

16/01/2024

Platform response to White paper on ending homelessness in Wales

Summary and Key Points:

Platform welcomes the opportunity to share our views on the White Paper on Ending Homelessness in Wales. We were pleased to contribute, where we could, to the work of the expert panel, and through consultation sessions. We want to commend that process, and those on the panel, who worked exhaustively to engage and seek views from across the housing sector and beyond. The end result is an excellent White Paper that promises to build on the progressive legacy of the Housing (Wales) Act 2014, whilst addressing some of the system flaws that have become apparent ten years on.

This White Paper promises a new way of working across Wales, which we believe is proportionate, progressive and positive. It will make an impact, for good, on the experiences of people applying for housing, and for those who are currently locked out of the system because they are too often deemed as 'complex' or 'challenging'.

In our response below, we have offered comment on each of the changes highlighted by Welsh Government, either commenting on individual changes or on themed groups of changes. In most comments we are welcoming and supporting the proposals whilst proposing extended changes, clarifications or adjustments based on our experience of delivering support within the housing sector for over thirty years.

We are particularly encouraged to see Welsh Government proposing changes to priority need, intentionality, and other areas – these would be hugely significant changes, marking a sea change in the approaches we take within the housing system, and we welcome them warmly, and congratulate the Welsh Government for putting these ideas forward. We are clear that they will change, and save, lives.

However, there are some key concerns we have, as well, that we want to flag at the outset as clearly as we possibly can.

Firstly, there is the challenge of funding. In the recent Welsh Government budget, the Housing Support Grant fund, which is one of the key mechanisms for working with people experiencing or at risk of homelessness, has been maintained at a cash flat level. Whilst we recognise the budget challenges faced by the Government, this means a real terms cut, at a significant level given the inflationary pressures facing providers and commissioners alike. The excellent

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and ambitious vision articulated by the Welsh Government cannot be fully realised without the funding to do that. More saliently, the sector will need organisations with experience and knowledge to deliver these changes – and there are very significant concerns and challenges facing organisations across Wales due to funding pressures. There are worries about maintaining and attracting staff, with the right expertise, knowledge and experience, when we cannot pay wages at a competitive rate. This perfect storm of pressure on services, and an inability to pay attractive wages, will risk a ‘brain drain’ in the housing sector, as well as exacerbating pressure on providers who are increasingly unable to deliver contracts without making a loss. Against this context, delivering this vision seems almost impossible, and urgent action is required from Welsh Government to address these challenges.

We do not believe that people working in homelessness prevention in the third sector should be living in poverty themselves. We are therefore committed to paying the Real Living Wage and believe that all staff delivering HSG funded services should be paid at least this level at minimum. It should be mandatory and enshrined in law with appropriate resources flowing to local authorities in order that it can be afforded. This would ensure fair and appropriate remuneration and assist with a workforce that feels valued, helping alleviate the current significant recruitment and retention problems. Platform and other organisations are facing tough choices around how we can remunerate staff, and the pressure on delivering services created a very real risk that organisations will begin to exit from contracts that cannot sustain themselves, and that cannot provide the resources needed to pay staff the Real Living Wage.

There is a wider challenge too, in terms of funding, and whilst not strictly part of the White Paper, we wanted to pay tribute to the work of a wide range of providers across the housing sector, who collectively work to prevent greater harm – and cost – to other services in Wales, particularly the NHS. There is considerable focus on the health service, quite rightly, but it is also critical that community-based services, that are not part of the NHS, are also seen as important by the Welsh Government. Commitment to funding, and to the Real Living Wage for our staff, who are our greater resource, is essential.

Secondly, we seek to draw attention to an element of the White Paper that has not received much notice in its publication, namely the inclusion of a ‘deliberate manipulation test’, towards the end of the document. We expand on this in our full response below, but we would encourage the Welsh Government to rethink this recommendation. In our view this addition doesn’t fit with the values and ideals that underpin an otherwise excellent, positive, and progressive document. We believe that Wales can do better than including this, that it risks embedding a new ‘intentionality test’ by another name. We have included in our response ways that this could potentially be mitigated.

Throughout the response, we have drawn attention to the need to establish how mental health problems are defined, and to ensure there is sufficient knowledge and confidence in understanding what the current issues in the mental health

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system, legislation and practice are. We have drawn attention to the WHO/UN guidance¹ on mental health, human rights and legislation, published in October 2023, which frames mental health problems as a “psychosocial disability”. We would recommend that this definition be referenced in legislation, or if not, then incorporated within final guidance post-legislation.

We would additionally recommend that any changes to legislation make specific reference to the definition of “disability” as set out in the Equality Act 2010, specifically Section 6, which defines disability as having a physical or mental impairment that has a substantial and long-term adverse effect on the ability to do normal day-to-day activities.

In principle, this definition of disability is understood widely across the housing sector, particularly due to expectations of employers as to the rights of their workforce. The shift in understanding of disability rights as being largely needs-led, since the Equality Act 2010 should be referenced within the White Paper. This is because at times, professionals can rely on diagnostic and medical gatekeeping around mental health before people with needs are taken seriously. People need to be able to be part of the decision-making process for treatment decision making, and it is critically important that wider public services do not unintentionally reinforce this gatekeeping via prioritising a medicalised model.

The mental health diagnostic system is in a period of evolution. There are many flaws with the current approach and new ways of conceptualising mental health are emerging. There is substantial cross over between many of the mental health diagnosis categories and clinicians can struggle to identify with accuracy the differences between diagnosis like bipolar, personality disorder and autism, ADHD and complex PTSD or developmental trauma. There is also a huge variation of need across diagnoses as well as significant stigma attached to them. There are also huge waiting lists for assessments and support meaning many people can wait years for diagnosis. Relying therefore on a diagnosis-led system runs the risk of missing people’s needs.

There is precedent for a needs-led, disability rights-based approach in Welsh legislation. The Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 2, defines someone as having “additional learning needs” if a person:

- a) has a significantly greater difficulty in learning than the majority of others of the same age, or
- b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.

¹ [Mental health, human rights and legislation: guidance and practice \(who.int\)](#)

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Adopting a similar definition, in the legislation, would bring the White Paper in line with existing values and principles set out by the Welsh Government, would address the challenges faced by the diagnostic system for mental health, and would shift provision firmly towards a needs-based approach. This approach of course requires a shift in culture towards one of trust. The alternative is that any new housing legislation runs the risk of forcing people to engage with a medical model of their health, in a way that runs counter to the Convention on the Rights of People with Disabilities, and also is misaligned with the values long held by Welsh public services, as well as existing Welsh legislation, in how they meet their equality duties.

Elsewhere below, we have highlighted areas for improvement, development or clarification of the proposals by Welsh Government – and we welcome the vision, intention and commitment to change shown in this White Paper. As ever, we welcome the opportunity to discuss this further.

About Platform:

Platform was born in 2019 from Gofal, a mental health charity established in Wales in the late 1980s. Through decades of working across housing and mental health, we gained real insight into the reality of mental health in society, the impact of trauma, and the causes of distress. That work led us to change our focus and become Platform, the charity for mental health and social change. We take a holistic and social justice approach to mental health.

Today we work with over 12,000 people a year. We support people of all ages, across urban and rural communities, in people's homes and alongside other services. Our work spans inpatient settings, crisis services, community wellbeing, supported housing and homelessness, businesses, employment, counselling, schools and youth centres.

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Changes highlighted by Welsh Government

In this section, we have included the Welsh Government recommendations, and provided comments in response to each recommendation, or groupings of recommendations.

Chapter 1: Reform of Existing core homelessness legislation

A person is threatened with homelessness if it is likely that the person will become homeless within six months or they have been issued with a Notice Seeking Possession

Where a person is permitted to reside in an area, but does not have access to clean water, waste facilities and toilet facilities, they should fall within the definition of homeless under section 55 of the HWA 2014.

Platform's Comment:

These are positive changes – particularly in terms of shifting the definition of being “threatened with homelessness” from 56 days to six months. This provides time for statutory services to work on the help people need and gives people the permission to approach local authorities for help before problems escalate into a full-blown crisis.

This will give space for people to take a longer-term, person-centred approach, meaning that any interventions are more likely to be tailored towards a person’s needs. This has been a consistent challenge in delivering services, and for local authorities in terms of meeting needs, as the interventions almost always take place in a crisis situation, where someone is already very close to homelessness. Being able to work with someone well before that stage could be revolutionary.

A statutory duty to draw up a PHP containing the steps the local housing authority will take to secure accommodation for the applicant

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We propose a statutory duty to review the needs assessment and PHP with the applicant within a defined timescale of 8 weeks

We propose a statutory duty to include an applicant's views on their accommodation needs in a PHP

Platform's Comment:

The PHP (Personal Housing Plan) is a useful tool to help support people into accommodation. These changes are positive. Firstly, it will ensure they are a duty, which means local authorities need to provide them. Secondly, in local authorities where they have been used, they have given a sense of stability and some certainty, to people. Thirdly, the addition of a requirement to review, and to include applicant views, will be a powerful way of ensuring people have more of a voice in the system. The use of PHPs is also very important when ensuring any additional needs are met.

Support workers are a critical part of getting PHPs right, and we would encourage, in any code of guidance that is published, for it to be possible for PHPs to be co-produced alongside housing support providers and other professionals, in partnership with the person and the local authority. Support workers have developed years of expertise in helping people articulate their needs in these situations.

- **A right to request a review in relation to the reasonable steps taken to prevent homelessness or secure accommodation, outlined in an applicant's assessment of housing need and their PHP.**
- **A right to request a review of the suitability of accommodation at any time during an applicant's occupation of the accommodation (which should be available beyond 21 days).**

Platform's Comment:

Over the years, even since the 2014 Act, the ability for people within the housing system as "applicants" to have their voices heard has been limited. With the stigma of homelessness, the scarcity of resources and housing supply, people have often been forced by circumstance to accept what has been offered whether it is effective or not. By ensuring individuals hold the rights to review

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what has been offered either as reasonable steps, or the suitability of accommodation, people can have more of an involvement in their own housing plan.

This is not on its own going to address the harmful impact of scarcity in the system – and there are wider questions around access to advocacy, people’s knowledge and understanding of their rights, but as a change in the legislation it is welcome, and another indication that this White Paper is placing people’s rights at the heart of its ambition for a new approach to homelessness.

We have noted in the summary of our response, the challenge of public services often requiring GP or other healthcare professionals’ to give a diagnosis, before a mental health problem is considered for any kind of priority need. This, we believe, is a barrier on two levels. Firstly, it reduces the opportunities for prevention – if people must reach a level of need that requires service intervention or to reach clinical threshold before they can access additional support, or have the right PHP for their needs, then there are a whole range of interventions that are being missed. This is not a prudent use of resources, particularly health resource.

Secondly, as we noted in our opening summary, there is a risk that by relying only on a medical, diagnosis-led model to legitimize support or intervention from housing teams, the system puts pressure on the mental health system, pushes people towards a model of care that they may not want or that may not be culturally appropriate, or have not fully consented to. This reduces agency, is not embracing the co-productive principles that public services are working towards across Wales, risks excluding minority groups and runs the risk of overriding deeply held personal choices about someone’ own health.

We propose the abolition of priority need so this test is no longer necessary for homeless, eligible applicants to benefit from the duties under sections 68, 73 and 75 of the HWA 2014 (or the equivalent duties in reformed legislation)

Platform’s Comment:

We warmly and enthusiastically welcome this proposal. Priority need is a method by which local authorities ration the support they can give, and it is seen as important when services are overwhelmed. However, it is a blunt instrument,

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with unfair exceptions and too-strict definitions that can leave people without support despite being in a position of vulnerability. The gradual phasing out of priority need is one we have been calling for, for many years, and should be celebrated however difficult it will be to implement.

However, critically, there needs to be the resources for local authorities, and the organisations that are working alongside them to discharge their duties, to meet this need. The most recent Welsh Government budget, with a cash flat settlement for the Housing Support Grant, is a concerning sign that the Welsh Government is not willing or able to give the resources towards tackling homelessness that are needed. We cannot be more explicit: without clear resources to the housing sector, even the best legislation will fall flat.

We propose the intentionality test is removed from legislation and is no longer applied in determining whether an applicant is entitled to the prevention and main duties (section 68-interim duty to secure accommodation (in the context of ending the duty) and section 75 (duty to secure accommodation) of the HWA 2014) or any future duties in new legislation.

Platform's Comment:

As with the priority need example above, the removal of the intentionality test is to be warmly welcomed. It is a legacy of a time when homelessness was still seen as a crime, and when the stigma was even worse than it is today. It was also another clumsy and blunt 'rationing' test, which served no purpose in helping people overcome challenges, and instead wired in unfairness, inequality and injustice. That this may be removed is a significant victory for people in need of housing. The Welsh Government should be congratulated for embracing this suggested change.

We propose adding 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.

Platform's Comment:

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Ideally, we would want to see local connection removed in its entirety. However, if that is not possible, then these changes above are to be welcomed. In the details, the changes also talk about the potential inclusion of “special circumstances” criteria that might explain (and therefore provide exemptions for) why people have left their home communities.

These are:

- Young people, 25 and under
- Members of the LGBTQ+ community
- Disabled applicants who require access to particular support
- Gypsy, roma and traveller communities
- People seeking recovery from substance use

We would want to see mental health included in this list and would encourage the definition used to be in line with the Equality Act definition of disability, and drawing on the World Health Organisation / United Nations definition of “psychosocial disability” for inspiration. This would mean asking people if they have a mental health problem that impacts on their ability to access or maintain housing, build or maintain positive relationships, or is otherwise impacting on their ability to live a fulfilled and happy life. It is a critical point to include mental health in this list – it is one of the most significant contributors to the causes of homelessness such as tenancy failure and/or relationship breakdown, and it makes it more difficult for people to navigate what is often a complex and overwhelming system for support.

This would mean amending the above list, so that it reads:

“Disabled applicants, including those with psychosocial disabilities (mental health problems), who require access to particular support.”

We propose a new duty on local housing authorities to help support a person to retain accommodation where the applicant has been helped to secure accommodation (which might be their existing accommodation) or where accommodation has been offered to and accepted by the applicant.

Platform's Comment:

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This is to be welcomed. Support for people to retain their accommodation is central to the prevention of homelessness, but until now there has not been a duty for that support. We welcome this warmly and would want to see more details about how this would work in practice. Again, this is an aspect of delivery that would be heavily reliant on adequate funding for the housing support sector.

We propose a narrower test which sets out a small number of clearly defined and limited grounds for the unreasonable failure to co-operate test.

Platform's Comment:

In the current Housing Act, the “unreasonable failure to cooperate” test is used as a reason to discharge the local authority duty to house an individual (that is, to close the ‘case’). However, the interpretation of this is very broad, and wide-ranging, and local authorities across Wales have had very different ideas on this. Not only that, but internally across teams there have been differences.

The widening understanding of trauma informed approaches has been felt most keenly in this area, as local authority officers are understanding behaviour through the lens of unmet need.

Any change in the legislation that enables people to have more clarity on what is unreasonable, and what is not, is to be welcomed. Currently, it is a restrictive practice and the use of this to discharge a local authority’s duty needs to be tightened and reduced – it is an example of the system not working for an individual.

We propose to make it clear that local housing authorities must ensure (based on a rigorous assessment of need and a PHP) they communicate with applicants in a way which is accessible and tailored to any individual needs.

We also propose setting out in legislation that local housing authorities be required to communicate at regular intervals with applicants on:

- **Progress of their application for longer-term accommodation**

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and expected time scales.

- **Their rights to request reviews of the suitability of the accommodation and of any other relevant decisions.**
- **Support that may be available to the applicant. We propose further detail relating to communication be outlined in guidance**

Platform's Comment:

As per our above comment on PHP, these changes are to be welcomed. In particular, updates on progress and timeframes could make a huge impact on people's wellbeing. Often, the people we support within Platform have no idea how long things will take. We would also encourage the inclusion of a requirement to update stakeholders, so that support workers and their organisations can ensure the right support is in place at the right time, and so we can offer good, proactive advice for people. It is critical for planning. Timely updates to both the applicant and the organisations that support them will help ensure people are held in uncertainty, provide support if their application faces difficulties, advocate for suitability of accommodation, and otherwise offer any level of support needed as a result of changes or progress in the application process.

Chapter 2: The role of the Welsh public sector in preventing homelessness

- **A new duty to identify those at risk of homelessness and refer on to specified parts of the public service, so a local authority is notified as soon as possible a person is facing a threat of homelessness or is already experiencing homelessness.**
- **We propose the duty to refer is accompanied by a duty on the specified parts of the public service to take action within their own functions to sustain standard or secure occupation contracts and mitigate the risk of homelessness.**
- **An expanded duty to co-operate (currently imposed by section 95 of the HWA 2014), to ensure a wider number of public services are engaged and responsible for making homelessness rare, brief and unrepeatable.**
- **Strengthening strategic leadership of homelessness at a regional level.**
- **A statutory case co-ordination approach for those who are**

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homeless or at risk of homelessness and experiencing multiple complex support needs.

Platform's Comment:

This is an area where the earlier “duty to cooperate”, expanded to include other public services, could be hugely powerful. At present, the ‘demand’ falls upon local authorities, who rely on social landlords, private sector landlords and the third sector, to manage the complex and challenging circumstances that arise within homelessness situations. The widening of this duty could be revolutionary in its impact.

This is an area where understanding the contributions that mental health services, practitioners and other wider stakeholders could have, would be invaluable. Not just in terms of services and individuals, but where there are connection points, where system failure drives demand, where individual practitioner experience can shed light on how this could drive change. For example, drawing on the experiences of the Platform Crisis House model in providing an alternative to mental health hospital stay.

Chapter 3: Targeted proposals to prevent homelessness for those disproportionately affected

We intend to strengthen existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services, and social services and homelessness services work in true partnership to secure suitable accommodation and any broader support these young people’s need.

In addition to strengthening practice under existing legislation, we propose to clarify within legislation that no 16 or 17 year old should be accommodated in unsupported temporary accommodation and for those leaving social care or the youth justice system, it is expressly prohibited to use the homelessness system as a route out of care or youth justice. Instead, planning should be done, and arrangements made for accommodation in advance.

We propose, in line with their corporate parenting responsibility, and

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in order to prevent any care leavers or care experienced young people getting lost in the system, local housing authorities be required to make inquiries into whether an applicant is care-experienced, as they complete the assessment of housing need and Personal Housing Plan, as proposed earlier in this White Paper.

We propose to explore further, through this consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders, and, in so doing, broaden the accommodation options available to this group.

In response to recommendation 25 in the Children, Young People and Education Committee report, we propose care-experienced people should be considered priority need (unless or until the test is abolished (based on the proposals set out earlier in this White Paper)).

For young people leaving the secure estate, we propose legislation and guidance should be clear 16 and 17 year olds, who are expected to be released from the youth justice system within six months, are the responsibility of the local authority as part of their corporate parenting responsibility. Similarly, for young people in youth detention, who are or were care leavers aged 18 to 21 (or 18 to 24 if in education or training) should also benefit from joint work between social services and the local housing authority to support and accommodate.

Platform's Comment:

Platform delivers the Power Up Project, which works with young people across Cardiff and The Vale of Glamorgan. Our peer researcher talked to children and young people about their experiences of mental health and wellbeing and receiving support and how that related to homelessness. Their views are included below, as our response to the sections that are relevant to the experience of homelessness amongst young people. They are in their words:

With the power to change absolutely anything the world, children and young people said they would provide 'better conditions and free food' for people experiencing homelessness; ensure that no one was 'homeless' and help

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prevent the problem with 'cheaper rent'.

We are in support of all the proposals suggested by the Welsh Government in the white paper on ending homelessness in Wales, regarding children and young people. In particular, the changes to “strengthen existing corporate parenting responsibilities”; “allow 16- and 17-year-olds to be occupation contract holders” and consider care-experienced people as “priority need”.

We agree with the Welsh Government’s proposal to ensure young people aged 16 to 17 who are at risk of or are homeless do not fall between the gaps and are being appropriately supported by their local authorities.

Young people have repeatedly told us that one thing they would change/improve about mental health support services and professionals is how they give young people support. Young people have reported that ‘listening’ and ‘helping you solve the problem’ by ‘taking action’ and ‘referring you to specialists’ are examples of how young people can be given the support that they really need, especially if they are not aware of how to access the right support.

According to the UNCRC, children have the right to proper living conditions (article 24) and for anyone who works with children to always do the best for the child (article 3). When families are unable to afford to support children, the responsibility falls on governments and corporate parents to ensure that children are provided with appropriate housing in the best place for the individual, therefore meeting their rights (articles 21 and 27).

Young people rarely experience problems in isolation so the government should champion services to work together with the No Wrong Door Approach to ensure that young people can seek help from any service and be redirected to the most appropriate one for their needs. Young people we spoke to about their mental health frequently mentioned that information about how to get support was ‘hard to find’ and could be clearer on how to access services.

Furthermore, we encourage the Welsh Government’s exploration into whether young people aged 16 to 17 could be allowed to become occupation contract-holders and we propose that this should be implemented.

Young people (especially care-experienced young people) have told us when discussing mental health experiences, the importance of being listened to, understanding, and adjusting for individual’s needs and not always having to go through parents for support. Enabling young people to hold tenancy agreements will give them agency and protection from experiencing homelessness as they

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are not reliant on a parent for something that they have the right to. This would meet, according to the UNCRC, children's rights for good living conditions and for adults to always do what is best for them (articles 3 and 24).

This falls in line with the changes being implemented by Welsh government through their radical reform of services for care-experienced children and young people, with ascertaining care-experienced young people are not put into unregulated and unsuitable accommodation. As well as lead to 'a more equal Wales' (where people are not disadvantaged in life due to their background and personal circumstances) as stated in the Wellbeing of Future Generations Act (2015).

Finally, we agree with the Welsh Government's proposal to consider young people aged 16 to 17 who are care-experienced as 'priority need'.

Care experienced young people told us that they want people to 'listen' and 'understand' them as they can appear 'angry' but 'actually need help' or may be struggling but 'not seem like it'. They often have a lack of stability and support around them so it is even more imperative to uphold their rights (as they may lack other adults in their life who can). Children have the right to be looked after properly and be checked up on regularly if they cannot live with parents (article 20 and article 25 of UNCRC). Highlighting care-experienced as 'priority need' would fall alongside the improvements suggested by the Welsh Government in their radical reform of services for care-experienced young people and ensure the wellbeing of future generations is being upheld.

We propose much of the improvement work required to strengthen multidisciplinary practice between homelessness, mental health and substance use services can be achieved without legislative reform and may be better outlined within the development of the Together for Mental Health strategy and the successor to the Substance Misuse Delivery Plan alongside use of the complex needs funding programme.

In line with the Expert Review Panel we propose to ensure key assessments and plans such as Care Treatment Plans routinely consider housing needs and the stability of a person's accommodation. We will work with services to strengthen how a person's accommodation is considered as part of care and treatment planning wherever accommodation is a contributing factor to a person's mental health or wherever a person's accommodation

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could potentially become at risk (for example if the person is deemed by a landlord to be behaving unacceptably or if the person is unable to work and maintain bills associated with their accommodation).

Platform's Comment:

There are specific practical 'gaps' in terms of Care Treatment Plans, which we would encourage Welsh Government to develop further in guidance, and by exploring timescales for different health settings for housing prevention warnings. This is an area that we believe requires further research, as part of the legislative process.

One of the gaps which is an ongoing challenge, is with people who have been supported at A&E with mental health crises that are not previously known to services, or who are not currently accessing services. This is particularly relevant for homelessness, as the link between homelessness and mental health (and vice versa) is well evidenced. If someone is made homeless, mental health crisis can follow.

In our experience in crisis settings, including A&E, Care and Treatment Plans are not completed – it is a longer-term multi-disciplinary plan which is hard to create from settings including A&E, or other short-stay crisis areas. Whilst a proportion of people accessing A&E or other crisis settings will have an existing CTP, other people will not. Given the evidenced link between housing crisis and mental health crisis, this area is a key prevention opportunity.

There are areas to explore, that could help address the challenges:

- Adapt and utilize the WARRN (Wales Applied Risk Research Network) formulation-based risk assessment to include housing need. This is increasingly used as a risk assessment across mental health services, and in the absence of a CTP, could provide an opportunity to flag urgent needs around housing, particularly for people sleeping rough;
- Adopt mutually agreed (via consultation) timescales for different healthcare settings in terms of housing referrals, adopting a similar approach to a Housing Plan requirement within the secure estate. In different settings, when discharge takes place, housing providers can be caught unprepared or unable to meet the urgent need. This would need to be flexible and realistic, and based on timescales that fit the service. For example, discharge from A&E is not able to give significant notice, but there could be a referral duty placed to a street outreach team. Conversely, mental health ward discharge could be given a duty to create

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- a housing plan similar to the requirements placed on probation services;
- Implement pre-treatment assessment approaches (e.g, adding accommodation status to assessment questions in A&E) – this would flag, earlier in the system, where housing vulnerability is a risk.
 - Develop (and fund) community-based, voluntary sector services for mental health crisis such as sanctuaries, crisis houses in line with the Crisis Care Concordat – these services are both better equipped to address social issues like housing as they have the knowledge, skills and expertise, and they also have closer links with local housing authorities.
 - Consider including 111 press 2 in any training plan for any new legislation, to ensure familiarity with housing crisis within this service. 111 press 2 will continue to receive calls from people in crisis, and will, if this develops, be a key source of support for people who are likely to be vulnerably housed.
 - Build on good practice seen across Wales, where housing support and advice colleagues can be co-located in, or easily accessible through, the health system. This can take the form of housing officers being invited on ward rounds, discharge planning meetings, or similar, where they can help communicate to care coordinators the vital importance of housing, and the steps needed to support people along the process of being offered temporary accommodation (as an example).

We have phrased these as ideas for exploration, research and consideration, rather than firm recommendations, because they will need to be co-produced alongside healthcare professionals and others. It is critical that this area is looked at, however, as it remains an area that could help prevent or give opportunities for early intervention into, homelessness – but as a system we collectively miss these opportunities currently.

We propose to build on our existing strategic commitment to ensure no one is discharged from hospital into a homelessness situation and recent work to establish the D2RA (discharge to recover then assess) system to ensure the prevention of homelessness is considered in hospital discharge planning, by setting out the following in legislation:

- **A requirement for discharge assessments to include consideration of a patient's housing needs.**
- **A joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge.**

Platform's Comment:

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We welcome the creation of a joint duty for health and the LHA to work together. The links between health discharge and homelessness have been a stubborn challenge in Wales, and as of yet there have been few successes in tackling this. The requirement for discharge assessments to include consideration of a patient's housing needs, is much needed, but there is a significant challenge as to what happens then. We have addressed this in the previous comment – this should not be seen as an additional tick-box exercise imposed on the NHS but should result in genuine change. This needs to be developed in partnership across a wide range of stakeholders, and we would encourage it to be prioritised in the development of the Guidance that follows the legislation.

We propose to widen the definition of “domestic abuse” to more explicitly include controlling or coercive behaviour, economic or psychological abuse. The Expert Review Panel have also recommended the definition should apply where abuse is perpetrated by a person in an intimate personal relationship with the victim of any duration. This is already the case in Wales under the VAWDASV Act (section 24(2)(h)).

We propose a further amendment to ensure the main housing duty should include a duty to help the applicant retain their existing accommodation (immediately or in the long-term) if they wish to and it is safe to do so (such help could include assisting them to obtain an occupation order, installing physical safety features or helping them obtain advice to have the ownership or occupation contract transferred to their name).

It is proposed involvement of specialist VAWDASV services in the decision-making for these service users should also be strongly encouraged when the survivor is accessing this support. This will ensure safe and informed decisions.

Platform's Comment:

We welcome this needed focus on VAWDASV in the White Paper. We would continue to call for a widening of the Ask and Act training for more professionals at all levels of housing, as the levels of awareness of domestic abuse risk factors remain low. In terms of unacceptable behaviour, tenancy rights of survivors, and

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other new elements of housing law in Wales, it means that survivors are still not fully aware of their rights and the ways that they could be receiving targeted, tailored support that offers safety and addressed the power imbalances that are perceived between survivor and the person who has caused harm. Training in and of itself is not enough to address VAWDASV, but where in some areas of housing the knowledge and awareness is strong, there is still huge progress needed before services are engaging fully with the VAWDASV agenda.

It is our policy intention that the Personal Housing Plans proposed in section 1 of this White Paper will improve the service provided to disabled people through consideration of individual housing needs and support needed to retain accommodation, in addition to inclusion of any impairments of the applicant or any member of their household.

To improve the efficiency of allocation of accessible accommodation, we propose all local authorities in Wales be legally required to hold an accessible housing register and undertake a regular review of the accessible accommodation within their stock.

Platform's Comment:

We welcome these elements – we also believe there may be more action needed around disability and mental health accessibility within PHPs. We would reiterate our previous comments, to ensure there is no reliance on diagnosis alone, and that PHPs can be conducted in line with Equality Act self-declaration of disability, rather than requiring GP input, which can slow down the process, adding distrust, and embedding a lack of agency in the process for people.

In additional to the proposals outlined in section 1 on local connection we also propose to review the National Housing Pathway for Ex-Service Personnel and seek ways to ensure it is consistently applied across local authorities.

We propose when an individual is first sentenced to imprisonment, an assessment should be made at reception stage (the point the person first enters prison) of whether they are likely to lose any accommodation while serving their sentence of imprisonment and, if

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so, whether they are also likely to lose their possessions and whether they are likely to be released, and homeless within six months.

We propose to set out clearly in legislation that someone held in custody is not homeless despite not having access to accommodation in the community.

We propose those in custody (be it on remand, recall or sentence) do not meet the criteria for homelessness unless one of the three following conditions are met: • they are already under an existing duty under the HWA 2014; • where existing accommodation is at risk as per the existing (or amended) definition; and/or • six (or fewer) months prior to release.

Where it becomes apparent a prisoner will be homeless upon release from prison, we propose the local connection test should be applied at the prevention duty stage.

We propose legislation should set out that where a prisoner needs accommodation from a local housing authority in order to achieve an early release, parole or bail, the prisoner should be deemed to be homeless at the early release date.

We propose to make clear any time in custody must be considered a change of circumstances regardless of the length of the detention or whether it is related to a recall to prison.

We propose to make clear those who are recalled or sentenced to custody while in receipt of an existing duty must not have their duty automatically ended.

To strengthen this further, we propose a new power for Welsh Ministers to make regulations in relation to reciprocal arrangements.

To ensure consistency of access and assessment, we propose to make it clear this duty places an expectation on local authorities, where there is a secure establishment within its boundaries, to

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secure the provision of a sufficient advice service to those in both adult or youth custody.

We propose, where possible, consideration is given to whether accommodation could be offered to a person in prison under the prevention duty, with a view to it being available on release, either under an occupation contract or on a more informal basis (accommodation with family or friends).

We propose the main housing duty should apply if the prevention duty comes to an end and the applicant is due to be homeless on release, even if the applicant has refused accommodation offered under the prevention duty.

We propose an amendment to the Social Services and Well-being (Wales) Act 2014 to ensure retention of belongings is included as part of the reasonable steps that need to be taken under Part 11 of that Act.

We propose legislation and guidance should be clearer about the link with Part 11 of the Social Services and Wellbeing (Wales) Act 2014 that 16 and 17 year old children, who are expecting to be released from the youth justice system within six months, receive a joint response across a local authority, in alignment with our proposals earlier in this section on children and young people.

Platform's Comment:

We are broadly supportive of the changes identified above. We would also encourage multidisciplinary work to be undertaken between housing and probation services, in a similar way to mental health and substance use services. Although not a devolved area, we would encourage Welsh Government to consider what legislative levers can be used to unlock greater cooperation in this area.

Our colleagues in Platform have good relationships with the probation teams, but there are times when the different systems are speaking different languages, or taking different approaches, and these can cause challenges in providing a streamlined, person-centred response, and can mean people receive different experiences between Platform's support, and the way the probation or wider

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criminal justice systems work. This still manifests as communication difficulties, colleagues working to different schedules and priorities, differences in culture and approach, differences in how to respond to and work with risk and remains one of the most significant barriers to client experience, safety and outcomes. This is an area that requires substantial work, and if the culture challenges are not addressed, we are concerned that all the legislative changes set out above would struggle to make the impact that we all want to see.

Chapter 4: Access to accommodation

We propose the existing legislation be strengthened to prohibit accommodation which has Category 1 Hazards as being deemed suitable.

We propose this also includes accommodation that is deemed 'unfit for human habitation' (having regard for the 29 matters and circumstances listed within the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ("the 2022 Regulations")). If accommodation would be deemed unfit for human habitation in accordance with section 91 of the Renting Homes (Wales) Act 2016 ("the 2016 Act") and the 2022 Regulations, that accommodation must not be used.

We understand shared sleeping space is rarely used but we propose to make clear in legislation, shared sleeping space is never permitted, regardless of the temporary or emergency nature of accommodation.

We propose exceptions in law, which provide that accommodation that does not meet the higher standard will be suitable for up to 6 weeks if the accommodation is owned or managed by a local housing authority or registered social landlord, should be removed.

We propose to introduce a requirement that these personal circumstances must be given consideration in assessing suitability of accommodation, even if it is not possible at the time of the assessment to meet all of those needs through accommodation placement.

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We propose to strengthen legislation to make clear, when determining the suitability of accommodation at the point the main housing duty is owed, placement in overcrowded accommodation is never permitted.

There must be no predilection for placing families in overcrowded conditions, however, it is noted such a placement (with family members or friends) may be preferential to households entering emergency accommodation and for this reason, we propose the prohibition does not apply to the prevention duty, should this be in line with the applicant's wishes.

We propose for people aged under 25, the use of unsuitable temporary accommodation, including Bed and Breakfasts and shared accommodation, should not be permitted for any time period

We propose to make it clear through legislation that where people of this age group are to be housed in temporary accommodation, it must be supported accommodation. Therefore, the accommodation should be combined with support (which is tailored to the individual or household and their needs) and should be made available until the individual is ready to move on to an independent living setting.

In addition, we propose to make clear in legislation those aged 16-17 must never be accommodated in adult focussed, unsupported temporary accommodation in Wales (see section 3 of this White Paper).

We propose accommodation cannot be deemed suitable unless it is located within reasonable travelling distance of existing or new educational facilities, employment, caring responsibilities and medical facilities, unless the applicant wishes to move beyond a reasonable travelling distance from those facilities.

We propose the local housing authority be required to take into account, in relation to both the applicant and any member of the applicant's household, any specific health needs, any impairment, where the accommodation is situated outside of the area of the

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authority, the distance of the accommodation from the authority's area, the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the person and the proximity of alleged perpetrators and victims of domestic or other abuse.

We propose legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant.

We propose to formalise a Homeless at Home Scheme on a national basis.

We will ensure at both a local and national level we are able to profile the availability and stock of temporary accommodation in Wales.

We propose new legislative provision which will make clear an RSL cannot unreasonably refuse a referral from a local housing authority, within a specified timeframe, except in specified circumstances.

Platform's Comment:

We welcome these changes, as they will help streamline, clarify or simplify the current process, as well as continue the progress within Welsh housing legislation that prioritises the rights of people experiencing or at risk of homelessness, rather than the organisations delivering that support or providing housing.

However, there are some areas where we would encourage further development. We would want to add to the recommendation for local authorities to take into account various elements of people's needs, that they also consider distance from an applicant's family / support network. Whilst this is implied in terms of caring *responsibilities*, we want it to be more explicit, that it can also apply to people's relational needs. Loneliness and isolation is one of the critical factors behind mental health problems, and consequently behind tenancy failure.

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We propose the current test for unacceptable behaviour, which permits a local housing authority to exclude applicants from their allocation scheme, or to remove any reasonable preference from them, should only apply where: a. an applicant (or a member of their household) has been guilty of unacceptable behaviour, serious enough to breach section 55 of the Renting Homes (Wales) Act 2016 so as to result in an outright possession order; and b. at the time of consideration of the application, the applicant remains unsuitable to be a tenant by reason of that behaviour (sections 160A(7) and (8) and 167(2B) and (2C) of the Housing Act 1996).

Platform's Comment:

This clarification is welcome, as it grounds the unacceptable behaviour (separate to unreasonable failure to cooperate) in very clear terms. We would want to explore the details of this in legislative terms to understand whether it is creating too broad and subjective a definition, and whether there is space for trauma-informed / relational ways of working.

Particularly in relation to “b. at the time of consideration of the application, the applicant remains unsuitable to be a tenant by reason of that behaviour”, we are concerned that this is very subjective and creates a potential mechanism to refuse applicants inconsistently and unreasonably. We would rather see this broken down to be more specific, so that both applicants, tenants, support workers and landlords can understand what is proportionate.

We would also recommend inclusion of a third aspect: “; c. and a trauma-informed response to address this behaviour has been attempted, in proportion with the level of unacceptable behaviour, or trauma-informed support has been put in place to help work with the person after exclusion to ensure re-inclusion as rapidly as possible.”

We have phrased it in the above way as we believe it is important that every tenant has an opportunity to be supported in a trauma-informed way, and whilst at times organisations may need to remove people from allocations, or remove preferences, this can also become a trap for people in the highest levels of need. There needs to be a mechanism in any new legislation to ensure people in these situations are not left behind.

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We therefore propose to provide local authorities the power to remove people with no housing need from the waiting list in their areas.

We propose to assign additional preference to those who are homeless and owed a statutory homelessness duty over other priority groups who are deemed to have an 'urgent housing need'.

Welsh Government therefore proposes to introduce amendments to legislation to allow for care leavers who are homeless, to be provided with additional preference over other priority groups defined as having an urgent housing need. This will allow for greater prioritisation of care leavers within existing allocation systems, with the intention of increasing their access to affordable accommodation and mitigating the additional risk of homelessness they face. We propose a similar change so local housing authorities are permitted to specify in their allocation schemes people who are homeless as a result of fleeing abuse should be awarded greater priority.

We propose to introduce legislation to require the use of CHRs and common allocations policies across all local authorities in Wales.

We propose an increased range of housing options through which the main homelessness duty at section 75 HWA 2014 can come to an end.

Platform's Comment:

We welcome the recommendations on the Common Housing Register, as evidence has consistently shown it reduces 'cherry picking' in the system. However, we would want to see more details as to who will manage the CHR, and who will be writing the common allocations policy. We would argue they should be mandated to be produced in a co-productive way, by forming panels consisting of RSL and support provider representatives, alongside representatives with lived experience, to be reviewed at regular periods. Without clarity, and without working in co-production with all partners, there is a risk that any new process will repeat the challenges of the current system and reinforce a

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power dynamic that 'does to', rather than 'working with'.

We therefore propose to introduce a 'deliberate manipulation test' to be applied at the allocations stage of the homelessness process.

Platform's Comment:

As we stated in our opening, we want the Welsh Government to reconsider the creation of this 'deliberate manipulation' test. The rest of the White Paper provides excellent, evidence-based and compassionate ways forward for the housing sector in Wales, but we think that there are better approaches to address challenges, than one which runs the risk of further embedding shame-based approaches into practice. We are concerned that it is shifting a new, reframed intentionality test further into the housing process. Whilst we understand the concerns that have led to this recommendation, we do not believe that it will be effective in tackling the issue, and instead will create further unintended consequences, and runs the risk of building a lack of trust into the housing system.

Our vision, which we see reflected in most of the White Paper, is of a housing system that at default, is there to meet people's needs, whether they are struggling with high levels of distress, or whether they need a short intervention. We understand that due to pressures on public finances for decades, a rationing mentality has by necessity, developed. However, for a White Paper, we would want to see the visions articulated so powerfully throughout, to be reflected at all levels. In this, we believe Wales can do better.

If this cannot be removed from the White Paper, we would encourage checks and balances to be set up, at the very least. We believe these checks and balances should be three-fold:

- 1) **Annual reviews:** There should be an annual review mechanism across local authorities, reviewed by an independent organisation, to consider how often, and in what situations, this 'deliberate manipulation test' is applied and what lessons can be learned from this.
- 2) **Focus of evaluation:** When the evaluation of new legislation and its implementation is carried out, the use of 'deliberate manipulation tests' should be a specific element to consider in terms of impact and unintended consequences.
- 3) **Secondary legislation:** The relevant Minister should have the ability to remove this aspect of the legislation in future, using secondary legislation, rather than having to rely on primary legislation. Our view is

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that the culture around housing changes, and we have already seen a significant shift from the Housing (Wales) Act 2014, in only ten years, to the point that a full White Paper is required. Building in this flexibility will enable Ministers to amend in the future if the evaluation demonstrates problems with the approach, or if culture changes again in Welsh housing. It is a proportionate and reasonable use of secondary legislation and will ensure that future changes are easier to make, whilst still guaranteeing scrutiny of the decision.

Conclusion

This White Paper is a positive, much-needed contribution to policy and legislative development in Welsh housing. Many of the changes recommended by Welsh Government, as a result of the work of the Expert Review Panel, are addressing long-term, entrenched systems and structures across housing legislation. It feels as if the decades-old structures that were set by previous Westminster-set Housing Acts, are finally being re-developed in a Welsh way. The Housing (Wales) Act 2014 was a tremendously powerful first step towards that. This White Paper feels to us like an even greater step forward.

The priority it has placed on the voice and rights of people at risk of, or experiencing, homelessness, is hugely welcome.

Yes, there are areas that need to be considered carefully, not least of which is the need for greater funding to enable this to take place, the need for mental health needs to be met whether the person sees a social or medical model of their disability, and the need to review the 'deliberate manipulation' test. Across the whole of the White Paper, there are also ways to extend, build on and strengthen the changes and recommendations.

Despite those amendments and changes we believe are needed, we consider this an excellent White Paper, building on the lived experience of people in housing need, and strengthened by the sector-wide consultation that took place so thoroughly throughout Wales. We welcome and support this White Paper and look forward to engaging further in the process as it continues.

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