



HB 12

National Assembly for Wales

Communities, Equality and Local Government Committee

Housing (Wales) Bill: Stage 1

Response from: Wales Governance Centre, Cardiff University

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This response will focus on the first and third sections of the terms of reference for the inquiry. In particular, it will focus on the general principles and unintended consequences of the Bill in terms of homelessness legislation. The move to a 58 day period of registering as homeless, the commitment to ending family homelessness by 2019, and the emphasis on preventive services are all welcomed as improvements to housing legislation within the proposed Bill. However, there are a number of issues which arise within the proposed legislation.

**1. The general principles of the Housing (Wales) Bill and the need for legislation in the following areas:**

**-reform of homelessness law, including placing a stronger duty on local authorities to prevent homelessness and allowing them to use suitable accommodation in the private sector**

General approach:

I suggest that the Housing (Wales) Bill does not provide a robust enough commitment to social justice in Wales. The published Bill retracts from the proposed commitments within the Homes for

Wales white paper which gave a stronger account of a distinctly Welsh approach to housing which supports the Welsh Government's commitments to social justice, equality and wellbeing.

The Welsh Government heavily criticises the UK Government's welfare reforms. Former Minister for Tackling Poverty, Huw Lewis AM, has described the reforms as a "social atrocity" and they are regularly cited as "pernicious" in the Siambur. The white paper, Homes for Wales, problematised the issue of welfare reform in Wales and proposed the Housing (Wales) Bill as a way of mitigating the effects of this. These welfare reforms permeate all of the housing sector from increased numbers of homelessness applications, to an increased demand for the supply of one and two bedroom homes. The Bill would therefore appear to be a perfect opportunity for the Welsh Government to provide a robust response to the policies that it so heavily criticises.

The white paper committed to values of social justice and equality, and a specific Welsh agenda for improving the sector, stating "the agenda it sets out is one which is distinctively Welsh based on our long-term commitments to social justice, tackling poverty and sustainable development". In fact, the term social justice was mentioned five times throughout the white paper. In the process of the publication of the Bill, social justice is not mentioned in the legislative document, the explanatory memorandum, the accompanying Homes for Wales bulletin or the Minister's written statement. Inclusion in some of these documents would have been problematic, as a colleague mentioned there is a problem with legal definition. But, it would be appropriate for the term to be cited in others, especially with reference to the Welsh Government's use of the term 'wellbeing'.

I question to what extent the Bill fulfils its tagline of 'making a difference', and whether this could have been a more robust piece of legislation with stronger commitments to social justice. I suggest that there is a definite division between the policy intention in terms of social justice within the white paper, and the Bill that has been published. I argue that this lack of bite within some areas of the Bill undermines the Welsh Government's rhetoric surrounding commitments to social justice.

#### Specific issues:

##### 1) Rejection of the Housing Solutions approach as outlined in the Homes for Wales white paper

The Housing Solutions Approach, outlined in the white paper and dismissed in the Bill, would have provided temporary accommodation for all who were identified as homeless with nowhere safe to stay. This framework made redundant the currently relied upon tools of intentionality and priority-need to recognise a need in all individuals who were without a place of safety. This would have fitted into the prevention agenda and, as the Bill itself states, would "provide additional protection to people in vulnerable circumstances whilst the local authority was working to assist them, thereby reducing the risk of harm and increasing the likelihood of successful engagement with the local authority".

The Bill also allows for ministerial prerogative in redefining the term 'priority need' which can be seen as problematic.

##### 2) Retention of intentionality test for family homelessness

The Bill commits to placing a duty on local authorities to provide accommodation for households with children, where they have been found 'intentionally homeless'. However, this only applies if this is the first time the household has been found 'intentionally homeless' in the past five years. I doubt that the children themselves have made the family 'intentionally homeless' and I wonder how, if they are not found eligible, this lack of duty supports the Welsh Government's commitment to the United Nations Convention on the Rights of the Child.

Concerns surrounding this are also increased by the use of the following phrase found in the section of the explanatory memorandum which outlines the intended effects of the homelessness legislation: "Provide greater protection for children in households who are found to have caused their own homelessness"

### **3. Whether there are any unintended consequences arising from the Bill**

I suggest that the following are unintended consequences of the Bill:

- The Welsh Government's commitment to social justice is undermined through the continued use of priority need and intentionality
- The Welsh Government's criticism of welfare reform is undermined through the lack of commitment in the Housing (Wales) Bill to tackle this issues
- The commitment to the UNCRC could be seen to be undermined through the retention of the intentionality aspect of assessing family homelessness