Frontline Network Wales – Report to the Expert Review Panel
Frontline workers' views of housing legislation in Wales
Abigail Rees, Policy and Communications Officer - January 2023

1. Background

The Welsh Government has committed to reforming homelessness legislation in Wales and has established an Expert Review Panel to provide advice and proposals to the Minister for Climate Change. From the outset, panel members expressed their commitment to hearing from two key groups: people with lived experience and frontline homelessness and housing support workers. Frontline workers are uniquely positioned to share the realities of current legislation and to inform discussions about how changes to legislation might impact their work and the people they support.

It was agreed that Cymorth Cymru would use the Frontline Network Wales to engage with frontline homelessness and housing workers across Wales. This paper is based on the views and experiences shared by frontline workers in an online survey and in the most recent round of regional meetings. Thank you to all of the frontline workers who participated in this work.

2. Engagement

The Frontline Network is delivered by Cymorth Cymru across all the regions of Wales. These meetings are open to those working in frontline homelessness or housing support roles. There were five regional meetings held throughout November and December 2022 whereby approximately 30 frontline workers were in attendance. These included people working for third sector homelessness and housing support providers, registered social landlords and local authorities. Additionally, a survey was distributed in January 2023 which was completed by over 40 frontline workers, to supplement the meetings and provide a space for those unable to attend the meetings to contribute to the discussions.[1]

3. Implementation of existing and new legislation

The Frontline Network Wales meet ups highlighted an ongoing tension between existing legislation and its implementation. Whilst the current legislation and statutory guidance seeks to take a person-centred approach to supporting people facing homelessness, implementation is inconsistent across Wales and some workers told us that outcomes can depend where the client is geographically, as well as which specific person in any department is allocated to support them.

Frontline workers highlighted concerns around the effectiveness of current legislation and emphasised the need for the panel to not only review and reform the current legal position but also to consider effective implementation of any changes to the law.

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[1] For survey questions please see Appendix 1

4. Prevention and relief

Frontline workers expressed a variety of views when discussing the prevention and relief duties, with some sharing good practice and others expressing frustration with the response from some local authorities. Survey respondents told us that *"early intervention teams are vital for rapid rehousing and homeless prevention".*

With regards to the 56-days referenced in the definition of 'threatened by homelessness' and therefore linked to the Section 66 prevention duty, there were mixed views on whether this time period should be extended and by how much. However, the majority of survey respondents felt that it should be extended. Some frontline workers thought it should be brought in line with the new notice period of 6 months, as set out in the Renting Homes (Wales) Act 2016. Others felt that there should be no restrictions on when someone should be able to access preventative help from the local authority, as the earlier the intervention, the greater the likelihood of a positive outcome. There were however some frontline workers who expressed concerns that the absence of a defined time limit could lead to negative implications if people are unaware of their right to access help. They suggested that without a fixed time period to approach housing support, the most vulnerable may slip through the cracks or not access support at all.

We also asked frontline workers their opinions of the prevention response delivered through local authorities. Firstly, it is important to say that frontline workers fully understood and appreciated the significant pressures on local authority staff at the moment, including large caseloads, limited staff capacity, and the huge number of people in temporary accommodation. However, there were criticisms of the current system and implementation of current legislation.

Many felt that local authorities' response to people experiencing or at risk of homelessness lacked the spirit of person-centred practice that the legislation sought to provide. This was echoed in several regions with others highlighting the absence of trauma-informed responses, particularly in relation to those who experienced substance use issues. Underpinning many of these issues was a lack of communication and understanding provided to individuals going through these systems.

> *"Told they are on waiting list for assessment- it can take days for an urgent needs assessment, if they have a sofa they are not contacted for weeks – so I often have to contact the Council to remind them they need to contact the YP, they contact me, but not the actual person, so it feels like they have ticked the box but not actually discharged their duty."*

This lack of communication has led people to feel isolated, forgotten about and struggling with their mental health. One frontline worker told us about a client they were supporting:

> *"He doesn't know what to do, who to trust, where to get information from, he's got no options, he can't concentrate under this sort of pressure. He's talked about killing himself, but is scared and worried about his son."*

Most concerningly frontline workers who completed our survey shared that there was often a reluctance to provide support to people who were deemed to have a roof over their head, even if that meant that individuals were sofa surfing as part of the 3,250 households[2] of hidden homeless across Wales.

5. Priority need

Due to the significant risk to health during the Covid-19 pandemic, priority need categories were paused and everyone was given a right to access emergency accommodation. This intervention was well received by homelessness and housing support professionals. When discussing priority

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[2] Hidden homeless campaign launched by Welsh Government - BBC News

need, many felt that it would not be right to go backwards after the positive action during the pandemic. However, frontline workers were clear that there is a need for further resources, particularly accommodation, to support the removal of priority need and.

> *"The 'all-in' approach was a really good thing, Wales has led the way, but we know local authorities are stretched."*

> *"In an ideal world there would be no priority need needed but with that would have to come enough money and enough accommodation to ensure no one is homeless. Is that realistic?"*

In relation to the existing priority need system, there were concerns from frontline workers that some vulnerable individuals are being let down or are slipping through the net despite their vulnerabilities, due to their inability to 'prove' their circumstance. These comments were repeated across several regions and in our survey results. One worker told us:

> *"Not every case fits into the existing priority need categories. For example, if a person has MH problems that cannot necessarily be diagnosed /evidenced, especially in a crisis. Cases of, for example, threat, coercion, exploitation, debt management, and other sometimes common crisis situations, these are difficult to prove without evidence or a Police incident reference, but no less of a priority when it comes to providing shelter or safety. The priority need system allows many to become more vulnerable and to slip through the net when left without support at a time of great need or potential danger."*

Similarly, a survey respondent highlighted that these vulnerabilities may lead to some individuals being unable to seek the support they need;

> *"Some people with mental health are not confident enough in seeking medical support and this has affected the homeless process for people I have supported as they have no official diagnosis therefore don't become a priority."*

Evidence also shows that often single men are most likely to end up street homeless due to being low priority and it is a welcome step that street homeless individuals are now included in the priority need category. Frontline workers told us:

> *"Whether single people or families, both need help if they are facing homelessness, we can't just tick boxes to say that some people come first."*

While many frontline workers supported the removal of priority need, they remain concerned by the lack of available properties to deliver this ambition.

6. Intentionality

There was consensus across the regions when discussing intentionality, with many stating that it had directly impacted individuals they were supporting. Across the meetings the majority of workers would support the removal of the power for local authorities to deem an individual as being 'intentionally homeless. They felt this added a significant barrier to support, was not trauma informed, and often failed to consider the context or rationale behind the decisions made by the individuals.

Some frontline workers commented that positive decisions were often based on goodwill, rather than being systemic, and that it was *"difficult to know what advice to give to people".* One support worker highlighted the case of a young family they had recently supported:

> *"Just housed a couple who were in a 3-bed property, they couldn't afford the rent, so they handed their notice in because they did not want to get into arrears, moved in with relative in Powys but it's not suitable longer term for them all, but the council have said they have made themselves intentionally homeless. They thought they were doing the right thing; they didn't want to get bad references."*

These concerns were echoed by survey respondents:

> *"Intentionality can often completely disregard a person's mental health need, certain responses to trauma, a learning difficulty, or their lack of ability to do the right thing. The law can fail to realise that it exists to protect and support vulnerable people in vulnerable situations."*

Others suggested that the burden of proof placed upon an individual facing homelessness is too high and doesn't consider the complexities of trauma and that what is deemed as being intentional could *'have been a last resort for the person'*. This adds in a barrier to accessing prevention or support services within local authorities.

> *"Council tend to want police incident numbers if a person has left a property due to safety concerns, but not everyone will report it as they are worried about their safety if they do, but then they are not believed."*

There was strong consensus across all regions to remove intentionality, however, frontline workers remain concerned by the lack of resources needed to address homelessness, namely the lack of available properties. If intentionality remains in Welsh law, frontline workers across Wales felt that there should be much clearer policy, communication and consistency about its application, and for councils to take a psychologically informed approach to determining whether a person is found to be intentionally homeless.

7. Local connection

Questions around local connection garnered mixed responses from the frontline workers we spoke to, with many having reservations about how this would work in the current system. Their concerns were mostly centred around lack of accommodation, how quickly this would be implemented and if there was Wales-wide method for addressing this.

Frontline workers were sympathetic to the pressures faced by local authority colleagues and cited the difficulties in implementation and costs if there were no local connection requirement. Over 54% of those who responded to the survey agreed that local connection should remain in Welsh law - but guidance about exemptions for vulnerable people should be strengthened.

Frontline workers also highlighted how trauma experienced by individuals facing homelessness in an area is often the reason for them not wishing to return. They spoke of clients they had worked with that cited local connection rules as getting in the way of them making a fresh start, particularly young care leavers,

> *"We work with young people coming out of care, some don't want to go back to their old local area, because it's where the bad things happened to them, but it's hard for them to get help with housing outside of their old area."*

> *"I have worked with a number of vulnerable clients who have wanted to move out of the borough due to risks from others, concerns about drug/alcohol relapse etc, but due to no local connections outside of their current borough, they have not been able to move to a more desirable area."*

Current local connection rules for both temporary accommodation and social housing allocations can be an especially harsh barrier for young people, LGBTQ+ people, and people who have experienced exploitation or abuse, who understandably want to move away from a place where they suffered and where they may be at risk from coming into contact with people who caused them harm. The psychological impact of not being able to move on and make a fresh start needs to be considered when exploring the complex issue of local connection, as does the blanket approach to family connection. Although family support maybe the best thing for some people, where abuse or family breakdown has been experienced, having to rely on a family connection for eligibility is not helpful, and wider communities of support should be considered

8. Temporary accommodation

Across all regional meetings there were very strong feelings from frontline workers that temporary accommodation is failing to meet basic standards for large numbers of individuals. There is an increased number of B&Bs and hotels being used to house people but these are lacking cooking facilities, laundry facilities, and in some cases, private washing facilities. One worker told us:

> *"[There's] no kitchen, no laundry and people are there for a long time, 18 months unable to cook and wash laundry on site, a client with a Learning Disability, it has set him back a lot."*

> *"Travel lodge, all in one room, then they were evicted [from the hotel] due to the rugby, moved to another travel lodge, one room, no fridge, no cooking facilities."*

95% of respondents to our survey believe there should be minimum standards for temporary accommodation in Wales. Of these, 85% of those who responded[3] believed there should be onsite cooking facilities, 75% felt there should be minimum physical conditions and health and safety standards and 70% believe there should be a limit on time spent in temporary accommodation. Additionally, the majority of respondents felt that accommodation should be affordable, accessible, particularly for those with children or disabilities and that there should be access to onsite laundry facilities and private bathrooms.

The use of hotels and B&Bs to provide temporary accommodation also raised concerns around the vulnerability and support needs of individuals being met due to the lack of training and expertise of people operating the accommodation. Whilst the homelessness and housing support sector is increasingly working in a trauma-informed way, private accommodation providers are, in many cases, running temporary accommodation without the appropriate training, expertise or support. Frontline workers are concerned about the lack of training in this area, telling us that,

> *"Private / business housing providers are not always good landlords, so their skills, experience and ability to accommodate or support vulnerable people should be regulated and monitored a lot better."*

For those already experiencing the loss of their home, to be placed in temporary accommodation far away from their support network, support services or simply the areas they are familiar with can cause frustration, potential for relapse and financial hardship. The highlighted example shows how people can become isolated and for those Welsh Language speakers, lose their community. Frontline workers also shared the impact of decisions on the lives of the people they support, often these seemingly small decisions caused significant disruption and hardship in the lives of those accessing help.

> *"In Wrexham, people placed in Chester, it's not a million miles, but it causes problems for people accessing services GP, mental health, substance use support, it becomes a barrier, have to move chemist, difference between what they can get on prescription in one place to another. They used to get bus passes but now they have to provide evidence that they have an appointment and can only have a few free passes a week, so this can isolate them from friends."*

Across two regions we were told of similar experiences of families seeking housing support with a disabled child. In both cases, offered temporary accommodation that had significant suitability issues, for example numerous steps up to the property with no disabled access for a child who is wheelchair bound. In both these cases the families were subsequently deemed as not accepting the property, despite the inability for their children to live safely or move around with ease and dignity, however the duty was still relinquished by the local authorities on the grounds of a refusal. This scenario is already covered under the current legislation however the implementation of the guidance is not in the spirit of the law. Temporary accommodation is in short supply, we have

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[3] This question was multi-choice so respondents could tick all that applied.

heard across our networks that this has led to "tightening" of policy, which can leave many vulnerable families and individuals without access to suitable temporary accommodation, despite serious concerns around the suitability of the accommodation.

Another area where frontline workers were unified in their responses was that of the need for a diversification of temporary accommodation. We heard from workers who had significant concerns for individuals placed in temporary accommodation that is unsuitable particularly where there are different groups of individuals with different needs such as those with children, fleeing from domestic abuse, individuals with disabilities, young people particularly care leavers, prison leavers or people on substance use journeys. The latter can comprise of many individuals at different points in their own personal journey, with differing needs of support or treatment levels. One frontline worker shared that,

> *"When a lot of people with the same issues [around substance use] in same place they are stuck together and it can make the issues worse."*

Similarly, though they are thought of as one homogenous group there are individuals needs and risk factors of those who have recently spent time in prison which are not being considered when placing people into temporary accommodation;

> *"Some are rehabilitated, others not, some are violent offenders, and they are in the same properties as young people, vulnerable care leavers, this should not be happening, it's putting young people at risk."*

One frontline worker also said that they felt a significant risk factor for people leaving prison was that they are most commonly released on a Friday afternoon when access to services, support and advice is limited over the weekend. This can often result in a rush to find accommodation which may not be suitable or leave the individual street homeless until services resume on a Monday. Whilst it may be outside the scope of this panel to have influence over release days, it is a consideration which impacts homelessness services and may contribute to the risk of further offending and rough sleeping.

9. Access to a settled home

Frontline workers told us that the lack of social housing and rapidly rising private rents have made it increasing difficult for many people to find a settled home, and this is compounded by a lack of increase in Local Housing Allowance which have remained the same for a number of years. One young person's support worker told us that:

> *"they [landlords] all want guarantors but you've got to have an income of £36 - £38k to be a guarantor, and I can't even do that for my sons, so where on earth are young people supposed to get that?".*

There was also a feeling in one region that despite the legal challenge / case law regarding landlords discriminating against people in receipt of benefits, there were instances where this is taking place covertly.

> *"It is illegal to not take on someone on benefits, but if they are getting 40 people applying for a property, so they won't offer it to someone on benefits."*

Survey respondents told us that they felt the allocations system is 'failing' due to a lack of one-bedroom properties and increased demand. They cited long waiting lists and a lack of appropriate accommodation for those they are supporting. One frontline worker explained:

> *"My clients are now being told to go private (when the PRS is also unaffordable and saturated) as the waiting list is 2+ years. We also have people in hostels/supported accommodation who have been there for over two years and still without any hope of being offered housing".*

These experiences are hugely concerning and many cited the need for increased housing stock, more preventative work and better communication for their clients to help ease both the materiel issue and the impact on client's mental health.

10.   Evictions

The implementation of the Renting Homes Wales Act 2016 has gone some way to making private renting more secure, particularly the introduction of the longer notice period for new contract holders, taking the notice from 2 months to 6 months. It is yet to be seen what the full impact of this has been however this should provide people with greater security and stability.

The frontline workers we spoke emphasised the importance of preventative interventions to support clients before they reach the evictions stage, including support with their finances, access to welfare and debt management.

> *"Better and more availability of support for tenants experiencing problems with budgeting and bills."*

> *"Increased investment into HSG services both for people who are homeless but also preventative services."*

They spoke of pressure on frontline services with a rise in evictions and, due to a lack of temporary accommodation, many individuals being advised to stay in their accommodation *"until bailiffs turn up".* Whilst this prolongs the time in the home in the short term, it was said to be causing significant distress to individuals and their families.

> *"If people knew they could contact the council early for advice, if they knew they had that option, it could help prevent homelessness and intentionality "*

Survey respondents felt there were ways to support individuals to prevent evictions such as, *'Putting a cap on rental rises within Wales'* citing a lack of affordability.

Frontline workers felt recent legislative changes do offer some hope that evictions should ease moving forward. Despite the struggles highlighted, frontline workers also shared with pride the strategic decisions made by two housing associations, Clwyd Alyn[4] and Wales & West, to reduce or end evictions:

> *"Due to our person-centred approach no one faces eviction from our homes into homelessness. Our no eviction plan is being achieved by addressing the causes of tenancy failure. In our first year of change we reduced evictions by 85%, and in year 2 we have evicted nobody." – Frontline worker at Clwyd Alyn Housing Association*

The examples given showed positive steps in the implementation of a more compassionate, trauma-informed working model with contract holders at the heart of decision making. Frontline workers shared these examples with hopes for this approach to be replicated nationally, and for all social landlords to play their part in ending homelessness.

11.   Next Steps

This paper has sought to provide the views and experiences of frontline homelessness and housing support workers across Wales about the current legislation and potential changes to the law. We ask that the Expert Review Panel consider these as they consider their own recommendations to the Minister. Cymorth Cymru is happy to assist in any further gathering of evidence from frontline workers, should it be required.

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[4] corporate-plan-2020-25_en.pdf (clwydalyn.co.uk)

Appendix 1 – Survey Questions

Prevention and relief duties

This section is about the 'prevention' and 'relief' duties under the Housing (Wales) Act 2016 – i.e. the action that local councils take when someone presents to them at risk of homelessness or experiencing homelessness.

1. **What works well with regards to how local councils help to prevent homelessness when people present to them at risk of homelessness?**

2. **What could be improved about how local councils prevent and respond to homelessness?**

3. **Do you think the 56-day prevention duty should be extended?**
   (Local authorities currently have a duty to prevent homelessness if someone is likely to become homeless within the next 56 days)
   - ☐ It should remain at 56 days
   - ☐ It should be extended to 6 months (this would align with the no fault eviction notice period)
   - ☐ There should be no timescale specified in legislation (i.e. people should be able to access prevention help from the local authority at any time)
   - ☐ Don't know / prefer not to say

Priority need, intentionality and local connection

4. **Do you think priority need should remain in Welsh law, be changed or removed?**
   (A list of priority need groups can be found here)
   - ☐ The priority need groups should remain the same
   - ☐ The priority need groups should be changed (please explain below)
   - ☐ The priority need groups should be removed from Welsh law, so everyone has the same entitlement
   - ☐ Don't know / not sure

5. **Please explain your views on priority need below.**

6. **Do you think the 'intentionality' judgement should remain in Welsh law or be removed?**
   (A person can be found to be intentionally homeless if their homelessness was caused by something they have deliberately done, or failed to do. This could include things like not paying their rent, engaging in anti-social behaviour, or leaving accommodation that was available and reasonable for them to continue to live in. If someone is judged to be intentionally homeless then the local council may not secure accommodation for them.)
   - ☐ It should remain in Welsh law
   - ☐ It should be removed from Welsh law
   - ☐ Don't know / not sure

7. **Please share your views on intentionality below.**

8. **Do you think the 'local connection' test should remain in Welsh law or be abolished?**
   (If you do not have a local connection within that area, the council can decide to send you to another council where you do have a connection, provided you can reasonably be expected to return to that area.)
   - ☐ It should remain in Welsh law
   - ☐ It should be removed from Welsh law
   - ☐ Don't know / not sure
9. **Please share your views on local connection below.**

Temporary accommodation

10. **What should be improved about temporary accommodation in Wales?**

11. **Should there be minimum standards for temporary accommodation?**
    - ☐ Yes
    - ☐ No
    - ☐ Don't know

12. **If yes, what should be the minimum standards for temporary accommodation in Wales?**
    - ☐ Onsite cooking facilities
    - ☐ Affordable
    - ☐ Private bathroom
    - ☐ Accessible
    - ☐ Private, self-contained bedroom
    - ☐ Minimum space standards
    - ☐ Separate rooms for parents and children
    - ☐ Minimum physical condition, health and safety standards
    - ☐ In a suitable location (e.g. near family, schools, support services)
    - ☐ Onsite laundry facilities
    - ☐ Additional communal living space (e.g. for children to play or do homework)
    - ☐ Internet access
    - ☐ Access to storage (onsite or offsite) for personal belongings
    - ☐ A limit on the time people spend in unsuitable TA

Allocations

13. **What is working well about how social housing is being allocated to people experiencing or at risk of homelessness?**

14. **What needs to improve about how social housing is allocated to people experiencing or at risk of homelessness?**

Evictions

15. **What more should be done to prevent evictions in the social and/or private rented sectors?**

16. **Should we ban no fault evictions in Wales?**
    - ☐ Yes
    - ☐ No
    - ☐ Don't know / Prefer not to say