that reason. We also feel the duty should end for other issues of unreasonable behaviour such as non-payment of rent and service charge. We must be able to charge for the accommodation we provide. We feel this could increase the numbers of providers unwilling to accept homeless households as they won't be able to manage the risk. We will therefore be unable to fulfil our statutory function to provide temporary accommodation. The White Paper referenced ending the duty due to threatening behaviour towards Local Authority Staff which appears has been removed from the bill. Our staff are working in increasingly challenging and aggressive conditions and we feel this should be reconsidered.

S.33 See very little change here as RSLs already assist councils.

S76&C Keeping in touch with applicants after their homelessness duty has ended. This requires homelessness officers to contact households 7 months since their last contact. This is onerous and unnecessary. It appears to apply irrespective of whether support is being provided by another service. The Bill presumes also that 'shared accommodation' is not a standard form of accommodation however due to DWP shared room rate, it is all those who are under 35 not in employment could afford in the private rented sector.

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?

(We would be grateful if you could keep your answer to around 500 words).

We feel that this is reintroducing a priority need status but just calling it a different name i.e. reasonable preference. The priority would be assessed by the homelessness teams as it now so in reality there is little difference from the current system.

We would like to understand the definition of care leavers and to what age the additional preference would need to be considered. Does this mean a 40 year old person who was in care for short time would fall into this category. We would need to ask this question of every applicant to ascertain if they have ever been in care and don't feel this is a trauma informed approach. A care leaver may no longer be vulnerable but it isn't clear whether the LA can prioritise if they consider it necessary or whether they must be prioritised in all cases.

There are a number of priorities in the proposed legislation and it may become unwieldy to consider all of those priorities.

This is quite a complex area for us. Over a number of years we have met with our 3 RSL's partners and looked at the viability of creating a Common Allocations Policy and/or a Common Housing register. We haven't pursued this for a number of reasons.

Whilst the overall aims of each housing provider are broadly the same, there are some key differences. These include for example, different ways to apply (eg one of the RSL's do not hold a waiting list), City Living Schemes, and intermediate rent schemes. Whilst the LA and RSL providers have acknowledged that improving the customer experience for applying for housing should be looked at, we have never really felt that having a Common Allocations Policy would necessarily provide better outcomes to those who are homeless or in severe housing need.

Over the last 4 years we have demonstrated that having the flexibility in the system has enabled us to work with our RSL colleagues to meet our objectives. We currently operate a 50% nominations agreement but at times during the pandemic and post pandemic we have worked together and the RSL's have given us 100% Nomination rights to enable us to alleviate the pressure in the system as and when required. During this period the 4 housing providers have been able to prioritise homeless households whilst being able to meet other objectives such as ensuring there are balanced communities and ensuring the needs of our respective tenants are met.

It is felt that there would be considerable cost implications in moving to a Common Housing Register which would be very difficult in this current financial climate. There would be a resource implication as well as a large IT structure that would need to be considered. We have currently have over 7000 people on our housing waiting list and would need to review each application in line with a new allocations policy. There is a huge resource implication for this.

There are examples where in Swansea we already operate a common allocations policy such as our Adapt register, and the Move-On Strategy also ensures that there is a clear pathway to accommodate those moving from supported housing into general needs accommodation whereby all 4 providers have responsibilities for housing proportionately.

It is felt that if we can implement the recommendation in 571 *ie making it clear that an RSL cannot reasonably refuse a referral from a Local Housing Authority*, then there is no need to make it a legal requirement for legislation requiring the

use of CHR's and CAP's across all LA's. As an LA we acknowledge that we need to ensure we continue to take a person-centred approach and build on what we have achieved with the RSL's, particularly, over the last 4 years. We feel that this can be done without the need for a CHR/CAP and that we need to continue to have the flexibility in the system that we currently have.

More recently, we have been working with our RSL partners to consider looking at a common access register and looking at other ways at we can simplify this process for the customer, whilst retaining our respective allocations policies. This is something that we will continue to do in order to ensure that we are taking a person-centred approach, but again this is not something that requires changes in legislation in order to achieve better outcomes.

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?

(We would be grateful if you could keep your answer to around 500 words).

Yes, these specific provisions are workable and will deliver the stated policy intention.

5. 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).

As previously stated, successful prevention relies on a sufficient supply of suitable affordable homes, in both the social housing and the private rented sector. Without the right level of supply there is a real danger that temporary accommodation numbers will increase, and households will remain in temporary accommodation for longer periods of time.

The workforce as a whole will need to be increased. Higher numbers presenting, more administration to manage the increase in paperwork, and more support will be required. Swansea also has a prison within the LA and therefore more staffing will be required to cope with the extra burden being placed on us.

A need for increased funding levels. LA's have significant funding gaps already this is likely to need additional funding for LA's from WG. In addition to staffing levels as outlined above, we will see an increase in temporary accommodation costs.

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)?

(We would be grateful if you could keep your answer to around 500 words).

The LA is broadly in agreement with the appropriateness of the powers for Welsh Ministers to make subordinate legislation as set out in Chapter 5, Part 1.

7. 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).

As previously stated, it is highly likely that levels of temporary accommodation will increase.

As previously stated, it is felt that the Bill will increase the number of reviews and that there will be an increase in the administrative burden. This in turn will require more staffing and reduce the time spent on meaningful prevention.

Allocations are likely to be increased to homeless households, therefore, reducing the chances of tenant transfers and those needing to move for other housing needs (overcrowding/medical/need to move for support etc). Therefore, if the only chance of being housed is by becoming homeless this has the reverse effect on the prevention agenda.

When drafting a personal accommodation and support plan the LA needs to record the views of the applicant. But no provision for when the applicant has unrealistic expectations. There is a risk this could result in an increased level of reviews.

Any communication with the applicant needs to satisfy the requirement of being clear and transparent it will not fully satisfy those that seek litigation when applicants rights are not communicated to them in an overtly technical and legal

way. This could result in two different unintended consequences. An increase in the number of reviews received as the applicants rights are not communicated and or more bureaucracy for local housing authorities who to satisfy these competing demands issue two letter types one for the applicant that is open and transparent and one in technical legal language to prevent the risk of litigation being started on behalf of the applicant.

There doesn't appear to any mechanism to get someone home if a s75 duty is accepted. The duty can only end with 'their agreement'. This will limit prevention of homelessness where they are able to return home but don't wish to do so. There have also been occasions where a person returns to an address where they were excluded from but on a temporary basis. Again, there is no mechanism to return them to a s66 duty.

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?

(We would be grateful if you could keep your answer to around 500 words).

We do not agree that there will be a reduction in the use outreach services and therefore a reduction in cost. Outreach services will still be required but there may be a change in services offered to those rough sleeping and those that go in and out of temporary accommodation.

We believe that there will be increased staff costs associated with a 6 month duty. We agree that earlier prevention work should in theory reduce costs however there will be more cases in the system to manage. We feel we should reiterate that our experience historically has been that s.66 cases achieve a successful prevention through finding alternative accommodation and not remaining where they are. That is despite our approach of accepting a prevention duty early.

The costs in the RIA from the White Paper relate to those costs from 2020 which is outdated. The climate has changed considerably in the last few years. Some of the costs identified for all LAs could be one LA costs alone. We therefore feel that the costs are considerably underestimated.

There will be significant implications for increasing the numbers of temporary accommodation, the numbers of staff to manage that and people will spend

much longer in temporary accommodation. Therefore, there has to be serious investment into the RSG and HSG.

9. 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).

Whilst the principles and ambition of the Bill are sound, we have real concerns with its timing given the pressure all LAs are under, with significant and rising demands on services. This is not a short-term crisis but rather a very real trend that has been building over the past 3 years.

We currently have 122 more households in B&B than we did at this time 2 years ago. This is whilst operating priority need for all and prioritising all single households for social housing allocations throughout the pandemic and continue to do so. There are over 7,600 households registered on our waiting list with almost 50% of those households needing 1 bedroom properties. Whilst there are 365 households in temporary accommodation currently there are 1300 households accepted as homeless or at risk of homelessness registered on our waiting lists who all require alternative accommodation. We are not going to be able to house those we are currently supporting and the increase in numbers expected by the extension of duties in the Bill will only add to those figures and make prevention of homelessness unachievable for most.

Other public services are also under pressure with a number of services looking at their statutory functions and considering their position on anything outside of that. There is therefore a concern that the expectations in the Bill that homelessness prevention becomes everyone's responsibility might not be that achievable.

We feel that any new legislation would need to be flexible enough to be able to respond to local, national and global pressures to ensure LAs aren't forced into working outside of the legislation in order to meet demand.

We think there are wider impacts in relation to the abolition of the priority need test. We have real concerns about the negative impact on community cohesion as a result of removing this test. It will mean that we will further disproportionately house homeless individuals and households to the detriment of applicants / tenants wishing to transfer / remain within communities where they have support networks in place.

Within the proposals there is a considerable focus on additional burdens and legal challenges to LAs. We feel that the ethos should be moved towards working with clients and other public bodies to end homelessness rather than presenting needless additional areas for challenge.