

Number: WG48223



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

Date of issue: 10 October 2023

Action required: Responses by 16 January 2024

OGL © Crown copyright 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome
correspondence and telephone calls in Welsh

Overview

This White Paper sets out a range of proposals for changes to policy and the law, to end homelessness in Wales.

How to respond

Please respond by completing the online form or completing this questionnaire and sending it to HomelessnessLegislationReform@gov.wales

If you intend to respond in writing, please send completed forms to:

Homelessness Prevention Legislation Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable), and
- the name of organisation (if applicable).

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Data Protection

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you would prefer your response to remain anonymous, please tick here:

Reform of the existing core homelessness legislation

Question 1

Do you agree these proposals will lead to increased prevention and relief of homelessness?

Yes/no

Yes

Question 2

What are your reasons for this?

We are enthused by many of the proposals in this document. Ultimately, we believe that preventing homelessness, like preventing all forms of violence against women, is everyone's responsibility. It is a cross-directorate issue and the responsibility should be on the shoulders of all public agencies to identify and prevent homelessness. We are hopeful that if enacted properly, the duty to identify, refer and co-operate across all public services should help with early intervention and prevention of homelessness.

Further, we agree with the removal of the priority need test. Many weaknesses of the priority need test have been identified, including its use in gatekeeping assistance, inconsistent application, and high thresholds for vulnerability, which can leave people facing critical need being turned away¹. Indeed, survivors often tell us violence against women and girls is not properly considered when assessing priority need and this leaves survivors facing real risk without the support they need. This is particularly true for certain forms of violence against women, such as sexual violence and sexual exploitation, leaving these survivors unfairly excluded from accommodation². We are hopeful that without this test, and with appropriate levels of training and understanding, more survivors of abuse will be provided the support they need.

We also agree with the removal of the intentionality test. There are case studies in both Wales³ and England⁴ of survivors who have not received support due to being declared 'intentionally homeless' either by leaving the perpetrator or through rent arrears. This leaves survivors either facing significant safeguarding risks if returning to the perpetrator or facing homelessness. Further, survivors experiencing homelessness are likely to have experienced significant trauma and have multiple support needs. Homelessness amongst survivors of abuse often occurs because of a lack

¹ <https://www.gov.wales/review-priority-need-wales-summary-html>

² <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>

³ <https://welshwomensaid.org.uk/wp-content/uploads/2021/11/Cross-Party-Groups-on-Housing-and-on-Violence-against-Women-and-Children-on-housing-and-sexual-violence.pdf>

⁴ <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis.pdf>

of understanding of trauma and support needs, meaning the support provided is inappropriate for the individual. We believe that the concept of intentional homelessness ignores this, and undermines the provision of trauma-informed, needs-led support. Survivors of all forms of abuse know best what support they require and how to assess their own risk and this is often misinterpreted by professionals without the appropriate awareness training. We hope that removal of the intentionality test will help survivors receive the support they need, regardless of previous behaviour, which may be a result of significant levels of trauma.

We are hopeful that the removal of these tests will help survivors to access support and increase the resources, particularly within overstretched local authority housing teams, to allow them to co-operate thoroughly and fully with other agencies to prevent homelessness.

We wish to make it clear that widening access to temporary accommodation will be critical for successfully removing these two tests. It is crucial that survivors have access to safe, appropriate temporary accommodation directly at the point of need to avoid them being placed with potential perpetrators of abuse or exploitation.

Question 3

Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?

Whilst we welcome many of the legislative proposals in this consultation, outlined above, we do believe there is much more the Welsh Government could do to improve the prevention and relief of homelessness.

Firstly, wholesale reform of welfare and benefits is key. Whilst we appreciate that much of this is not devolved, we do believe there is considerable scope to address the financial elements that prevent access to housing. These include:

- Increasing Housing Support Grant. As outlined in a recent report⁵ by Cymorth Cymru, the housing support grant (HSG) funds housing and homelessness support services in Wales, including refuge. This funding plays a key role in supporting those either experiencing or at risk of homelessness, many of whom are survivors of abuse. In the 2023-24 Welsh Government Budget, the HSG was frozen at a baseline of £167 million, where it has been since the pandemic. This is sub-inflationary, and does not account for increase in demand and pressure on those services. It is clear that this must be properly funded to support the housing and homelessness and specialist services that are key for the policy proposals in this document to be realized.
- Increasing Local Housing Allowance. Local housing allowance (LHA) rates help those renting from private landlords with the cost of rent paid as housing benefit. In Wales for 2023-2024, these were fixed at the April 2020 rate. We welcome the announcement in the autumn statement that LHA rates will be increasing, but these should be continuously monitored and adjusted. We appreciate that rates of LHA are the responsibility of the Department for

⁵ <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/11/HM-report-WG-Budget-24-25-ENG.pdf>

Work and Pensions, and are not devolved, but we urge the Welsh Government to work with the UK Government to increase local housing allowance rates to reflect current prices.

- Wider rollout of Housing First. Housing First is a widely-acknowledged initiative which focuses on providing permanent, secure housing directly at the point of need and then providing additional support and services as required⁶. In 2018, the Welsh Government established Housing First as a key intervention to reduce so-called rough sleeping in Wales and supported a number of Housing First initiatives across Wales which have shown demonstrable success. Between 2018 and 2021, 245 people started Housing First tenancies, 90% of whom were sustaining their tenancies by the end of the projects⁷. However, traditionally there has been a focus on interventions for those experiencing street homelessness. More projects that support particularly groups, such as women, who experience homelessness differently, are needed⁸.

Secondly, we would like to use this opportunity to reiterate our calls for an exemption for refuge services from the Renting Homes (Wales) Act. We have highlighted to Welsh Government that including Refuge in the Act does not acknowledge their status as emergency accommodation for survivors at serious risk, and not as long-term temporary accommodation. Specialist services who are members of Welsh Women's Aid regularly report long waiting lists for secure housing, which means survivors must spend increasing lengths of time in refuge, and there are concerns that the provision of standard contracts under the Act presents significant safeguarding risks. We know that exemptions to the Act are possible, as has been the case for B&B accommodation, and we strongly urge Welsh Government to apply the same exemption to refuges.

Thirdly, little of the proposed legislation within this document will be achievable without legislative action to make significant increases in the housing stock in Wales. This must be achieved through:

- Expanding the housing supply. There is a particular need for more high-quality social and temporary housing to fulfil shortfalls and Welsh Government must deliver on their commitment to build 20,000 social homes by the end of this Senedd term as well as prioritizing capital investment to commit to further home building in the long-term.
- Bringing empty properties back into use. We welcome the announcement⁹ from Welsh Government this year that £50 million was being made available to bring empty properties back into use, but we believe that capital revenue for this scheme should be scaled up so it can be expanded to make efficient use of the existing housing stock.
- Taking action on second homes. Welsh Government must continue to investigate policy regarding second homes, ensuring that such homes do not diminish the housing stock and increase rent and house prices in specific areas, which can price people out of the housing market and push them into homelessness.

⁶ <https://www.gov.wales/sites/default/files/publications/2019-03/housing-first-principles-guidance-for-local-authorities.pdf>

⁷ <https://www.cymorthcymru.org.uk/wales-achieves-90-tenancy-sustainment-through-internationally-acclaimed-housing-first-model/>

⁸ <https://www.cymorthcymru.org.uk/wp-content/uploads/2023/12/HF-Women-report-Eng.pdf>

⁹ <https://www.gov.wales/50m-bring-empty-homes-back-life>

Question 4

Do you agree with our proposal to abolish the priority need test?
Yes/no

Yes

Question 5

Do you agree with our proposal to abolish the Intentionality test?
Yes/no

Yes

Question 6

Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.

We believe that the local connection test disproportionately negatively impacts particular groups of people, including survivors of VAWDASV. It does not acknowledge that survivors of abusive and their families often need to leave their local area in order to reach safety and when presenting as homeless to a local authority, may choose to do so in an area that was previously entirely unknown to them or to which their connection is based on non-familial support networks such as specialist services, including refuge, or friends.

Specialist services that are members of Welsh Women's Aid reported cases where survivors were refused temporary accommodation due to lack of local connection and then lost support from specialist services due to having to move between different areas. They also reported cases of women who had been trafficked to a particular area but did not have any local connection to the area. These survivors are scared to return to the area where they have been trafficked from, and then are "determined to stay street homeless for 6 months until the [local authority] will accept duty". These examples show the local connection test is not fit-for-purpose and, in some cases, leaves survivors of VAWDASV at further risk of abuse.

Given that the little research that exists shows no evidence of disproportionate movement to 'service-rich areas'¹⁰, we see little reason to retain the local connection test, and we believe removing this gives survivors the best chance to start a new, safe life away from trauma should they so wish or need.

Question 7

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

The role of the Welsh Public Service in preventing homelessness

Question 8

Do you agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness?

Yes/no

Please give your reasons

Ultimately, we do agree with the proposals to apply a duty to identify, refer and co-operate on a set of relevant bodies in order to prevent homelessness. We welcome the acknowledgement that temporary accommodation can be damaging to a person's health and wellbeing, and agree that a focus on secure accommodation must be first and foremost. We believe that multi-agency responses are crucial to delivering a holistic, public health approach to solving homelessness. However, we believe that a number of factors should be considered and mitigated to ensure the success of this approach:

- All bodies must agree to work on the principles of Housing First. Housing First has been shown to be successful both within Wales and more widely. All bodies involved must have buy-in to these principles in order for this to work and to create long-lasting, substantive change in the prevention of homelessness.

¹⁰ https://www.crisis.org.uk/media/244820/no_one_left_out_report_2021_english-welsh.pdf

- Whilst we appreciate these duties may only be applied to public bodies, there must be a requirement to work with specialist services and the provision of statutory guidance on this.
- There is a need to consider potential unmitigated risks around consent. We welcome the acknowledgement within the white paper that consent is critical and we welcome the development of guidance for local authorities on this, but the priority must be on ensuring this consent is true and informed. We know that many survivors present to services in times of extreme crisis and this is often when the need is highest. Consequently, there must be provisions to ensure survivors are properly informed of how their information is going to be used and who it is going to be shared with, and the context is taken properly into account. We know that some survivors need many attempts to disclose or flee unsafe situations and we are concerned that if this is not handled properly and unhelpful responses are provided, it may prevent future disclosures. We believe training around VAWDASV would help this but robust and thorough guidance developed with input from both specialist services and survivors, is also crucial.
- Linked to the above, we believe that training for all staff involved will be key for success. Across a number of public services, there is a lack of understanding of the experiences of women who have experienced VAWG and homelessness. Such women are less likely to be street homeless, but more likely to experience other types of homelessness, for example, sofa surfing and as a result, they often have multiple interactions with services before a housing need is identified, or they fall through the gap completely. As such, there will be a need to ensure all staff receive thorough VAWDASV awareness and trauma-informed training as per the Trauma-Informed Wales framework¹¹, so they can successfully identify those with a housing need, especially for women who have multiple support needs and may present differently to services.
- All bodies onto which this duty is applied must have appropriate staffing and resource levels to manage the accompanying administrative work and caseloads. We are concerned that if this is not provided from the start, the multi-agency approach will not be effective.

Question 9

Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?

Whilst we appreciate the current pressures on staff in education settings and Welsh Government's commitments to reducing workload and bureaucracy for school staff¹², we do believe including education services in this list is key. Settings such as schools and pupil referral units are often the first port of call children experiencing or witnessing abuse and/or neglect. They already receive training on this and work with other services such as police, health, and social services to create packages of support for such children after identification, which leaves them well-placed to take an active role in the duty to identify, refer and co-operate. Further, it must be noted that early experiences of abuse and neglect are contributory factors to later adverse experiences such as homelessness and we believe there is a need to focus on early intervention as well as providing support directly at the point of need.

We agree with the Expert Review Panel that private landlords should be placed under this duty. We appreciate the ongoing review of Rent Smart Wales, but given the prevalence of private renting in

¹¹ <https://traumaframeworkcymru.com/>

¹² <https://www.gov.wales/written-statement-reducing-workload-and-bureaucracy-school-staff>

Wales and the obligations on private landlords to report rent arrears and anti-social behaviour, which may compromise tenancies and leave individuals at risk of homelessness, we believe their inclusion in this duty is key to creating a joined-up, holistic approach to support.

We appreciate that imposing such a duty on specialist and third-sector organisations would not be appropriate, however, we want to re-iterate our urge for co-operation with specialist domestic abuse and sexual violence services at all stages of the process where a survivor or their children are involved.

Question 10

In your view have we struck the right balance between legislative requirements and operational practice, particularly in relation to health?

We believe that more specificity is needed around operational practice in terms of realizing these legislative proposals. We are concerned around the lack of governance and we strongly agree with the Expert Review Panel recommendation of a Joint Homelessness Board. We are concerned that without an overarching governance structure, it is unclear who takes responsibility for oversight and administration of policy in each locality and how clear lines of enforcement can occur. Without this, we believe some individuals experiencing homelessness may still be missed. As outlined in the consultation white paper, one young person stated they felt there was a back and forth between people to “avoid having to take responsibility”, and we are concerned that if no direct responsibility is placed on a specific body, this may continue and/or get worse.

Whilst we agree with many of the legislative proposals within this white paper, we believe that there is a lack of acknowledgement of how this will affect some forms of accommodation, such as refuge provision. We agree with the overarching need to sustain or secure standard occupation contracts more generally, but there is no acknowledgement that for some forms of accommodation, there is a need for flexibility in certain circumstances. This is particularly true for certain types of temporary accommodation such as homelessness services and refuge provision, for example, where survivors may need to leave rapidly due to safety concerns but may not be willing to do so. As such, while we do think the legislation is well intentioned, we believe there is a need to consider how the legislation would operate for all types of housing, including that operated by specialist services, to ensure there are no unmitigated indirect negative consequences.

We are also concerned about the lack of detail on how these measures will be incorporated in local strategies and commissioning structures, and how regional variations will be mitigated. We appreciate the white paper does state that *“the proposed change in law will need to be supported by additional guidance that helps create uniformity of service provision across Wales and funding for the range of services which will be required”* but it fails to elaborate on the detail of this guidance. We strongly feel this must be expanded upon for this legislation to be operationally meaningful.

Further, there is a serious need to consider the funding required to operate these policies. We are concerned that without sufficient staffing and housing levels, as outlined previously, this legislation may be well-intentioned but impossible to operate.

Question 11

What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.

We urge the Welsh Government to ensure all staff who come into contact with survivors during this multi-agency approach have received sufficient trauma-informed and VAWDASV awareness training. It is vital that when survivors who have experienced or are experiencing homelessness come in to contact with services, they are believed and supported appropriately. This includes a wider rollout of Trusted Professional training, developed and delivered by Welsh Women's Aid.

In order for these duties to work effectively, all relevant public bodies on to which the duty is applied will need significant increases in their staffing levels and the relevant funding to employ and upskill staff. In a Local Government and Housing Committee Session on 16th November 2022¹³, issues with high demand and staff turnover on local authority housing teams were highlighted, as well as the need to increase administrative capacity. The administrative load accompanying the implementation of the Renting Homes (Wales) Act will have further exacerbated this and has not been accompanied by sufficient resources for local authorities to increase their staff levels accordingly. Particularly in light of the recent 2024-25 draft budget, which Welsh Government has stated comes during a 'very difficult budget round'¹⁴, with less funding available to meet even statutory commitments, we are concerned that economic pressures may make it difficult to provide sufficient resources and staffing levels.

As outlined above, we also believe that operational guidance, developed alongside specialist services and those with lived experience – including survivors of abuse – will be critical for the practical implementation of these proposed duties and to ensure they work effectively.

Question 12

In addition to the broad duties to identify, refer and co-operate, this chapter contains proposals to provide enhanced case co-ordination for those with multiple and complex needs. To what extent will the proposals assist in preventing homelessness amongst this group?

¹³ <https://record.senedd.wales/Committee/13040>

¹⁴ <https://www.gov.wales/sites/default/files/publications/2023-12/2024-2025-draft-budget-narrative.pdf>

Question 13

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Targeted proposals to prevent homelessness for those disproportionately affected

Question 14

Are there other groups of people, not captured within this section, which you believe to be disproportionately impacted by homelessness and in need of additional targeted activity to prevent and relieve this homelessness (please provide evidence to support your views)?

We welcome the inclusion of survivors in the groups disproportionately impacted by homelessness. We also welcome the widening of the definition of domestic abuse to more explicitly include controlling or coercive behaviour, economic and psychological abuse. However, the definition is still lacking explicit acknowledgement of the impact of a number of forms of VAWG on homelessness including:

- Economic and/or financial abuse. While we appreciate the definition has been expanded to include this, we wish to more explicitly highlight the impact of these on homelessness amongst survivors. There has been a significant increase in the reports of financial and economic abuse in recent years, exacerbated by the cost-of-living crisis, and lack of access to financial resources is a major barrier for women escaping all forms of violence. Research shows that financial hardship makes it more difficult to find a refuge space after leaving an abusive relationship¹⁵, with many survivors either sofa surfing or spending time in emergency accommodation such as B&Bs while waiting for refuge space. Further research also shows¹⁶ that a small but notable number of women experience street homelessness while waiting for refuge space, many of whom experience further danger or abuse as a by-product.
- Sexual exploitation.
 - Firstly, we would advocate for the Welsh Government and this white paper to adopt the working definition for Adult Sexual Exploitation (ASE)¹⁷ developed by the All-Wales Operational Group on Sexually Exploited Women (AWOGSEW), which defines ASE as “Sexual exploitation occurs when someone is coerced, forced, or manipulated into engaging in sexual activities by a third party, or out of necessity to finance basic needs.”

¹⁵ <https://www.womensaid.org.uk/wp-content/uploads/2022/03/Financial-Hardship-report-FINAL.pdf>

¹⁶ <https://www.womensaid.org.uk/wp-content/uploads/2021/09/Nowhere-to-Turn-2021.pdf>

¹⁷ <https://welshwomensaid.org.uk/wp-content/uploads/2023/11/Operational-Group-FOI-Report.pdf>

- Secondly, whilst we appreciate this is encompassed within the ‘sexual violence’ umbrella under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015¹⁸ (VAWDASV Act), given that survivors of sexual exploitation face unique barriers to support, we believe it merits more explicit inclusion. Members of the AWOGSEW report that survivors of sexual exploitation are often deemed not eligible for support such as refuge due to their involvement in sexual exploitation or other, related, multiple support needs. They have reported particular difficulties for survivors of sexual exploitation in relation to being awarded local authority homelessness duties and accessing temporary accommodation due to past ‘unsuccessful stays’. This often leaves survivors experiencing street homelessness, with no fixed address, or sofa-surfing, thereby putting them at risk of further exploitation and making it even harder for them to access support. In one particular case study, a member service reported a survivor of sexual exploitation who was refused emergency housing after a suicide attempt due to previous ‘unsuccessful stays’, was unable to access a regular supply of critical medication due to her housing needs, and was passed between several local authorities who refused to accept homelessness duties. At the time of writing, the survivor remained homeless. Again, it must be noted that women who have experienced sexual exploitation may have multiple support needs, may have experienced significant levels of trauma, and may be experiencing continuing exploitation, and the lack of appropriate support for their housing needs leaves them at significant risk of further abuse and re-traumatisation.
- We believe that specialized support for women who have experienced sexual exploitation must be included in this multi-agency approach and they must be supported as any other survivor of VAWDASV would be, including the involvement of specialist VAWDASV services, to ensure they receive proper needs-led, trauma-informed support suited to their requirements.
- Forms of online abuse such as technological abuse and image-based abuse.

It must also be noted that women in general experience homelessness differently. Women are more likely to experience forms of homelessness other than street homelessness such as sofa-surfing. This is particularly true for women who are survivors of abuse. In a 2022 report¹⁹, Women’s Aid Federation of England (WAFE) found that whilst waiting for a refuge space, just over a fifth of women sofa-surfed.

Question 15

What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?

¹⁸ <https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

¹⁹ <https://www.womensaid.org.uk/wp-content/uploads/2022/06/NWTA-2022-Final-A.pdf>

We believe a number of additional legislative or policy actions could be taken to prevent or relieve homelessness for survivors of abuse. These include:

- Increased funding for local authority housing teams. Member services have reported increased waiting times for homelessness assessments from local authority housing teams, which is leaving survivors in temporary accommodation for increasing lengths of time. This has a significant impact on the mental health of survivors and is detrimental to the relationship between support workers and survivors.
- Mandatory VAWDASV awareness training for local authority housing teams.
- An exemption for refuge services from the Renting Homes (Wales) Act. We are concerned that elements of the Act, such as the 48-hour exclusion, may leave survivors facing homelessness and should they have nowhere else to stay, they may resort to returning to the perpetrator or locations known to the perpetrator, which represents a significant safety risk.
- Increase in all forms of accommodation, particularly move-on accommodation for survivors of abuse.
- Ring-fenced housing for survivors of all-forms of abuse.
- Extend all housing benefits to migrant survivors, including those with NRPF. Even though Social services and wellbeing duties apply to those with NRPF, support services (particularly those in local authorities) have often been reported as reluctant to support these survivors. Without full lifting of NRPF conditions, we remain concerned that migrant survivors will not get the support they need and this can leave people particularly vulnerable. We know councils are encouraged to accept their duties and Welsh Government have provided guidance on this²⁰, however, it is still the case that many do not understand their responsibilities. Training is a good first step and we welcome the Welsh Government's continuous lobbying of the UK government on this issue but we strongly encourage the Support for Migrant Survivors fund to be made permanent and urge Welsh Government to provide sufficient, ringfenced funding to services to provide this support
- While we appreciate that local housing allowances are non-devolved, and are the responsibility of the Department for Work and Pensions, we urge the Welsh Government to continue efforts to ensure the exemption from the shared rate of local housing allowance is extended to survivors of all forms of VAWDASV, not just domestic abuse.

Question 16

Our proposals related to children, young people and care experience seek to improve and clarify links between homelessness legislation and the Social Services and Wellbeing Act. Significant policy development is required to assess the practicality of this. What, in your views are the benefits and challenges of our approach and what unintended consequences should we prepare to mitigate?

²⁰ <https://www.gov.wales/no-recourse-public-funds-nrpf-guidance-html>

Question 17

Do our proposals go far enough to ensure that 16 and 17 year olds who are homeless or at risk of homelessness receive joint support from social services and local housing authorities? What more could be done to strengthen practice and deliver the broader corporate parenting responsibilities?

Question 18

Do you agree or disagree that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to hold occupation contracts?

Question 19

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Access to accommodation

Question 20

To what extent do you agree or disagree with the short-term proposals to increase the suitability of accommodation? Are there additional immediate actions you believe should be taken for this purpose?

There are many proposals with which we agree and would particularly like to support:

- We agree with section 502 which prohibits shared sleeping space. While we understand this is rarely used, we want to reiterate our concerns that permitting shared sleeping space for those accessing temporary or shared accommodation presents significant a safety concern for survivors of abuse and may compromise their mental well-being.
- We agree that choice is integral to the provision of trauma-informed support. Ultimately, survivors and specialist services know what is best for the individual, and they are best placed to decide what provision is or is not appropriate. We believe that all individuals, but particularly survivors of abuse, should have their voices heard and should be able to determine whether accommodation is suitable or not without it prejudicing future offers of support.
- We with the need for supported accommodation for those aged under 25 which is raised in point 510, but we want to re-iterate that the support must be trauma-informed and appropriate for their age and experience. We have previously reported on the postcode

lottery of support for children and young people in Wales²¹, and this provision must be increased to ensure people and young people can be supported meaningfully.

- We appreciate the acknowledgement of support networks broader than family. In the vast majority of cases of VAWG, the perpetrator is known to the survivor and most often, this is a partner or family member. Subsequently, for survivors of abuse, their support network often consist of individuals outside the family and for those that have received support from services, proximity to those services is crucial for consistency.

Under point 509, we agree that placing individuals in overcrowded accommodation is never suitable but we wish to highlight some concerns around the caveats around placement with family or friends. The white paper notes that there must be no predilection for placing families in overcrowded conditions but that such a placement may be preferential and may be applied 'in line with the applicant's wishes. Where this occurs, this must be limited and looked into appropriately to prevent survivors feeling pressured to stay with family members who are perpetrators of abuse when it is not appropriate in order to avoid being placed in overcrowded accommodation. This is of particular concern in cases of coercive control, financial abuse and so-called honour-based abuse²², where family members can often be involved.

Question 21

To what extent do you agree or disagree with the proposals around the allocation of social housing and management of housing waiting lists? What do you believe will be the consequences of these proposals?

We welcome the review of the unacceptable behaviour test. We are aware that this test is applied inconsistently across local authorities, and we have significant concerns around victim-blaming, particularly where a person has experienced singular or, more often, repeated trauma over many years. We agree with the recommendations to exclude historic behaviour and rent arrears, particularly given that financial and economic resources are often used by perpetrators as a vehicle for abuse. Reports of financial and economic abuse have been soaring since the onset of the cost-of-living crisis, with the charity Surviving Economic Abuse reporting²³ that the steep rise in living costs mean survivors have individual average debts over six times more than in 2020, with this level expected to grow after the winter. We believe guidance around the use and application of the unacceptable behaviour test should be developed alongside the specialist domestic abuse and sexual violence sector.

We are concerned at the proposal to provide local authorities with the power to remove without 'no housing need' from the waiting list in their areas. We know that survivors of abuse are often considered not to have housing need, particularly where a survivor either co-habits or owns property with the perpetrator. We appreciate that the proposal includes the creation of a definition for housing need, and we urge this to include survivors of all forms of VAWDASV and their children, but given the barriers to disclosure and the lack of understanding of VAWG more generally, we are concerned that this may create an unmitigated consequence wherein survivors slip through the need. While we appreciate the resource needed from local authorities to manage the list, we believe increased staffing and better training is a much more person-centred solution to this.

²¹ <https://welshwomensaid.org.uk/wp-content/uploads/2022/06/CYP-FOI-Report-ENG-WWA.pdf>

²² <https://bawso.org.uk/en/2023/10/launch-of-bawso-forced-marriage-research-report/?cn-reloaded=1>

²³ <https://survivingeconomicabuse.org/what-we-do/policy-influencing/cost-of-living-crisis>

We welcome the acknowledgement that those fleeing abuse should be awarded ‘additional preference’ given the current landscape and the lack of adequate housing, but it must be acknowledged that those experiencing abuse do not always report it, and that those experiencing other forms of discrimination, such as racism, ableism and homophobia, face even more barriers to disclosure. As such, we believe an intersectional approach is key. We also urge the Welsh Government to ensure local authorities do award this priority to those fleeing abuse, rather than simply ‘permit them to’. We know there is large amounts of variation between different local authorities in terms of how they ascribe priority, and as such, often do not understand or ascribe the relevant priority to survivors. Given the severity of the safety implications if survivors do not receive the correct support, it is imperative that the support provided is needs-led and consistent for all survivors.

Related to the above, we welcome the introduction of a statutory requirement for a common housing register or common allocation policies. We are acutely aware of regional variations in allocation policies and we believe mandating use of such policies may go some way to alleviating this discrepancy, however, we ask that the specialist sector is included in the development of guidance. This specialist knowledge is crucial to ensuring survivors are identified and treated equitably across Wales.

We believe that a mechanism to challenge an allocation decision must be included in the draft legislation, and the process must be clear, simple and transparent, with support available in all languages, to ensure that it is universally accessible, particularly given increasing issues with accessing legal aid.

Finally, we have some concerns around the introduction of a ‘deliberate manipulation’ test. Particularly when it comes to survivors of abuse, applications for support come in times of significant crisis and after years of not being believed, processing information can be extremely overwhelming, particularly for survivors of coercive control. We appreciate the negative impacts of genuinely falsified information, but we are not certain how these can be separated from genuine mistakes.

Question 22

To what extent do you agree or disagree with the proposal for additional housing options for discharge of the main homelessness duty? What do you foresee as the possible consequences (intended or unintended) of this proposal?

We agree that housing duty should not end if an applicant refuses accommodation. As outlined previously, survivors and specialist service staff know what is suitable accommodation for each individual, and taken into account their individual needs is key to a person-centered approach to ending homelessness. Particularly given our concerns around the lack of specialist training for local authority housing staff, we do not feel confident that they are always able to make the most suitable decision and this may lead to increased levels of preventable homelessness.

We agree with a duty to make contact with the applicant six months after acceptance of the offer of housing, but we believe that if the accommodation is no longer suitable, there should be a duty on local authorities to assist with further applications for homelessness assistance, in parity with their prior duties. Particularly for survivors, who often require many attempts to leave an abusive

relationship, we are concerned that if such a duty is not forthcoming, there is a real risk that survivors will feel forced to either stay with the perpetrator or face the threat of homelessness.

Question 23

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals in relation to access to housing. Are there any costs and benefits we have not accounted for?

Implementation

Question 24

To what extent do you think the proposals outlined above will support the implementation and enforcement of the proposed reforms?

As outlined in the white paper, the proposed reforms are broad and complex and, as such, it is important to regularly monitor their implementation. We believe local government scrutiny mechanisms will need to be extended and expanded to provide sufficient levels of scrutiny. It is vital that we know how effective these policies are and without knowing how and how well they are being applied, we cannot understand whether this is truly having an impact.

Under point 646, we believe that giving powers to Welsh Ministers to compel local authorities to meet their obligations is critical. We know that many local authorities interpret policies differently at present which leads to disparity in service provision across Wales and without the powers for Welsh Government to intervene and ensure this is not happening, we are concerned that this will not change.

Finally, we firmly agree that more data is needed to monitor compliance with statutory requirements. The data, at present, is inconsistent. For example, we know that many local authorities do not collect data on those experiencing street homelessness and the discrepancy in this data, alongside demand on resources, led to the Welsh Government suspending the count of this in September 2023²⁴. We are concerned that without proper data collection tools, the efficacy of these proposals is impossible to monitor, and that this will only get worse as expectations on public service staff increase.

²⁴ <https://www.gov.wales/homelessness-accommodation-provision-and-rough-sleeping-september-2023>

Question 25

What other levers/functions/mechanisms could be used to hold local housing authorities and other public bodies accountable for their role in achieving homelessness prevention?

As outlined previously, we believe that training for all local authority staff is key to housing teams understanding their role in achieving homelessness prevention. Across Wales, there is disparity in the level and depth of training provided to officers, and we believe all housing options officers should have the same level of training to ensure all survivors who are in contact are provided with the same level of support.

Question 26

The accompanying Regulatory Impact Assessment sets out our early consideration of the costs and benefits of these proposals. Are there any costs and benefits we have not accounted for?

Question 27

What, in your opinion, would be the likely effects of the proposed reforms in this White Paper on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 28

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Your name:

Jennifer Mills

Organisation (if applicable):

Welsh Women's Aid

Contact details:

jenmills@welshwomensaid.org.uk