

## **HSHAWB 45 Bevan Foundation**

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill

Ymateb gan: Bevan Foundation | Evidence from: Bevan Foundation

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### **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).

The Bevan Foundation welcomes the opportunity to provide evidence to this consultation. As Wales' most influential think tank, we provide insight on the housing crisis and ideas on how to support the people affected by it. Our work clearly sets everyone's need for the foundation of home within a wider ambition of ending poverty and inequality.

Over recent years we have been focusing on ways to move on the record number of households living in temporary accommodation by boosting the supply of social homes. We are also working more broadly to highlight the injustices experienced by migrants. We have drawn upon learning from our work to date, as well as soon to be published work, to inform our response.

Overall, the Bevan Foundation is pleased to see that the Bill aims to strengthen the housing safety-net for people threatened with or experiencing homelessness. As the explanatory memorandum acknowledges, the current approach to homelessness services is not sustainable, both in terms of the monetary cost, but most importantly the human cost of a life living in the limbo of temporary accommodation.

Our work with Shelter Cymru has highlighted that whilst temporary accommodation is an important lifeline at a time of crisis, it can never be a place to call home. A temporary stay is often far from temporary with lasting effects on health, wellbeing and the ability to simply live a normal life.

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However, we are concerned about the timing of the Bill and the resources needed to make the aims a reality.

Legislation made over the past 20 years, both pre and post devolution, have sought to shift the focus of services onto the proactive prevention of homelessness occurring in the first place, firstly with the Homelessness Act 2002 and then the Housing (Wales) Act 2014. Yet, despite legislation, prevention rates have stagnated and dropped significantly in the last two years.

Meaningful preventative support requires time and staff resources to be able to take a person-centred approach. We've heard from local authorities about the unprecedented pressures which they are facing and the acknowledgement that it is harder to take an empathetic, individualised approach when overwhelmed by service requests.

The Bill seeks to reform the statutory homelessness framework, expand services and widen responsibility, but does not address the wider structural factors which are the cause of service pressures.

We are concerned that the legal proposals will do little to bring homelessness rates down without significant additional funding for local authorities, wider intervention in the housing market and boosting the supply of affordable, long term social homes.

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## **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).

We are pleased to see proposals to expand the prevention duty to 6 months to reflect changes in notice periods, giving local authorities a longer and arguably more realistic chance of working with a household to retain their current accommodation or secure somewhere else to live. This is something which we called for.

We have however heard concerns about how meaningful this extension will be in practice, and what will actually happen at the early stage of the 6 month period. We've also heard support and advice agencies question how these provisions will work for prisoners and whether the criminal justice system can predict a time of release that far in advance.

The proposed 6-month period also creates a discord with the period of notice which refugees are given by the Home Office once they have secured leave to remain. This was only extended to 56 days in December last year. With the Renters Rights Bill in England proposing 4 month notice periods, both nations are likely to need to call on the Home Office to consider more realistic, longer notice periods for these households.

The move towards a more universal homelessness safety net by removing the priority need test has been gradually progressing since the pandemic and we welcome its removal when resources allow. We do however want to note the impact that the move away from priority need has already had on the number of single people in temporary accommodation – many who would have previously been ineligible. This highlights the serious inadequacies in both the supply of permanent accommodation, but also the type of accommodation which is available. We plan to explore this further in our future work.

The amendments to the other tests, removing intentionality and local connection will require time to see the difference they make in practice. We note that the circumstances which would override local connection, as set out in the White Paper, will now be for a Minister to define. It is crucial that the Senedd scrutinises how these powers are used e.g. will they take account of Welsh Refugee Council's call for asylum seekers to be included in the special circumstances.

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We would like to have seen stronger provisions within in the Bill on the suitability of temporary accommodation and more immediate action in this area.

Our recent research [Nowhere to call home: Living in temporary accommodation](#) has revealed the realities of living life in limbo, often for long periods of time, in poor quality accommodation. We are currently exploring the impact of this specifically on children and their families, supported by the Children's Commissioner for Wales, and will be providing practical recommendations on how to minimise them in early autumn.

It is widely acknowledged that the regulations in the Homelessness (Suitability of Accommodation) (Wales) Order 2015 are being widely broken. These set expectations regarding the use of bed and breakfast accommodation and the length of time families, pregnant women and 16- to 17-year-olds should be staying in them.

The Bill talks about reviewing these regulations in “due course” and “incrementally with the availability of increased supply”. Despite firmer proposals to regulate the use of temporary accommodation in the White Paper, the Bill only commits to a report on its use and conditions every 5 years with the first being in 2030.

We are disappointed to see that there is no commitment to review this more immediately as much is already known about the negative impacts.

A welcome, key focus of the Bill are the ask and act duties which rightly acknowledge the role of the wider public sector in preventing homelessness. However, their success is also dependent upon adequate resources and training. There are also some key gaps in terms of services listed, including education and primary care services.

The Bill highlights the current variation in the number of social housing allocations made to homeless households by housing associations and rightly seeks to address this. This is a complex area with long standing conflict between the desire to ensure that social homes are allocated to those in most need of them versus the pressure of rehousing high proportions of households who may require more intensive support. This is another area which the Bevan Foundation intend to focus upon over the next 12 months.

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**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).

Whilst we understand the intention behind providing local authorities with the discretion to decide what classes of person eligible for social housing in their area, we do have some concerns. This gatekeeping provision is a clear indication that we do not have enough social homes in Wales.

Local authorities are required to give reasonable preference to certain categories of persons deemed to be in housing need, i.e. those who are homeless or threatened with homelessness, those living in insanitary, overcrowded or unsatisfactory housing conditions, and where there are medical, welfare or hardship grounds.

We understand that the intention behind this proposal is to reduce the administrative burden of holding large housing registers which include people with no housing need and also to make it easier to provide data.

It is concerning that whilst we are seeking to provide a universal homelessness system focused on early prevention in one part of the Bill, we are proposing to close off access to social housing in another.

Our view is that whilst someone may not be within the reasonable preference categories when they decide to apply for a social home, they are applying for a reason, e.g. affordability issues with their home, or a relationship breaking down. An application can be a key indicator of someone foreseeing a need for a social home in the future and can provide a very early opportunity for a preventative conversation.

We should not forget the current legal requirement that everyone should be able to access housing advice from their local authority - in practice a housing application is often the start of this process. We feel that what is needed here are better housing advice services which alongside the application process. Restricting access to waiting lists means losing a very early prevention opportunity.

On the point of data, we believe applications from households in “no housing need” are actually evidencing latent housing need and wider pressures in the

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housing market. It also feels like it should be feasible for waiting list software to be capable of reporting on households presenting with different needs and levels of need.

We should not forget that waiting list data is a key evidence base for local housing market assessments which feed into wider planning assessments and inform the number of social homes which need to be developed. There is also a danger that varying eligibility at a local authority level hinder having a consistent Wales-wide data set.

We strongly support the requirement each local authority to have a common housing register and for all allocations, across all social landlords to be taken from this register. This provides greater transparency around how the housing stock is being used and will also improve data around housing need by removing duplication where there are multiple lists.

We are also pleased to support the provisions for accessible housing registers to enable more effective matching of accessible and adapted properties with households who need 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?**

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

The Bevan Foundation has no specific views on these provisions.

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## **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).

The Bevan Foundation believes that without a significant boost to the supply of social homes in Wales, then all other efforts to prevent homelessness are just a sticking plaster.

We know that local authorities and social landlords have various concerns about removing the priority need test, the allocation of more social homes to homeless households. Together with the proposal to restrict social housing waiting lists, these provisions all point to the management of a scarce and much needed resource at a time of high demand.

Looking at the current routes out of temporary accommodation, it is clear that social homes are the only option which provide people with true security and certainty.

Whilst the homelessness duty can be discharged through a tenancy in the private rented sector – since the Housing (Wales) Act 2014 – through our work we have heard that few homeless households consider this as a permanent housing solution. Many will be experiencing or threatened with homelessness with be in that situation because their private sector tenancy has come to an end. The reality is that the private rented sector is often unaffordable, insecure and doesn't generally come with access to support services which may be needed.

In contrast a social home provided by a local authority or housing association is generally more affordable, and secure. Rent levels are regulated by Welsh Government and tenancies are long term. It is also easier to access support services and social landlords are more engaged with the needs of their tenants in order to create sustainable tenancies.

## **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).

We believe that the powers in the Bill for Welsh Ministers to make subordinated legislation are broadly appropriate, but we do have some concerns.

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The extent of the powers to make subordinate legislation given to Welsh Ministers in the Bill is extensive. Whilst we understand why the Bill gives these powers to Welsh Ministers we are concerned about the potential uncertainty this creates. For example, the explanatory memorandum notes that it is not expected that the Bill's provisions to abolish the priority need and intentionality tests will be enacted until at least 2030/31. It could therefore be years before some of the headline provisions set out in this Bill are actually enacted. We appreciate that timescales for implementation are being left flexible for the "right time" but it is important to acknowledge that this creates uncertainty for service providers and users.

The extent of the powers that the Bill gives to Welsh Ministers also highlights the importance of ongoing Senedd scrutiny. This is especially the case given that it is likely that most of these powers will likely be used after the Senedd election in 2026, when many of the members who have scrutinised the Bill itself may no longer be Senedd members.

## **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).

The Bevan Foundation are concerned that without careful implementation and adequate resourcing, the provisions in the Bill could lead to a further increase in the number of households living in temporary accommodation.

Local authorities must have the additional staffing capacity to engage in meaningful prevention activities.

We must also see a significant increase in the number of social homes being developed.

## **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).

The Bevan Foundation has no specific views on the financial implications of provisions of the Bill.

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**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).

We have no further issues which we would like to raise about the Bill at this time.

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