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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation response form

Consultation on the White Paper on Ending Homelessness in Wales

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Action required: Responses by 16 January 2024

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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

End Youth Homelessness Cymru are a coalition working towards the goal of ending youth homelessness by 2027. Our membership is made up of numerous organisations from a range of sectors and disciplines that represents the breadth of experience and areas of a specialism required to end youth homelessness. Through our members, we believe we have a rounded understanding of the systems that so often fail to prevent young people from becoming homeless. The four key tenants to our work are; research, operating as a backbone organisation to help coordinate efforts to prevent and tackle youth homelessness, sharing best practice, and most importantly, the amplification of youth voice. You will see all tenants of our work throughout our response.

To help us formulate our response, and ensure that we are truly representing the voices of the young people of Wales, we held two focus groups with young people from across Wales and had over twenty survey responses to ensure that we amplified the voices of young people with lived experience.

We welcome the opportunity to respond to the Welsh Government's White Paper, and agree with the broad thrust and focus of the proposals. And we do agree that the majority of proposals will, if implemented successfully, will lead to an increase in the prevention and relief of homelessness.

In particular, it is promising to see an explicit focus on the following areas:

Alignment with key principles - aligning the government's key working principles, which aim to make homelessness rare, brief, and unrepeated with legislative reforms.

Trauma-informed and person centred - recognising the impact of trauma on young people and focusing on meeting their specific needs, strengths and preferences. We

see this is a positive step towards young people, marginalised communities and vulnerable individuals reduce their risk of homelessness.

Rapid Rehousing - this aligns with the key principles, and aligns with both the Welsh Government's goal of making homelessness brief and with the 'recovery' prevention typology from EYHC's roadmap.

Prevention responsibility across the public service: EYHC have long argued that youth homelessness needs to be seen as far more than just a housing issue, and this brings that into legislation, indicating a multi-agency commitment to identifying and addressing homelessness at the earliest possible stage.

Targeted actions for Vulnerable groups: As our numerous pieces of research and our Roadmap to ending youth homelessness have shown, we know that there are groups of young people that are at a higher propensity to facing homelessness, as outlined in our 'targeted prevention' section. We welcome Welsh Government's appreciation that this propensity exists; and that particular measures must be in place to prevent homelessness.

Improvement of temporary accommodation: EYHC was formed on the basis of the inappropriateness of some temporary accommodation that was being used for young people, especially 16-17 year olds, so we welcome this focus.

Easier access and communication: Our recent research 'Impossible to navigate' has shown just how inaccessible support currently can be for young people across Wales, EYHC welcomes the commitment to simplifying the homelessness system in Wales, making it easier to navigate for both young people and practitioners working within the system.

We do however have a number of broad thoughts in regards to the white paper as a whole that we thought were noteworthy and are expanded upon in specific responses below;

We believe that the view of prevention adopted throughout the White Paper is too narrow in focus, and in effect much of what is discussed in regards to prevention still

occurs at the point of *crisis intervention*. Through our research and engagement with young people, we know how traumatising coming into contact with the homelessness system is. Far more needs to be done upstream to prevent as many young people even being *threatened* with homelessness and we believe far more can be done in this space.

With this in mind, and in line with the intentions of the Wellbeing of Future Generations Act (2015), we believe that the real prevention of homelessness begins in childhood and early adolescence, and therefore we disagree with not including education in the proposed duty to identify, refer, and cooperate in the strongest possible terms.

Although we fully support the aspirational nature of the White Paper, from conversations with young people and practitioners we feel compelled to reiterate the seriousness of the current situation. We know that support staff are in a constant state of fire-fighting and crisis management, without the required resources to meet the demand, and the main theme from the workshops and surveys with young people was a complete lack of faith in the system, and understandable disengagement from services wherever possible. We therefore see a massive disconnect between the aspirations of the White Paper and the realities of the current situation.

Furthermore, and in line with the well documented *HousingMatters* campaign, fronted by Cymorth Cymru (2023), we know just how stretched current services are, and the potential realities of failing to uplift HSG for the coming budget. The full implementation of all of these proposals will come with a significant financial implication, which has to be appreciated by Welsh Government, and the adequate levels of funding have to be forthcoming.

Finally, we believe that across a number of Acts and Welsh Government Frameworks such as *Southwark (2009)*, *The Wellbeing of Future Generations Act (2015)*, *The Housing Act (Wales) (2014)*, *The Social Services and WellBeing Act (2014)*, *The Care Leavers and Accommodation and Support Framework in Wales (2016, relaunched 2023)*, there is a significant implementation gap from the policy in theory to how these

have been translated to changes in practice. Above all else, the primary focus of the Welsh Government has to be the successful, coordinated and universal implementation of these proposals to tackle the long-held existence of a postcode lottery in Wales in regards to service provision and support for young people.

Question 2

What are your reasons for this?

EYHC are strongly in favour of moving towards a prevention approach to tackling homelessness, and we welcome the proposals that move us towards this model in the White Paper. However, in our view, the model of prevention set out in the White Paper is too short-term, and does not do enough to prevent young people from becoming threatened with homelessness.

EYHC's Roadmap to Ending Youth Homelessness (2021) sets out five key stages of prevention, which are accompanied by examples of best practice within these stages:

1. **Universal Prevention:** The Universal prevention of youth homelessness means preventing or minimising homelessness risks across the population at large. These are the broad, society-wide approaches to preventing issues that undermine young people's ability to access and maintain secure, stable and sustainable accommodation. This therefore looks at poverty reduction, the provision of sufficient affordable housing for young people, responding to adverse childhood experiences and tackling the links between discrimination and youth homelessness.
2. **Targeted Prevention:** Targeted prevention is upstream prevention focused on high-risk groups of young people for whom research has shown are at a higher risk of facing homelessness, such as young people who are care experienced, young people who are LGBTQ+ or young people who are neurodivergent. Similarly, this also includes young people who are going through risky

transitions, commonly from child and adolescence services to adult services. To achieve targeted prevention we need to accept that some young people are at a higher risk of facing homelessness and target our preventative services accordingly, so that they reach those most vulnerable to youth homelessness at the earliest possible point.

3. **Crisis Prevention:** Crisis Prevention refers to the prevention of youth homelessness likely to occur within 56 days, in line with Welsh legislation (Housing Act (Wales) 2014) which empowers local authorities to intervene when a household alerts them to the fact that they are threatened with homelessness. Family breakdown is a key cause of young people presenting as homeless at this stage. Effective crisis prevention includes co-located youth specific services, family mediation and ending evictions into homelessness for young people.
4. **Emergency Prevention:** Emergency prevention involves providing emergency support for those young people at immediate risk of facing homelessness, especially those at immediate risk of rough sleeping. Emergency prevention includes ending the use of inappropriate emergency and temporary accommodation, an increase in community hosting options, and the further rollout and advertisement of the Youth Homelessness Helpline.
5. **Recovery Prevention:** Recovery prevention in this context refers to the prevention of repeat youth homelessness, including sofa surfing and rough sleeping, through the provision of sustainable housing and appropriate support. When applied to the Welsh Government's goal to ensure that homelessness is rare, brief, and unrepeated; recovery prevention is intended to enable the achievement of that non-recurrence. Successful recovery prevention requires the expansion of Housing First for Youth Schemes, the implementation of Rapid Rehousing (in a way that includes youth-specific and psychologically informed

accommodation), and to consider the introduction of direct cash transfers and personalised budgets.

The proposals put forward in the White Paper, for example increasing the prevention duty to from fifty-six days to six months, whilst certainly a positive and welcome move, is not a truly preventative model in our view, because if someone is going to become homeless in six months then their situation has already reached a crisis point. Even where homelessness is ultimately prevented, being threatened with homelessness is a stressful and traumatising experience that has significant wellbeing, psychological, and health implications for young people.

The White Paper therefore does not go far enough in our view to prevent people from becoming threatened with homelessness, and more work needs to be done in the Universal and Targeted stages of prevention if homelessness in Wales is to become rare, brief, and unrepeated. This culture of prevention should be led and cultivated by the Welsh Government, with an emphasis on preventing people across the population at large from ever becoming threatened with homelessness, rather than waiting until their situation reaches crisis point to intervene and prevent homelessness.

We would therefore challenge the language used in the white paper, and the continued use of 'prevention' to define this part of the proposed Act. We need a paradigm shift to achieve the required focus and shift to prevention to achieve an end to youth homelessness, and the language we use is a massively important component of this. To continue to use the term 'prevention' for what is, in effect, an extended 'crisis intervention' once someone is already threatened with homelessness is, in our view, mistaken. 'Crisis prevention' would therefore be more appropriate.

We need an increased focus on earlier identification and shifting services upstream, engaging with young people at the earliest possible point to resolve issues that may potentially later manifest themselves as homelessness.

We would therefore advocate for more policy proposals that look to intervene and prevent homelessness at an earlier stage, as expanded on below in question 3. This requires additional legislative proposals related to security of tenure, the provision and

accessibility of affordable housing, poverty reduction, and measures to tackle discrimination.

While we wholly welcome and support the new duty to identify and refer, as expanded on later, we feel that there is potential for this policy to be strengthened in relation to universal and targeted prevention, with an emphasis on a proactive, rather than reactive, approach to identifying risk factors associated with youth homelessness. Models such as Upstream Cymru are one such example of effective preventative intervention, and we feel that the Welsh Government should explore more prevention-focused models such as this within education settings and wider public sector bodies, that embody the Universal and Targeted prevention sections of EYHC's Roadmap (2021). When such models are identified, the Welsh Government should disseminate these models as examples of best practice, and where appropriate place them on legislative footing.

Question 3

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

Yes; as mentioned in our response to questions 1 & 2, we believe there is more work to be done in Universal & Targeted stages of prevention to stop people from becoming threatened with homelessness in the first place.

With regards to Universal Prevention, there is scope to legislate for better protections for young people in the Private Rented Sector (PRS). The most recent Welsh Government (2019) data shows that around a third (32%) of households threatened with homelessness in the year 2018-19 were in that situation due to loss of rented or tied accommodation. Welsh Government data does not capture the specific challenges that young people face in the PRS, but according to Generation Rent (n.d.), 46% of under 35s in the UK rent from a private landlord, and UK-wide data suggests that a disproportionate number of under-30-year-olds are spending more than 30% of their earnings on rent (Aggerholm & Smith, 2022).

Furthermore, anecdotal evidence from our conversations with young people suggest that issues in the PRS are a common pathway into homelessness for young people. Young people often struggle to find housing in the private rented sector because Local Housing Allowance (LHA) is failing to cover the cost of the majority of rents in Wales – research from the Bevan foundation (2023) highlights the “severe” shortage of rental properties for low-income households in Wales, with only 1.2% of the rental market available at LHA rates. LHA rates can further disadvantage young people due to their reduced entitlement to housing benefit. Young people are generally only entitled to the ‘shared accommodation rate’. This is lower than the rate for a one-bedroom property but it applies even if there is no shared accommodation in the area. The evidence suggests young people are more likely to have to share accommodation and have issues with privacy, lack of independence, and personal safety.

In the context of the housing crisis, the lack of suitable and affordable properties available to young people in the PRS, their reduced entitlement to LHA, and the lack of legal protection from landlord exploitation, we believe there is plenty of scope to legislate to address these issues as a Universal Prevention tool. While the amended Renting Homes (Wales) Act 2016 legislates to provide more protection for tenants, particularly from no-fault evictions, there is evidence to suggest that, in practice, there is little in place to protect tenants from becoming homeless as a result of illegal eviction. In 2023, High Court proceedings found that Cardiff Council had not investigated a single illegal eviction for at least ten years, calling it a “systemic failure” (Public Law Project 2023; Wilks, 2023). Although we welcome the legislative changes to provide these protections, it is essential that, going forward, the Welsh Government work to make sure that legislative changes are fully implemented and enforced. We recommend that legislation is put in place that explicitly protects young people against exploitation and discrimination from private landlords, letting agents, as well as RSLs and LAs. We also recommend that private and social landlords, as well as letting agents, are included in the duty to identify and refer in cases where young people are threatened with homelessness as a result of eviction or failure to find alternative accommodation at the end of their occupation contract. All young people deserve

access to safe, appropriate, and affordable housing, so we fully support Tai Pawb's campaign on the right to adequate housing and believe that, if implemented effectively, this legislative right would protect young people from living in unsuitable or unsafe housing and prevent them from becoming homeless.

Similarly, we would add a desire to see appropriate legislative steps taken to strengthen the Welsh government's wider equality agenda. We welcome commitments such as the LGBT+ action plan (2023), the anti-racist action plan (2023) and the current commitment of the Welsh government to enter the UNCRDP (with specific reference to articles 7 and 28) into Welsh law. All three of these recognise the importance of housing and homelessness prevention for these groups. Indeed, our own research in *Impossible to Navigate* (EYHC, 2023), *Out on the Streets* (EHYC, 2019), and Llamau's work on trans youth homelessness in Wales (Llamau, 2024 Forthcoming), and other partners' work within the sector on ethnic minority homeless (Price, 2021) make clear the need for action in these areas. There is also wider evidence of the current impact of the cost of living crisis and poverty on these groups found in the Bevan Foundation Snapshot of Poverty series (Bevan Foundation, 2023). We would like to see the Welsh Government bring forward legislation where necessary to meet these commitments.

We would also like to see Welsh government take action in relation to the benefits system to help prevent homelessness and eradicate poverty in Wales. The Bevan Foundation series of the Welsh benefits system (Bevan Foundation, 2020) suggests a number of reforms which the Welsh government could implement to combat poverty in Wales. We agree that these reforms could play a role in preventing homelessness. We also support the continuation and improvement of the young person's job guarantee in Wales and believe that the Welsh government should give consideration to how this policy can be used more effectively as a tool to prevent youth homelessness.

Furthermore, we would like to see further research undertaken into the Universal Basic Income trial. Anecdotally, we have heard of the benefits of this programme, and if this is found to have been an effective policy in preventing homelessness for care

experienced young people, then we would like to see this enshrined in legislation to ensure that it is available for all care experienced young people moving forward.

We would also like to see the Welsh government make greater use of its contracting powers, and to make use of powers, it does have to ensure as widespread a rollout as possible of higher wages within Wales. This may involve support of the real living wage or some other appropriate wage level. However, we also firmly believe that there should be no discrimination on the basis of age in this area. We therefore ask that the Welsh government, where possible, continues its policy of not discriminating based on age and lobbies the UK government to amend current legislation to end the legal discrimination around wages. We would also ask that the Welsh government lobby to end discrimination in the benefits system. We would like to see the end of discrimination in the local housing allowance and universal credit as a priority. Living costs are not lower for young people, there is no reason that this practice should continue.

Question 4

Do you agree with our proposal to abolish the priority need test?

Yes/no

In theory, EYHC agrees with the proposal to remove priority need, and agrees with a lot of the current problems in regards to the application of priority need as laid out in the white paper such as inconsistent implementation, the high threshold for vulnerability, and the nature of gate-keeping that is embodied in essence by priority need. The practice of priority need does not align with the vision of looking to create a Wales that is fair and just, nor a housing system that claims to be person-centred and psychologically informed, either for the person accessing the service nor the front-line worker determining priority need decisions.

If as a society, we have not afforded equality of opportunity to those individuals who find themselves having to make a homelessness application throughout their lives, it is impossible to judge their eligibility for assistance at that one point in time in a way that is equitable. If we have failed as a society, in our preventative approach, we cannot morally justify denying people access to the safety that a temporary accommodation placement should ensure because they do not fulfil arbitrary rulings that are inconsistently applied by practitioners.

Furthermore, it can be argued that the existence of such an arbitrary ruling, but a ruling of such importance in regards to accessing services, can foster a logic of competition across the shared mind-set of those looking to access services, when we know the nervous systems of young people will already be operating at a higher level. This logic of competition was embodied by one survey respondent who, when asked who deserves priority need status answered: "*people with real intentions to better themselves and lifestyle deserve it better than someone young that has other options*", getting to the heart of this sense of competition between people accessing services.

The young people we spoke to were acutely aware of how limited resources currently are. And, within the culture of a system that determines who does and doesn't 'deserve' support, it can create the perverse incentive of encouraging young people to make themselves more vulnerable in order to 'game' the system and ensure that they are viewed as being in 'priority need'.

Given such a culture, and the current context of the housing crisis, it is unsurprising that the majority of the young people we spoke with did not support abolishing priority need. One of the main takeaways from our survey, and in particular the focus

groups, was an all-consuming lack of faith in the system. And in regards to priority need, a lack of faith that the system would be able to accommodate the increased demands on the service. As such, young people, and in particular those who were care experienced, were very reluctant to give up something that potentially gave them a slight foot-up in the effective competition for places with other people accessing the services. As one care experienced young person stated, *"care experienced young people need priority need, we are spat out by social services as soon as we hit 18"*.

In the survey we distributed amongst young people, when asked "do you think it's a good idea to get rid of the priority need test?", 66% of respondents answered no, 25% answered yes, and 8% were unsure. We also hosted two focus groups where a significant number of the young people who took part were care experienced, and they were especially hesitant to support this proposal as they had an understanding that the priority need test had helped them to get housing support and they feared that, without it, they would not have been offered that help. Furthermore, 50% of survey respondents agreed that all young people under 25 should be given priority need, while 58% agreed that all young people with care-experience should be afforded priority need status.

We do have a number of reservations therefore about the removal that we feel have to be addressed before such a decision can be implemented; to prevent young people inadvertently being even further from being able to access the support and access to services that they require at a time of crisis.

Given the realities of society, young people are not on an even-footing with their older peers. They are penalised by a punitive welfare system because of their age, and

therefore have a smaller entitlement to the housing element of Universal Credit, they are often working minimum wage jobs for less money, or are working jobs that are 'zero-hours' and they are routinely discriminated against by landlords when looking to access the PRS because of their age. And many more examples of young people's disadvantages could be listed.

Given such a situation, it does make it difficult to advocate for the abolishment of priority need in the short-term, as this is currently one of the only parts of the system that can *potentially* work in their favour.

As such, during the 'lead-in' time as outlined in the white paper, at EYHC we would advocate that all young people, 25 and under, are immediately deemed to be in priority need. And the full application of the removal of priority need is implemented once we've tackled the current housing crisis to allow the system, holistically, to be ready to face the increase in demand. We believe acting in this way provides some form of equity to young people, in a system that does not currently come close to providing this, and also will bring us closer to the Welsh Government's own goal of ending youth homelessness by 2027, as all young people, regardless of their situation, will be accommodated and supported at their point in crises, which is currently not the case.

Question 5

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

EYHC agrees with the proposal to abolish the intentionality test within Welsh Homelessness legislation.

EYHC sees the intentionality test as an unnecessary barrier to accessing services for young people threatened with homelessness in Wales. As we have stated elsewhere in this response, to reach a stage where the intentionality test is required already represents a wider systemic failure in the prevention-based approach advocated for by the homelessness and housing sector and supported by the Welsh Government. It also of course has a very human cost for the young person who is threatened with homelessness.

Furthermore, the test is already seldom used in practice. As noted in the white paper, only 93 individuals who presented as homeless with priority need were deemed as intentionally homeless in 22/23. As such, intentionality is not an effective tool for caseload management, as has been argued with the other tests, and does not offer a particular advantage to any one group that is more susceptible to homelessness. Conversely, given the low number of outcomes, we see the risk of someone having the test improperly applied and deemed as intentionally homeless when their case is, in fact, far more complicated as unacceptable. We therefore feel abolition of intentionality to mitigate this risk outweighs any other factor.

When asked about this issue, young people gave a mixed response. As with the priority need question above, many young people see attaining support within the system as it currently is as competitive and are understandably reluctant to give up anything that would jeopardise their chances of being housed.

We also have concerns about specific groups when it comes to intentionality. In our recent research, *Impossible To Navigate - Youth Homelessness Through The Lens Of Neurodiversity* (EYHC, 2023), we found that neurodivergent people are often misunderstood by homeless practitioners, and homelessness professionals admit they often struggle to work with disabled and neurodivergent young people. This stems from a lack of accessibility within the homelessness system, which is not designed with neurodivergence in mind. There is also an issue posed where there is currently a lack of provision and exceptionally long waiting lists for an official diagnosis. We envisage a situation where the understanding and judgement of the individual practitioner and the lack of an official diagnosis may be the line between being intentionally homeless or not. As such, intentionality is another area where a neurodivergent young person may be disadvantaged by the system and fall through the cracks into homelessness.

We equally see similar issues for Young LGBTQ+ people. In our previous report, *Out On The Streets – LGBTQ+ Youth Homelessness In Wales* (EHYC, 2019), young people detailed negative experiences with practitioners, which made them reluctant to share details of their private lives. There was also a lack of understanding of their lived experience, which they felt impacted how they were treated within services. It may also require a young person at a formative time in their life to “out” themselves to a stranger in order not to be considered intentionally homeless. Again, this creates a point where the test would act as an unfair and unnecessary barrier to services.

As one practitioner told us in *Impossible to Navigate*, “The service is only as good as the weakest link in the chain”, intentionality is an unnecessary weak link.

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.

From an aspirational point of view, EYHC would like to support the abolition of the local connection test. We would like to see a situation where young people threatened with homelessness do not have their life chances limited by the location in which they happen to find themselves. We envisage an ideal scenario in which they are able to locate a new area and improve their opportunities but take their support with them. However, we do acknowledge the realities of the current system. This includes the need for local authorities to use the local connection test to manage their caseload given the current housing and homelessness crisis in Wales.

Therefore, we ask that all young people who are threatened with homelessness are exempt from the local connection test. We spoke to a number of young people who highlighted reasons they felt people would wish to move areas. Some would be covered by these proposals, such as "fleeing abuse". However, some made reference to fleeing a "toxic environment" or "fleeing bullying", which would lead them to move away from their home authority. It is unclear if a young person is fleeing a home authority would be owed a duty under the local connection test if they were fleeing a "toxic environment" or "fleeing bullying". We therefore see too much ambiguity in the wording of the proposals and would rather see a blanket provision for those under 25 to remove this ambiguity.

Other young people made reference to “fleeing homophobia” as a reason for wanting to leave an area. We recognise that the “special circumstances” category includes members of the LGBTQ+ community and welcome this recognition. We particularly welcome the recognition of the importance of “found families” and wider support networks of LGBTQ+ people. However, our *Out on the Streets* (2019) research highlights many of the issues that young Queer people face when looking to access homeless services. We saw many reports of staff who were ill-prepared to meet the needs of the LGBTQ+ community. We also again feel that the issue of a young person being forced to “out” themselves in order to receive support, during a formative stage of their life, is a further unnecessary barrier to support and opens them up to discrimination. It must be recognised that given the rise in LGBTQ+ hate crimes (Stonewall, 2023), LGBTQ+ Young people are at an ever-increasing risk of discrimination. Research continues to show that LGBTQ+ people are overrepresented in the homeless population and face discrimination when looking to access housing. We therefore feel that only including LGBTQ+ young people in the “special circumstances” category is insufficient. We feel removing the local connection test for all young people under 25 would combat this. We would also argue that LGBTQ+ people should have the test removed more generally. This is in recognition of the particular risk of discrimination and propensity for homelessness amongst this community. We see the local connection test as another barrier to support for LGBTQ+ homeless young people.

For similar reasons, we support the removal of the local connection test for disabled people generally and disabled young people in particular. As our report on neurodivergence and youth homelessness *Impossible to Navigate* (EHYC, 2023)

highlights, disabled/neurodivergent young people face a range of barriers and discrimination when accessing homelessness services. Access to support services and to friends and support networks were often cited factors young people told us would make them inclined to move to a new area. This was also recognised by the white paper as a reason that someone may look to move. Given the high barrier and long waiting lists that currently exist for diagnosis, we fear many neurodivergent young people would be unable to move to a new area where they may have a support network or may be able to access services if the local connection test is applied to them. We also know that some areas have stronger neurodivergent communities, such as Cardiff, where there are neurodivergent-run and owned businesses and community spaces, which may act as a draw factor for young disabled people. We fear this may not be considered as "particular support" under the definition within the proposed local connection test reforms. Our research also shows factors as simple as good public transport are a barrier to accessing services and may, therefore, be enough of a pull factor to lead a neurodivergent young person to present as homeless in an area where they are not owed a duty. We again reiterate that access to services and support was a major barrier identified by neurodivergent young people and again do not feel the special circumstances provision is sufficient to meet the needs of this group and, therefore, we propose that all young people under the age of 25 be exempt from the local connection test. We would also support the abolition of the local connection test for disabled people more broadly to ensure support does not end at an arbitrary point.

Young people we spoke to also added factors such as "friends", "education", "being closer to a partner", "child care", "support", and simply "a new start" or "opportunity" as a reason they might look to move to a new area. One neurodivergent young person we

spoke to, for example, became homeless after having to drop out of university due to mental health issues. Despite having made a home in Swansea, where they studied, they were not considered to have a local connection when threatened with homelessness. This deprived them of further educational opportunities, established friendship and support networks, and work opportunities. As our research shows, neurodivergent young people struggle to build these kinds of networks, find stable work, and achieve academically due to systemic issues. The local connection test, as proposed, may not apply to this person.

Therefore, we would argue that removing the local connection test for under-25s is the correct step to take. It is also worth noting that these factors, such as opportunities and support networks, do and will continue to act as pull factors regardless of the local connection test. This is acknowledged by the white paper, and we feel it is of particular relevance to young people.

We feel that the chance to improve their life chances, strengthen their networks and look for support will continue to be a draw for young people regardless of whether or not they are owed a duty by the local authority and therefore, all under 25s should be exempt from the local connection test.

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

Yes, we fully agree with the proposals to apply a duty to identify, refer, and cooperate on relevant bodies.

All of our previous research, *Out On the Streets* (2019), *Don't Let Me Fall Through the Cracks* (2020), *EYHC's Roadmap to Ending Youth Homelessness* (2021), *A Better Way Home* (2022), and *Impossible to Navigate* (2023) discuss the need for better multi-agency working, so we are pleased to see that steps are being taken to imbed this approach in legislation.

When a young person comes into contact with homelessness services, it can often be a highly traumatic time in their life. Equally, the young person is likely to have experienced past trauma. A lack of multi-agency working can exacerbate the trauma faced by young people and make them more susceptible to homelessness. The quote below is taken from our road map to ending youth homelessness (EYHC, 2021: 65);

"It's confusing because your foster carer and social worker tries to take you out of environments that are risk fuelled and are damaging to your health, physically and mentally. What's annoying, you've gone through trauma, you've seen parents take drugs, you've been affected by drugs yourself. It's counterproductive to put you back in the environment that they took you out of. You are supposed to be doing a job, taking us out of environments that are a risk to us. You know that there has been trauma and flashbacks, anxiety, panic attacks; to put them back into that environment... well, social services might just as well not exist. It seems pointless that they've been with you for ten, twelve years of your life then you become homeless and you're back in the same spot you were in, in the first place."

This highlights the issues a young person may face when transitioning from youth social services to adult homeless services. The suggestion is that with proper duties to refer and cooperate in place, they would not have been in such a damaging position. Indeed, had the proper steps been taken, this young person may not have been re-traumatised and, therefore, more receptive to support. Similarly, while speaking to young people whilst shaping our response, we spoke to a young person who had previously encountered the youth justice system:

Upon release from the secure estate, aged 18, they had secured accommodation with the support of their local housing authority. However, this accommodation was removed when the RSL discovered they had a conviction, which was seen as high risk by the RSL, leaving the young person vulnerable to homelessness upon release from the youth justice system. Had there been a proper duty in place to identify, refer, and cooperate

between social services, the LHA, the RSL, mental health services, to which the person was known, and the youth justice system, then such an incident may have been avoided.

These stories represent just a few of numerous incidents where homelessness and its negative consequences could have been avoided had this duty been in place.

These cases reiterate that preventing homelessness is not within the responsibility or capability of any single public service within Wales but is rather it is a "wicked" problem (Rittel and Webber, 1973), and a job for all services. Our *Roadmap to Ending Youth Homelessness* (2021) acknowledges the multiple routes into homelessness but also the multiple points of contact a young person may have with public services where an intervention could be made. This spans multiple services, including but not limited to those outlined in the white paper. Not only should this approach involve a duty to inform the LHA of a belief that someone is at risk, but also a duty to cooperate to ensure homelessness does not occur. By doing so, services will act both as a watchdog against homelessness and as a tool where cooperation can ensure that homelessness is prevented, leading to its rarity. As acknowledged in impossible to navigate (EYHC, 2023, p.80, *"The service is only as good as the weakest link in the chain"*). By placing a shared responsibility to act across all services, it will be possible to strengthen this chain.

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?

While EHYC agrees with the proposed bodies, we feel it does not go far enough. We strongly feel that for this proposal to achieve its stated aims as it relates to the prevention of homelessness, especially for young people, it must include both the

education sector and the private rented sector from the outset. To be clear, when we say education, this must include primary, secondary, further, Higher education, and Youth Work services for it to be effective. We believe failure to do so would leave chasms which young people could fall through into homelessness. This is the weakest link in the proposed chain as we see it. We therefore disagree with the current exclusion of education in the strongest possible terms.

When asked, 100% of young people, excluding those who don't know, believed that Schools should be included in the duty to refer. One young person said;

"Schools see the most of young people, and would be able to help homelessness to be identified easily".

Another young person added; *"In order to prevent homelessness, you need to educate young people about what homelessness is"*

We agree with the views expressed by these young people fully. As the data in the white paper notes, 77% of teachers in schools in England know of a young person who was homeless or in poor-quality housing. There are in excess of 26,000 teachers (Welsh Government, 2022) in local authority-maintained schools in Wales, without consideration for other forms of schools and further and higher education settings. This creates an entire profession which comes into frequent contact with our young people who would be prepared to respond to a young person who faces homelessness and have the correct information on where to refer the young person to help prevent homelessness. We also know that education may be one of the few settings where a young person may have a trusted adult whom they feel they can approach.

Not placing a duty to identify, refer, and cooperate on schools, colleges, universities, and other education settings not only does a disservice to our young people but also leaves education professionals without the tools to respond. Simply because the Welsh Government chooses not to place a duty on schools does not mean young people will not come forward to teachers or lecturers with concerns relating to homelessness. Including them in this duty will simply make it a clearer process to respond and aid in making homelessness rare, brief, and non-repeating rather than allowing for a weak link in the prevention system.

We would further add that while the Welsh government workload review for teachers, was the stated reason within the White Paper for the current exclusion, we see the failure to include teachers as misguided as it relates to this. Youth homelessness is already impacting on teachers' workloads in a negative way. By including teachers in this duty they will be better placed to support young people, reducing rates of youth homelessness, and reducing the time already spent dealing with issues related to youth homelessness, even if this is not immediately apparent.

In addition to this firm belief, we see the Upstream Cymru model as the ideal starting point for homeless prevention. Figures from 2014 show that over 50% of people who experience homelessness had their first experience under the age of 21, with the median age being just 22 (Mackie, 2014). The aim of the Upstream Cymru model is to reduce these numbers by screening between school years 7 and 11 for homelessness to identify those most at risk and act early to prevent homelessness. The screening allows schools and other services to work together to address concerns and prevent homelessness. The model is highly successful, with a similar scheme in Australia reducing incidents of youth

homelessness by over 40% (EYHC, 2021). The value in terms of health benefits, saving for services, outcomes for individuals, and long-term benefits to the well-being of individuals and through their contribution to society is immeasurable. However, we do know this kind of prevention is a way to achieve those benefits. To us, not only should education be included in this duty to identify, refer, and cooperate, but it should also form a core branch of targeted prevention.

We feel that adding the duty to the education setting will both aid in prevention, and we also feel it can aid in contributing to a culture change within the education setting. Evidence from our *Impossible to Navigate* (EYHC, 2023) report highlights the education system as having negatively impacted many disabled neurodivergent young people. To help prevent youth homelessness, schools, colleges, and universities must see changes to make them more accessible while preventing bullying and reducing stigma. This includes ensuring that education professionals are better trained and equipped to support neurodivergent young people.

Similarly, our report *Out on the Streets* (EYHC, 2019), highlighted the necessity of improving the education setting. We are glad to see the changes to the RSE curriculum in Wales to make it more inclusive of the LGBTQ+ community. We also welcome commitments around housing and education in the LGBTQ+ action plan. However, we feel it necessary to reiterate evidence from this report. LGBTQ+ homeless experienced young people experience homophobic bullying, which schools have not effectively dealt with; “[The teachers] were the worst of them all. They were worse than the kids” (EYHC, 2019: 29). Again, this shows the need for a cultural change that the duties outlined above could contribute to.

We also feel that the current duty of the private rented sector and landlords are insufficient. We understand the current provision as part of Renting Homes (Wales) Act (2014) and the eviction process does provide for some support around homelessness prevention. However, we feel this does not go far enough, given the lack of enforcement of the duties within the renting home Wales act and the number of young people who find themselves homeless. In England, around 9% of young people who become homeless did so after eviction from a private or social rented accommodation (CenterPoint, 2023). 32% of people threatened with homelessness in Wales in 2018/19 were in the PRS. We therefore feel that the role of the PRS in prevention must be strengthened. The Welsh government should look to place a duty on the landlord or letting agent to refer at as early a point as possible, such as when a tenant enters rent arrears for the first time, when the first complaint is made, or when the first hazard emerges which may render the property uninhabitable. We equally feel that the Welsh government should investigate the feasibility of applying some duty on providers of temporary accommodation such as B&Bs, hotels, and short term lets such as *Airbnbs* where there may be hidden homelessness.

Question 10

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

At EYHC, we fully support and welcome any legislative changes that require local authorities and public sector bodies to collaborate and take a multi-agency approach to young people with complex needs who are experiencing or at risk of experiencing homelessness. However, we do have concerns around how these proposals will be

implemented in practice. In our view, the proposals do not provide enough measures to ensure that LAs and other named public bodies are meeting their legal duties. We welcome the introduction of new Learning & Development campaigns and the sharing of good practice but, currently, there are not sufficient mechanisms in place to provide a platform for LAs to communicate internally or externally (for example with other LAs or named bodies that do not fall under LA provision like health boards or CMHTs). We would like to see more robust procedures in place for internal and external communication and the sharing of best practice.

If actioned effectively, these proposals could help young people get help sooner and limit the bureaucratic processes they have to endure, which was a problem discussed by many neurodivergent young people in our *Impossible to Navigate* report (2023). We feel that the proposal for a referral under the new duty to identify, refer, and cooperate to act as a homelessness assistance application will effectively mitigate some of the stress that young people (particularly neurodivergent young people) have to endure when they encounter the overly formal and bureaucratic application process, at a time when they are likely to be operating with a heightened nervous system that doesn't allow them to fully process the information with which they are presented.

As we have discussed elsewhere in this response, we feel that the White Paper's model of prevention is too short-term and would still allow young people to reach a point of crisis before they are owed a duty by their LA. Therefore, we are pleased to see that the Welsh Government are promoting a quick response for this new duty rather than waiting for a prescribed timeframe like fifty-six days or six months. However, if this quick action is not a statutory requirement for named public sector bodies, then we

are concerned that, in practice, the referral will not be made at the earliest stage which would leave young people who are vulnerable to homelessness more likely to reach a point of crisis before they receive any support. While we recognise that this would be difficult to enforce as part of a statutory duty, we feel that effective and robust oversight procedures from Welsh Government, or from an independent regulatory body, could mitigate this issue.

Homelessness prevention requires a flexible and holistic approach, so we fully support the new power for Ministers to add to the list of named bodies as the landscape of the issue is likely to change and develop over coming years and legislation should allow space to adapt as time progresses.

We support the Expert Review Panel's recommendation to include private landlords in the duty to identify, refer, and cooperate, and we are disappointed that this recommendation was not carried forward in the White Paper. In our view, the ongoing review of Rent Smart Wales and policy development of adequate housing and fair rents should be considered a part of Homelessness prevention policy rather than as a separate issue. Although it is promoted as best practice for private landlords and letting agents to signpost where tenants are threatened with homelessness, our informal conversations with young people suggests that this rarely happens effectively in practice. In 2024, we are undertaking research on the private rented sector as a pathway into homelessness for young people in order to fill the gap in evidence around this issue. We feel that private landlords and letting agents should be considered as part of the duty to identify, refer, and cooperate in instances where a tenant will be made homeless as a result of eviction or failure to find suitable

accommodation at the end of their occupation. In not including the Panel's recommendation in this regard, we feel that this legislation has missed an opportunity to prevent youth homelessness.

Another Panel recommendation that we were disappointed to see hasn't been carried forward is the introduction of a new duty on LHAs to establish and lead a Joint Homelessness Board. Although we are pleased to see the Welsh Government acknowledge that people experiencing homelessness are not a homogeneous group and that not everyone will require a multi-agency approach, we know from evidence presented by Cymorth Cymru (2023) that 94% of HSG service providers have seen an increase in the complexity of their cases, suggesting that there is a large portion of the population who will require multi-agency involvement in their case. We see the introduction of a statutory Joint Homelessness Board, led by the LHA, as being an effective means of ensuring that the proposals around case coordination and collaboration are translated effectively into practice.

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.

There are a number of practical measures we feel can be put in place to ensure that the duty to identify, refer, and cooperate is implemented effectively. As mentioned elsewhere in this response, there needs to be clear leadership, guidance, and enforcement from Welsh Government in order to ensure that legislation translates to practice, as there are clear examples of where good legislation has not been

implemented in practice. For example, the Southwark ruling of 2009 is explicit that 16-17 year olds presenting to homeless services are the responsibility of CYPS/Social Services rather than housing; however, as is referred to in the white paper, it is evident that, in practice, 16-17 year olds are still being “bounced between services” with neither department willing to take responsibility, almost fifteen years after the landmark ruling. To address this, there should be clear and effective oversight from Welsh Government of Local Authority housing and social services teams, as well as other relevant public sector bodies, in order to ensure that they are fulfilling their legislative duties.

With regards to culture, a number of young people we’ve spoken to as part of our work to inform this response, as well as in our previous pieces of research, have told us of problems they’ve had with the culture amongst social workers and housing professionals when attempting to access services. In a focus group that took place in December 2023 as part of our work on this white paper consultation, a neurodivergent and care-experienced young person in Flintshire told us how they had encountered many *“horrible social workers who didn’t understand [them]”* as a teenager in the care system; while another care-experienced young person who took part in our neurodiversity research spoke of foster carers treating them *“like a job”* (EYHC, 2023: 56-7).

Welsh Government must work to address and change the culture of ‘passing the buck’, especially in relation to 16-17 year olds, which is evidently still prevalent in housing and social services teams, despite the landmark Southwark ruling. This is achievable through effective leadership, guidance, and training. In the aforementioned focus

group, the young people told us how they felt that the “horrible” public sector professionals they’d encountered would benefit from having to “*experience what we go through*”, in order to give them a better understanding of the unique challenges that young people with care- and homelessness-experience face. T

his is something that EYHC work to offer in our Simulation training – a powerful, immersive training session that replicates the experience of being a young person attempting to navigate the homelessness services. We would like to see the Welsh Government support an increase in immersive Simulation training as part of the work to address the culture problems that young people tell us exist amongst many public sector professionals and frontline workers.

Furthermore, in order to ensure effective implementation of these new legislative proposals, it is absolutely paramount that Welsh Government address the short-term crisis that the housing and homelessness sector is currently facing, as none of these proposals will be possible to implement without first addressing the immediate issues around funding, resources, and supply. Cymorth Cymru’s (2023) recent *Housing Matters* campaign provides damning evidence of this crisis. While the sector reports seeing a huge increase in the demand for their HSG services (81%) and the complexity of cases (94%) (Cymorth Cymru, 2023: 5), HSG funding has faced a real-terms cut of £24 million since 2011-12 (ibid: 4), with 75% of providers running their services at a deficit (ibid: 7). Therefore, in order to end homelessness and effectively implement these policies, it is essential that Welsh Government increase HSG funding in the 2024/25 budget in order to alleviate the immediate strain on homelessness services which are currently “on the brink of collapse” (ibid: 5).

As it stands, even if every named public sector body fulfil their duty to identify and refer, its impact will be significantly lessened by the fact that current services do not have the capacity to house and support the young people at risk of homelessness.

Furthermore, Welsh Government's data collection and distribution needs to be improved in order to ensure that we have a clear picture of the scale of the homelessness problem in Wales, so that we can adjust services and supply in order to meet the demand. Across this response are references to the most up-to-date data publicly available, a lot of which comes from 2018/2019. We cannot coherently work to tackle and prevent youth homelessness when our gauge of the problem is so far out of date. Similarly, in regards to the duty to identify, refer, and cooperate, a significant piece of work will need to be undertaken in regards to implementing systems for sharing relevant information securely and efficiently among agencies while respecting privacy and data protection regulations.

There are also a number of practical issues with regard to location that will need to be addressed, particularly for neurodivergent young people and young people who live in rural areas. In light of the findings of our recent *Impossible to Navigate* report, we would like to see Welsh Government and Local Authorities allocate funding and resources to make their physical spaces of support more accessible for neurodivergent young people.

Another crucial issue highlighted in the Housing Matters campaign is around staff pay, recruitment, and retention: with 29% of staff in HSG funded services working below the upcoming minimum wage as of April 2023 (Cymorth Cymru, 2023: 9), service

providers had to increase staff pay; however, 91% reported that their HSG funding had not been increased enough to cover this necessary increase in wages (ibid). Despite this increase, many frontline staff reported struggling to pay their rent and bills, using foodbanks, and even being at risk of homelessness despite working full-time in services that are designed to relieve homelessness (ibid). Understandably, this has a significant impact on the recruitment and retention of staff, many of whom end up “leaving careers they love because they can no longer make ends meet” (ibid). This increased turnover in staff also has a negative impact on the young people, particularly neurodivergent young people, who access HSG services. In our recent report, *Impossible to Navigate*, young people we spoke to told us how they found the high levels of staff turnover and the lack of consistency in the support they received to be a significant cause of distress (EYHC, 2023: 70), especially where handover was weak and they had to retell their traumatic backgrounds over and over to different staff members and agencies who were evidently not communicating effectively with each other. Therefore, we welcome any legislative changes that emphasise collaboration and multi-agency working, particularly in relation to young people who are neurodivergent, disabled, LGBTQ+, and/or care-experienced, but this approach cannot and will not be fully realised without an increase in HSG funding and effective oversight from Welsh Government.

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?

At EYHC we welcome the proposal to establish a compulsory case co-ordination approach for individuals, acknowledging that the most vulnerable individuals often require multi-agency support, as homelessness is far more than just a housing problem. In regards to the broader duties to identify, refer and cooperate, the young people we spoke to supported this proposal wholeheartedly, and listed the police, hospitals, the general public, mental health services, the emergency services and social work as services they felt should be involved.

Similarly, a young person in our recent *Impossible to Navigate* (2023) research told us about their frustration about a lack of a coordination between services, in regards to a lack of communication:

"For example, on Wednesday I went to an appointment with my mental health doctor, and he basically upped my medication and he spoke to me about loads of things, and I just sort of sat there and was just like, 'Yeah, yeah, yeah, yeah, yeah'. And then I was like, I don't have a clue what you just said to me. And then I come away from that and everyone's like, 'Well, what happened?' And I'm like, I have no idea. And they're like, 'But why, you were there?' And it's like, yeah, I was there, but I couldn't tell you what happened. And then they're very much like, 'What do you expect us to do?' sort of thing. And I'm like, well, I don't know. Like you guys should know this thing. Like, I shouldn't have to say... They should all be working together. They should already know. And like here, for example, I had a housing meeting and we all turned up at different times and... it's just like, well, do you guys not communicate?"

As is referenced in the white paper, people who are, or at risk of, experiencing homelessness are not a homogenous group, and therefore we believe that the threshold for a compulsory case co-ordination approach should be lowered to two or more complex needs, as was initially proposed in the Crisis Expert Review Panel.

For some individuals with two or more complex needs, the coordination of a multi-agency plan may be a relatively swift process if the clear main lead-need for the individual is identified. But given the lack of the aforementioned homogeneity of this group, there may be individuals for whom a lead-need is more difficult to identify and if their underlying issues are not resolved at the earliest possible point, may re-present with their complex needs now being deemed to have reached three or more. In the spirit of early-intervention and prevention, it surely makes more sense to afford as many individuals as possible this approach to pro-actively work to resolve and prevent homelessness at the earliest possible point, rather than potentially allow an individual's situation to deteriorate further before hitting a potentially arbitrary and inconsistently applied threshold of 'three or more complex needs'.

In regards to youth homelessness, if appropriate, we see schools as a key agency that need to be involved in any multi-agency approach as we know the importance of reintegration into education, employment or training for broader preventative opportunities.

Furthermore, and in taking inspiration from one of our recommendations from our *'Don't Let Me Fall Through the Cracks'* (2020) report, these multi-agency case coordination meetings should also serve as a learning opportunity for all relevant

partners to ask themselves key questions, such as what happened and how the young person managed to slip through the net. Providing an opportunity for mapping of current services and provision to identify opportunities for earlier prevention that may have been missed, to help prevent future cases from occurring, where an individual's homelessness was not prevented at an earlier point.

In regards to the implementation of this proposal, we support the Crisis expert's review panel of Joint Homelessness Boards, to coordinate the implementation of this recommendation. Having a clear lead for multi-agency working is key, as it's very easy for such an approach to become diluted or directionless without a clear, nominated lead for such an approach. Similarly, a lack of coordination can result in increased tensions between services, especially when the funding for such an approach needs to be discussed. This was exemplified through the below quote from a stakeholder in our *Impossible to Navigate* (2023: 80) research:

"It's, you know, everyone saying this person should pay for it, housing should pay for it, but actually it needs to be an integrated approach because as housing ... they present to us and we have to house them somewhere but the housing that we're offering isn't appropriate, it isn't adequate and they're still going out and offending. They're still calling the crisis team, they're still using drugs because we haven't got it right and we just need a more joined up approach to working really and it's really basic but it isn't, it's an unbelievable amount of work to get social care to buy in, and the police, probation to buy in and mental health teams to buy in. It's just, it's just so hard. And I thought, you know, it's above my pay scale".

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)?

As we have referenced throughout this response, End Youth Homeless Cymru have published our *Roadmap to Ending Youth Homelessness* (2021). The Roadmap takes a 5 stage approach to prevention with a focus on Universal, Targeted, Crisis, Emergency, and Recovery prevention. We believe this should form the central tenant of all Welsh Government homelessness legislation.

Additionally, we would like to see more done to support certain groups of young people threatened with homelessness. As we have repeated throughout this response, Our *Out on the Streets* (EHYC, 2019), *Impossible to Navigate* (EYHC 2023), and *Don't Let Me Fall Through the Cracks* (EHYC, 2021) reports all highlight the plight of groups that are overrepresented within the homeless population.

In terms of disabled young people threatened with homelessness, we strongly encourage that a review of the accessibility of services is undertaken and additional resources and training are made available to practitioners to ensure that disabled and neurodivergent young people are provided with suitable services. As our research shows, services currently do not meet the needs of disabled young people, do not take a psychologically informed approach, and are contributing negatively to their overall well-being while also leaving them at high risk of homelessness. Our *Impossible to Navigate* (2023) report addresses the specific needs of disabled young people whose impairment falls under the neurodivergence umbrella; however, even in this research, young people pointed to difficulties accessing services due to a physical impairment.

We are also concerned over reports in the press (Hoskin, 2023) that Young people were being left effectively homeless and unable to access the available housing stock due to local government policy prohibiting young people from being provided with certain accessible properties. This, to us, is wholly unacceptable as it represents an entirely preventable route into homelessness. We would also support ACORN's recommendation (2023: 3) that landlords should be required to make reasonable adjustments to their property to accommodate disabled tenants. It is, of course, important to consider the impact of existing category-one hazards on disabled people, particularly in properties where access needs are not met.

Furthermore, we are aware anecdotally of the over-representation of Asylum seeking young people and children in regards to facing or being threatened with homelessness. We would compel the Welsh Government to commission further research into the distinct pathways into and experiences of homelessness for this group of young people,

to ensure that current services are set up to support this group in a way that is culturally competent. We are currently working with Llamau on developing a best practice guide in regards to supporting Aylum seeking young children that will be forthcoming later on in 2024.

Question 15

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

Our primary goal at EYHC is the prevention of youth homelessness; based on the well-researched and well-documented distinct pathways into and experiences of the homelessness system for young people compared to their older peers. We work to remove the possibility of being threatened with homelessness from the life experiences of as many of the young people of Wales as is possible. We are therefore pleased to see *children, young people and care experienced young people* identified by Welsh Government as one of the groups disproportionately affected by homelessness.

However, in regards to additional legislative or policy actions that could be taken to prevent or relieve homelessness for this group, we believe that far more can be done.

As has been aforementioned, in regards to a preventative approach, we believe that the focus of the white paper is too narrow. Although the extension of the definition of threatened with homelessness from 56 days to 6 months is undeniably a welcome change, this still falls within the remit of crisis prevention. We know the stress and trauma that is induced by being threatened with homelessness, and its implications upon young people's wellbeing and psychological and physical health. We believe therefore that more work needs to be done in the 'universal' and 'targeted' stages of

prevention, as laid out in our *Roadmap to Ending Youth Homelessness* (2021), if Welsh Government are to achieve both of their respective goals of making homelessness 'Rare, Brief and Unrepeated' whilst also ending youth homelessness by 2027.

Whilst the framing of this question is so-open ended and broad it could compel a far longer written piece, detailing each aspect of what more could be done to prevent and relieve youth homelessness at both a societal and systems level we would like to focus on one area we think requires more attention.

At EYHC, we advocate for a **distinct youth homelessness strategy and action plan**, and believe that this would form a crucial aspect of the Welsh Government's preventative strategy. This would complement the broader Welsh Government High Level Action Plan 2021-2026 but would remain distinct, reflecting the need to treat youth homelessness as a different phenomenon, with different preventative measures that are required compared to broader homelessness. We can see such an approach across the world, with both Ireland and Canada having adopted specific youth homelessness strategies. If Welsh Government were to adopt such an approach, it would both provide the clarity of focus for tackling youth homelessness, ensuring that every part of the 'system' has their preventative role well defined, whilst also embedding the required culture shift to ensure that youth homelessness is seen as both distinct and also 'everybody's business'.

The overall goal of the Irish strategy 'Housing for All, Youth Homelessness Strategy, 2023-2025' (Department of Housing, Local Government and Heritage, 2022) is laid out below:

This Strategy focuses on young people aged 18-24 who are experiencing, or are at risk of experiencing, homelessness. At the same time, it acknowledges that the causes of homelessness often begin years before the person turns 18, as well as examining causes and making recommendations in that context. It is recognised that the causes of youth homelessness, as well as the experiences of young people in the emergency accommodation system, are distinct from those of the rest of the homeless population. It is also recognised that supporting young people at risk of becoming homeless through strategic interventions can help prevent a cycle of longer-term homelessness.

Across all official documentation in Wales, be they strategies or action plans, we have not come close to such a clear appreciation for the distinction of youth homelessness and therefore the commitment to distinct approaches to effectively tackle the problem. We currently do not even have a working definition for youth homelessness. Instead, we continue to reference action taking targeted at young people within the broader homelessness system. At EYHC we believe this lack of detailed and articulated appreciation of the distinctiveness of youth homelessness continues to be a major drawback in our attempts to prevent and tackle youth homelessness.

We believe that our Roadmap for Ending Youth Homelessness provides the basis for such a strategy, from which the Welsh Government could work. Our 5 prevention typologies, *Universal, Targeted, Crisis, Emergency and Recovery* certainly have significant overlap with the Welsh Government's broad priorities of making homelessness *rare, brief and non-recurrent* in regards to policy decisions and guidance.

In regards to Policy Action therefore, to accompany our Roadmap we continue to work on our *Best Practice Guides* which detail different schemes, projects and approaches that have been implemented in Wales or abroad that have proven to be effective in either preventing or relieving homelessness for young people, that we believe should be implemented on a far larger scale, either through legislation or encouraged via guidance by the Welsh Government. These guides cover:

[Housing First for Youth](#) - Housing First for Youth is a model of housing and support likely to be effective when delivered to young people, aged between 16 and 25, who have experienced or are experiencing multiple complex issues (for example, trauma, mental health issues and/ or substance use issues) and are homeless or at risk of homelessness.

[Upstream Cymru](#) - Upstream Cymru is a collaborative, early intervention initiative that works in partnership with schools to get to the heart of how youth homelessness systems need to be designed. The aim is to identify young people at risk of homelessness long before they reach crisis point or are threatened by homelessness.

[Ty Pride](#) - Tŷ Pride is a specialist LGBTQ+ project, staffed 24 hours a day, supporting LGBTQ+ young people who were experiencing, or at risk of, homelessness.

[Supported Lodgings and Enhanced Supported Lodgings](#) - Supported Lodgings schemes provide young people with a safe place to stay, in a room of their own, in the home of a vetted and trained host in a private house. The host and the young person receive support from a specialist organisation. This combined and tailored support, from a host and specialist organisation, enables young people to develop independent

living skills in a supportive family environment helping them to develop the skills to live independently.

[The Virtual Learning Environment](#) - The Virtual Learning Environment (VLE) is an online platform designed with, by and for young people. It provides information, support and learning resources in order to aid a successful transition to living independently and help avert homelessness.

[Shared Accommodation Scheme](#) - The POBL Shared Accommodation Project is a housing and support scheme which allows young people aged 18-25 at risk of or experiencing homelessness to access two-bedroom properties through a shared arrangement with another young person

[Training Flats](#) - The Training Flats Scheme in Carmarthenshire provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training.

[Shared Furniture Scheme](#) - The Furniture and Equipment Library is an innovative initiative which allows young people aged 16-25 to loan furniture and household items upon moving into independent housing for free, which hopes to prevent young people from becoming trapped by Buy-Now-Pay-Later schemes and high interest credit to furnish and equip their homes.

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?

In relation to the link between the body of Welsh homelessness law and the Social Services and Well-being Act, we feel that there are several areas where further guidance and, if necessary, legislative work can be looked at to strengthen both areas of legislation.

Primarily, we are concerned with the guidance issues around who is responsible for 16-17-year-olds. Despite what we feel is a clear instruction under the act and the supporting evidence, local authorities are still unsure of who is responsible for 16-17-year-olds. This is particularly true of those who have left care where, despite the Southwark ruling, we have heard anecdotal evidence of young people still being put under the responsibility of housing rather than social services. This requires further guidance and monitoring to ensure that the existing law and any changes are fully communicated and implemented.

We would reiterate the need, expanded on below, for the corporate parenting charter to be fully implemented into Welsh law. This would ensure better protections and service provision for our young people while clarifying the role of local authorities.

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?

EYHC welcomes the Welsh Government's commitment to strengthen existing corporate parenting to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services. As the chair of our Care Experienced working group, Sharon Lovell, stated in the publication of our research into care

experienced young people's propensity to homelessness: "The Corporate Parenting of young people in care is the responsibility of all of us. It is unacceptable that any child in care ends up homeless" (EYHC, 2020: 2).

As the most up-to-date data shows, the numbers of care experienced young people coming into contact with the homelessness remains unacceptably high: in 2022/23, care leavers aged 18 to 21 years old were placed in temporary B&B accommodation under the current homelessness legislation on 171 occasions. This is a figure that has risen since the start of the COVID19 pandemic.

Our engagements with young people to inform this response found that effective coordination between social services and housing authorities is seen to be crucial in ensuring that young care-experienced people receive the care and support they're entitled to that can prevent their homelessness from occurring. When asked "*What can be done to improve the support given to 16-17 year olds who are experiencing homelessness and/or transitioning from children's to adult services?*" young people focused on:

- *People to be made aware of Southwark ruling. Young people not having it explained in a way that deters them from becoming looked after.*
- *More support and education*
- *A slow transition instead of thrown from one service to the other*
- *Giving them a safe place to stay without any expenses and expectations until they are ready*
- *Specialist supported accommodation*

- *Prevention by working with families to keep them together*

And similarly, when asked *"What can be done to strengthen how local councils & public services deliver their corporate parenting responsibilities?"* young people focused on:

- *Employ more staff*
- *Being more hands on with the treatment of the young people*
- *Knowledge of the responsibilities and have more than 1 southwark social worker*
- *Drop in sessions once a week if assigned social worker is busy or away from work*
- *Further funding. HSG Grant needs to be increased*

Furthermore, the below case study highlights what can happen when there is not effective coordination;

Izzy, a care-experienced young person who took part in our focus group in December 2023, has had a difficult time accessing the right support. She is currently 18 years old, and is living in a council flat with floating support from adult services, who she says have been a huge help. But, it wasn't always easy. She spent three months in the youth justice system after an incident of arson that occurred during a mental health crisis. During her time in prison, she was told by a social worker that she had been assigned a council flat for when she was released. However, upon her release, the RSL found out about her conviction and withdrew the offer of the flat, leaving her vulnerable and homeless. Her caseworkers then had to scramble to try and find her

alternative housing, which they did eventually, but Izzy had to live in inappropriate temporary accommodation in the interim, in a time when she was already vulnerable. If the social worker, the youth justice team, and the RSL had been communicating and collaborating effectively, the situation could have been avoided and Izzy could have been housed quickly and safely. But, as a result of their failure to cooperate, Izzy was left homeless as she exited the youth justice system, despite still being under the care of social services as a 17 year old. She has since transitioned to adult services, who she says have helped her far more than children's services ever did, but she told us that she wishes that transition would have started sooner. Having had so much experience of these systems, Izzy is very knowledgeable about her rights and entitlements because she has had to advocate for herself for most of her life where professionals and frontline workers too often failed to do so.

In regards to what more can be done to strengthen practice and deliver the broader corporate parenting requirements, at EYHC we believe a number of things can be done. In our opinion, the clearest way in which Welsh Government could deliver the broader corporate parenting responsibilities is to make its voluntary corporate parenting charter statutory.

Published on 29th June 2023, the Welsh Government's voluntary Corporate Parenting Charter is a strong foundation from which to build systemic change for care-experienced children and young people, including care-experienced young mothers. A foundation from which, if fully implemented to its widest potential, could dramatically improve the life experiences and opportunities available to care-experienced young people across Wales, such is the breadth of the potential. At EYHC we support the

Welsh Government's list which details which kind of public sector bodies, public service or professionals should take on the role of a corporate parent.

Yet although the Welsh Government has extended corporate parenting duties for other public bodies beyond children's services, it is voluntary for public bodies to choose whether they sign up to be corporate parents. The Welsh Government has promised to monitor sign-up for the Charter and consider future steps for corporate parenting in Wales, and indicated that the Charter has "initially been published on a voluntary basis" only in its written response to the CYPE radical reform report.

By making corporate parenting mandatory for a broader range of public bodies, this would encourage other bodies to develop specific practices and work collaboratively to end youth homelessness. The Welsh Government should follow the Scottish Government's lead and make fulfilling corporate parenting duties mandatory for named public bodies.

Furthermore, on a more practical basis for young people, we believe that multi-agency working and collaboration should be at the point so that young people do not have to disclose whether they are care experienced upon making a homelessness application. The burden of evidence should not be on care-experienced young people when they try to access their entitlements, such as priority need status. Local Authorities have this data, so as corporate parents they should make it as easy as possible for care-experienced young people to access what they're entitled to.

We also believe that improved data collection, and publically available data collection, would greatly strengthen practice in regards to highlighting the extent of the issue. A

significant amount of data in regards to Care Leavers and homelessness is now nearly six years out of date because of a lack of any further updated data.

Finally, as has been referenced throughout this response, the lack of clarity and leadership on the Southwark ruling has led to this continued confusion regarding responsibilities that is still present today. In looking to strengthen practice, Welsh Government needs to show leadership to ensure that legislation is implemented as intended, and we believe that making the corporate parenting charter statutory is the most straightforward way of doing this.

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?

We view this proposal as having potential to empower more young people to live independently; however, we have concerns about safeguarding and implementation, which are also shared by the young people we worked with as part of this consultation.

In the survey we distributed amongst young people as part of our work to inform this response, only 11% of respondents agreed with this proposal, and 44% answered that they don't think it's a good idea. Those who provided further comment in their answers emphasised that it may be appropriate for *some* 16-17 year-olds, but certainly not all:

"It depends on where they are in life, a 16 year old in school no, but a 17 year old with life experience yes"

"Depending on assessment of maturity, common sense and responsibility"

Participants in Focus Groups also expressed similar concerns. The general consensus from young people is that, if this proposal is carried forward, it would need to be accompanied by strict guidance for professionals, consistent assessment of the young person's capacity and maturity, tailored and person-centred support, and training for young people in independent living skills. Another important point raised by a young person in a Focus Group was that the minimum wage for 16-17 year olds would need to be raised in order for them to earn enough to stay on top of their rent and bills and sustain an occupation contract.

In one focus group, one of the young people explained that she had been placed in a hostel with adults ahead of her 18th birthday as she left the care system. She felt that, given the option, she would have been safer living independently in her own home as a 17-year-old rather than her current situation of sharing accommodation with much older adults who she described as *"a bad influence"*. However, she acknowledged that she would've needed support around independent living skills, even if it was just the knowledge that she could *"pick up the phone whenever she needed help"*. The young people in this session agreed that, in order for this proposal to work for them personally, they would want the transition to independent living to happen gradually, with floating support in place and for them to have a say in where they lived and to be involved in any decisions taken about them.

Our recent conversations with young people have highlighted the need for better support in independent accommodation. Our recent report, *Impossible to Navigate*, found tenancy breakdown to be a common pathway into homelessness for

neurodivergent young people (EYHC, 2023: 58). Where neurodivergent young people, especially those who struggle with challenges like executive dysfunction, are placed in independent accommodation without support or training in independent living skills, the tenancy is at a significantly heightened risk of breaking down, which can leave young people vulnerable to repeat homelessness as well as having an impact on their mental health, wellbeing, and self-esteem. **We do not want to see 16-17 year-olds being placed in private rented accommodation and left without support.** Many young people may want to live independently but do not have the confidence or skills to do so successfully.

While this legislation has the potential to empower more young people to live independently, there are few resources currently available to young people to prepare them for independent living. In order to supplement this, it might be appropriate to consider funding more schemes like the Training Flats scheme in Carmarthenshire, which “provides good quality and affordable accommodation to young people who would benefit from living independently whilst accessing individual support and bespoke training” (EYHC, 2022: 1). We mentioned this scheme to some young people in our aforementioned focus group, who expressed that it was “too much of an upheaval” for them personally. However, depending on how the project is implemented, different schemes offer a variety of options with regards to the duration of stay, with some young people living there for up to eighteen (18) months, and others for only two (2) weeks. The duration of stay and the level of support can be tailored to the individual young person. This type of accommodation offers a healthy balance between independence and support and has an emphasis on preparing young people to move on into independent living. Implementing more schemes like this

across Wales and targeting them towards 16-18 year-olds could therefore supplement some of the risk associated with allowing 16-17 year-olds to be occupation contract holders, as well as giving them the skills and confidence to successfully live independently.

We also have concerns around the practicalities of implementing such a proposal, particularly given the broader challenges young people are currently facing in the PRS. Landlords would likely be reluctant to let their properties to a 16/17-year-old, especially if they have complex needs and/or comorbidities. And, given how competitive the market is at present, they'd likely have plenty of choice for whom they would deem to be more low-risk tenants with more stable income and better skills to maintain an occupation contract. Therefore, there would need to be some sort of insurance in place in order to mitigate the risk from the landlord's perspective.

Furthermore, we also have safeguarding concerns on landlord exploitation of young renters, a problem that already occurs with many young people who rent from private landlords, particularly students (Department for Education et al., 2019). Young renters are often perceived as naïve or ignorant by landlords and letting agents, who may feel they are able to 'get away with' more than they would be able to with an older tenant with more life experience. From anecdotal evidence based on our conversations with young people, we know that this is a common pathway into homelessness and a cause for concern for many young people. We are planning to take on further research into this issue in 2024 in order to strengthen the evidence base to advocate for better regulation and prosecution procedures for private landlords and letting agents, especially in relation to young renters.

Therefore, we support ACORN's recommendation in their Renter's Manifesto (2023) to implement a mandatory national register of all private landlords, letting agents, and rental properties that is free and available to the public (ACORN, 2023: 5), as well as their recommendation to "end policies which allow discrimination based on migrant status, disability, age, lone and parental status, receipt of benefits, or low income (such as 'No DSS')" (ibid: 9). If this legislation were accompanied by a blanket ban on low-income and age-discrimination (including against 16-17 year-olds) in the PRS, as well as strengthened education on tenants' rights and independent living, there is potential for successful implementation.

However, based on our conversations with young people and the concerns listed above, we are reluctant to fully support this proposal as we feel it presents a significant risk of leaving 16-17 year-olds in vulnerable positions if they are living alone in the private rented sector. Therefore, we feel that amending the Renting Homes (Wales) Act may not be the solution. Instead, Welsh Government should allocate funding and resources to provide more supported accommodation targeted towards 16-18 year-olds that prepares them for living independently. This would mean that no vulnerable 16-17 year old would be left in independent accommodation without the skills or support to maintain it, but would instead be placed in supported accommodation that ensures that they are ready and able to live independently when they turn 18/19, or when they feel ready to do so.

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?

We agree with many of these proposals and welcome the move towards Rapid Rehousing and improving the standards and suitability of temporary accommodation. We feel, as do the young people we've spoken to as a part of this consultation response, that young people should have more autonomy over their housing and should be more meaningfully included in suitability assessments and decisions taken about their housing and support.

We fully support the proposal to prohibit the placement of 16-17 year olds in unsupported, adult accommodation. This issue in particular is very important to EYHC as our formation in 2017 came as the result of the 2016 campaign to end the placement of 16-17 year-olds in B&Bs. However, despite the apparent success of this campaign, it is evident that eight (8) years later, there are still cases of young people being placed in B&B, hotels, and hostels alongside adults. A young person we spoke to in a recent focus group is currently living in a hostel alongside adults in their 20s,

30s, and 40s. She was not involved in this decision or any suitability assessments and felt there weren't any alternative options presented to her, stating that the local authority will "always choose the cheapest option", which further speaks to the sense of distrust that young people have in local authorities.

We also welcome the prohibition of placing young people in overcrowded and/or shared accommodation. Some of the young people we've spoken to recently have expressed their hesitancy to live in shared accommodation due to concerns around privacy and theft. However, there is a lack of clarity in the White Paper's definition of 'shared accommodation'. As is mentioned elsewhere in this response, many young people want to live independently but don't feel able to do so, therefore we welcome any legislative changes that empower more young people to be able to confidently and successfully live in independent accommodation.

We also agree with the proposal to prohibit the placement of under-25s in unsupported accommodation. While many of the young people we've spoken to have expressed a desire to live independently, we feel that those with homeless-experience should not be left unsupported in independent housing, especially those who are neurodivergent/disabled, care-experienced, and/or LGBTQ+. However, given what we know about the realities of the current housing crisis, it is unlikely that this rule could be followed in all instances without addressing this immediate crisis. As we have discussed elsewhere in this response, there is scope to provide more youth-focused accommodation across Wales. While there is an overall lack of suitable accommodation options available to young people that provide meaningful support and prepare them for independent living, there are also plenty of examples of good

practice and success where these kinds of schemes have been commissioned. For example, Housing First for Youth, Training Flat schemes, supported or enhanced supported lodgings, and Tai Ffres to name a few. In order to avoid the placement of 16-25 year olds in unsuitable accommodation, Welsh Government should allocate funding and resources to provide more youth-focused housing options like these.

However, a problem we foresee with the rapid rehousing approach is around the lack of suitable, young-person appropriate accommodation available in the housing stock. In our survey which was sent out to young people to inform this response, we asked what their ideal accommodation would be if they had a free choice. 43% said they would ideally want to live in a 2-3 bedroom flat with friends/family/partner, and a further 28.5% said they would like to live in a single-bedroom flat. 100% of those who answered also said that they aspire to be owner-occupiers (the question allowed respondents to select multiple answers). But, in reality, these housing options are rarely available to young people.

However, there isn't necessarily a lack of supply. In Cardiff in particular, there is a large number of luxury student accommodation buildings – far more than there are students who can afford to live in them, representing a rare case of supply outweighing demand. In a report by BBC News (2019), leading architect Jonathan Adams foresees that "they could all end up being dismantled in 20 to 30 years' time" (Flint, BBC News, 2019). We find it unacceptable that so many of the rooms in these buildings end up going empty or being let as residential hotels or temporary accommodation for tourists/visitors, when there are currently around 11,000 people in Wales living in temporary accommodation (5,481 households) (Welsh Government, 2023a).

Unfortunately, there is no evidence regarding what proportion of these numbers are young people; however, we know from anecdotal evidence from our conversations with homeless-experienced young people that many of them are still living in wholly unsuitable temporary accommodation like B&Bs, hotels, and hostels, which are often shared with adults who expose them to dangerous behaviour like drug/alcohol misuse and criminal activity. While we wholeheartedly advocate for the building of new social homes that are designed with and for young people (for example, United Welsh's 'Tai Fres' development'), we feel that there are also steps that can be taken in the short term to repurpose some of these empty luxury flats to rehouse the young people who are living in temporary accommodation, as well as a longer-term strategy to review and legislate to ensure the suitability and sustainability of luxury student accommodation and how they meet the wider needs of the Welsh housing market.

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 agree to an extent; however, we feel that some changes are needed to some of these proposals with further consideration of the needs of young people.

One such proposal is the unreasonable behaviour test. We wish to stress that this must be applied in a trauma-informed way. We understand the need to protect the wellbeing of staff and other residents in a locality. However, as our *Impossible to Navigate* (2023: 36) report highlights, some young people react in ways that may be seen as "naughty" or "aggressive", this behaviour is actually part of their disability which can be managed

with proper support. Due to the current lack of support and poor understanding of the impact of neurodivergence on people's day-to-day lives, we feel more clarity and safeguarding need to be included in any unreasonable behaviour test. Below are some short quotes which highlight both the experiences and perceptions of some neurodivergent young people;

"And I'm seen as an angry and aggressive person, and I'm not. I'm not, I just get like that sometimes. And I've literally written letters to members of staff to apologise and saying, listen, it's not like that. I've just written apology letters to them because I feel so bad about that. And I feel guilty obviously, but I think yeah... just more understanding please".

"I wasn't like officially diagnosed at all then so I was just seen as like this troubled teen who was just acting out and being angry at everyone and stuff like that when I was more angry at myself, you know... and people who I was around didn't understand that".

"Well school was really hard. They always used to just say that I was really naughty and I didn't want to learn, but I've been telling people for years that there's something wrong and they all just thought I was not well. Yeah, they basically said I was making it up. I was just, they all just kept calling me the troubled child. I'm just a troubled child. I'm just, and that's all I've ever heard my whole life is 'She's just different. She's a troubled child, she needs help, She's this and blah, blah, blah. She's different". (EHYC, 2023: 36-38).

This is not to say we believe an official diagnosis should exempt people from this test. This is in large part due to the poor state of the diagnosis system in Wales. But robust

safeguards which follow the logic of the social model of disability, as our report does, should be put in place around this test, in order to ensure that it does not unfairly disadvantage neurodivergent/disabled young people.

We also worry about how this will impact the trust between young people and local authorities. In preparing for this research, we spoke with a number of young people, and the belief in competition for place and lack of trust in local authority services was evident, as has been referenced consistently through this response. Much work must be done to ensure that young people are brought along with these plans and fully understand them to build trust if they are to be effective.

We also have a number of concerns about the levels of preference within the allocation. As the white paper acknowledges and our own research in *Don't Let Me Fall Through the Cracks* (2021) demonstrates, care-experienced young people are at an increased risk of homelessness. While we welcome the recognition of the white paper, we would like to see this go further. Given that the white paper expressly prohibits homelessness as a route out of the care, we believe that all care-experienced young people should be given additional preferences, not just those threatened with homelessness. We also feel that the impact of being cared for is so great that there should be no upper age limit on this reasonable preference. You never stop being a 'care leaver' so an element of the support linked to this should always be with you.

We also believe that all young people, more generally, who are threatened with homelessness should be given additional preference. As has been established, 48% of people who become homeless experience their first incident of homelessness below the age of 21 (Mackie, 2014) and 73% of people who experience homelessness have

experienced more than one incident of homelessness in their lifetime (ibid). We therefore know that early intervention is essential. By giving additional priority to all young people threatened with homelessness, we can make more successful early interventions and, therefore, prevent more incidents of homelessness.

For similar reasons, we feel that **all young people** should be given reasonable preference in relation to social housing allocation. We know that poverty is the main driver of homelessness. We also know that 28% of children in Wales live in poverty (Welsh Government, 2023b). In-work poverty affects a high proportion of people in Wales, placing stress on people's ability to pay rent. Young people are particularly at risk, as they are the most likely to work in low-paid roles, with reduced access to welfare payments compared to older people. We also know that young people earn less due to lower minimum wages and have reduced universal credit entitlements. This makes landlords less likely to rent to young people. Despite this, young people aged 18-25 are still overrepresented in the PRS due to the cost of buying a home being out of their reach. Specifically, young people will also be disadvantaged by the waiting list as they will be starting much further down the waiting list and be waiting longer to be allocated social housing. We therefore believe that if social housing is to be used as a tool to end homelessness in Wales, **all young people** should be entitled to reasonable preference.

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 do agree with the proposals to offer a broader range of housing options. However, we would like to see strong safeguards to protect young people from being pressured to take a solution that isn't right for them or facing outright discrimination.

A consistent theme that emerged in our research for this white paper was a lack of trust.

Given this, we feel there must be a fair and transparent system for young people that ensures trust is built. As part of this, we would like to see a guaranteed element of choice for young people. This can be supported by a "no-questions-asked" approach where young people do not need to justify why they would prefer one housing option over another. Our research in *Impossible to Navigate (2023)* and *Out on the Streets (2019)* showed some of the issues with young people looking for accommodation. We are concerned that a young person may be pushed to return to a parental household where they feel unsafe or overwhelmed.

We believe a no-questions-asked approach would make a young person more confident to refuse such a solution as they would not be required to "out" themselves to practitioners. This is of particular concern given the evidence in our report of young people facing discrimination from homeless services. Equally, some neurodivergent young people may be undiagnosed or not fully realise what it was about the home environment, which was overwhelming, and may therefore struggle to justify to a practitioner why they cannot return home. We want to ensure young people have a true say and do not feel pressured to take an unsuitable option. Equally, we feel the above approach deals with these issues in a trauma-informed way.

This said, we also feel that doors should be left open to young people with mediation to return to the family home at some point in the future being an option. We have heard cases of young people who are able to return after weeks, months or even years of estrangement. We therefore feel that mediation and a "no closed doors" approach should be a tool on offer as part of the housing options approach which can be coupled with an alternative form of accommodation to aid in preventing youth 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?

We think that these proposals, particularly those around improved data collection, will be a helpful tool in supporting the implementation of these legislative reforms. The introduction of a new power whereby Welsh Government can 'call-in' data collected by LHAs would likely improve the data collection and analysis. We fully support the suggestions of the Expert Review Panel in relation to strengthening annual statutory homelessness statistics (para. 628 of White Paper); however, we would also add that the data should be broken down by age to enable us to monitor the number of young

people accessing homelessness services as part of a meaningful strategy to address youth homelessness as a distinct issue from broader homelessness policies.

As we have discussed elsewhere in this response, in order for these legislative reforms to be implemented effectively, there needs to be an improvement in Welsh Government's oversight and scrutiny of LAs, RSLs, and the PRS. We have pointed to a number of examples in this response, namely the Southwark ruling and Cardiff Council's "systemic failure" to investigate illegal evictions, that evidence the significant implementation gap in many well-meaning and potentially transformative policies.

The move towards a Rapid Rehousing and prevention model, and the cultural and system change that is required to achieve this, should be led by Welsh Government.

However, there needs to be an understanding that many young people, especially those from a care-experience background, have a fundamental distrust in the system's ability to support them in the way that they need.

This trust will not be restored overnight, and will require significant efforts from Welsh Government and LAs to prove to them that the system can and will change for the better. The move towards a multi-agency approach will also require time, effort, and patience from Welsh Government, LAs, and any other invested partners such as police, youth justice, healthcare and mental health professionals. In order for the multiagency, preventative model to work effectively, there need to be consequences in place for when public sector bodies fail to meet their new legislative duties. Welsh Government should work with LAs and Wales' existing Inspectorate Bodies to develop stricter investigation and scrutiny in order to ensure that these policies are implemented to

their full potential. Therefore, we support the proposal to give additional powers to Ministers to intervene where a LA is not delivering their duties.

We also support the notion of improving regulatory standards that apply to RSLs in order to ensure that they are also participating in the broader aims of ending homelessness; however, it is unclear from the white paper what these proposed changes would be, so we would like to seek further clarity on this as this consultation process goes on.

Throughout this response, we have emphasised the importance of improving the Welsh Government's oversight and scrutiny of LAs to ensure that they are delivering their legislative duties, so we welcome these proposals that demonstrate Welsh Government's commitment to this improvement. There are a range of options of how this could be done. The introduction of an independent Homelessness Regulator as a distinct function within Welsh Government may be the answer if funding and resources allow for it.

Furthermore, we are glad to see that Welsh Government are committed to incorporating the views of people with lived experience of the homelessness system as part of service delivery; however, the mechanisms by which this would happen are not laid out clearly enough. There needs to be an action plan in place that covers the logistics of this, with consideration of things like recruitment, capacity, and avoiding (re)traumatising people who've experienced hardship. The inclusion of experts-by-experience must always put their needs first, so we would like to see an explicit commitment to prioritising their wellbeing needs. We would also emphasise that

young people should be represented as experts-by-experience in order to ensure that future services are developed with due consideration of the needs of young people.

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?

We believe there are several factors from a youth-focused point of view that can hold Local Government accountable for homelessness. There must be strong youth voice involvement in oversight to co-produce youth-focused services. This should include consultation with young people when it comes to both producing new services and looking to make improvements to existing youth-focused services. This must be done in a transparent and accessible way that genuinely makes young people feel like they are having a meaningful input to the system. The air of mistrust that currently exists with young people we feel is unsuitable. Visible and participatory oversight and feedback processes will help establish trust around the system.

We also believe that more robust data gathering and dissemination will allow for greater oversight. While preparing this white paper, we discovered that some Wales-specific data is either unavailable or outdated. This makes oversight more difficult and must be rectified. It will also strengthen the role of target prevention if data is available, which can be used to identify and support groups which are more susceptible to homelessness.

We also ask that a system of oversight for local government is put in place to ensure that the legal rights of individuals under existing and future legislation are enforced. For

example, reports in the media highlight Cardiff Council's failure to prosecute any landlords for over a decade (Public Law Project 2023; Wilks, 2023). Failures to enforce current legislation and legal protection by local government lead us to conclude greater oversight is needed by the Welsh government. We have equally heard evidence that policies such as those established by the Southwark ruling are still not adhered to by Welsh local authorities.

Again, for this reason, the Welsh Government needs to implement a more robust system of oversight. This system of oversight must be independent of the local government. The Welsh Government should consider what legal remedies are available for the enforcement of individual rights and standards for services. Equally, we support the relevant Minister having powers to intervene where necessary to ensure compliance with legislation and the delivery of services. There should be clear guidelines on when the Minister should and must act in relation to homeless services.

We would also support further training for practitioners to ensure they understand fully the rights of individuals within the homeless system and how to support them. This could go as far as requiring legal certification for housing departments or individual practitioners. From our research, we have seen that despite their best efforts, many housing practitioners are ill-prepared to respond to the needs of individuals within the homeless system. At its extremes, we have seen the impact that this can have on young people in our *Out on the Streets* (2019) and *Impossible to Navigate* (2023) reports. This ranged from re-traumatising young people due to the complexity of the system to outright discrimination by practitioners.

We also strongly believe that the rights set out in homeless and housing legislation, including acts such as the Renting Homes (wales) Act 2016, should be the subject of a widespread and robust public information campaign. Many individuals are not fully aware of their rights and, therefore, struggle with self-advocacy both within homelessness services and, more broadly, the housing sector. This, we find, is particularly true of young people within the PRS and plays a role in young people's propensity for homelessness. This should be complemented with greater support for professional advocacy services to support individuals.

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:

It's important that these proposals are fully considered in relation to majority Welsh language communities. To ensure a fully person-centred approach, Welsh speakers should be meaningfully involved in their suitability assessments and application processes, and should not be relocated outside of their communities unless they explicitly state that they want to be. It's also important that LA Housing/Social Services teams have an efficient number of Welsh language competent staff, especially in areas where there are a large proportion of first-language-Welsh-speakers, so as young people have the option to speak in whichever language they prefer, especially when discussing sensitive, emotional, and/or traumatic subject matter.

In our *Impossible to Navigate* report (2023: 66-7), we make reference to the importance of accessibility of information, with many young people reporting that the overly formal and bureaucratic language used in communication is difficult for them to understand and ends up making them feel confused and alienated. We of course advocate for improvement in the accessibility of information and communication overall and, in this same vein, emphasise that young people accessing the homelessness system should be given the option to receive information and communicate in their preferred language so as the system is equally accessible for Welsh speakers.

Your name:

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