

Experts by Experience: Report to the Expert Review Panel

Priority Need, Intentionality and Local Connection

October 2022

1. Background

The Welsh Government has committed to reforming homelessness legislation in Wales and has established the Expert Review Panel to provide advice and proposals to the Minister for Climate Change. The Minister has stated her commitment to listening to the views of people with experience of homelessness and this has been reiterated by the Expert Review Panel.

Through a series of online and in-person events and surveys, Cymorth Cymru's Experts by Experience project will provide opportunities for people with experience of homelessness to share their experiences and views on what needs to change.

This paper has been prepared in advance of the third panel meeting, which will be focused on eligibility, priority need, intentionality and local connection. It seeks to reflect the full range of views expressed by people with lived experience who engaged with us on these issues.

2. Format of engagement

Engagement took place between the second and third meetings of the Expert Review Panel and included an online survey and in-person conversations with a small number of people who were street homeless and/or had encountered challenges with local connection.

2.1. Informal discussions

We spoke to seven people with experience of sleeping rough. This was predominantly men but included one woman. At least one person identified as LGBT and several had significant mental health and/or physical health issues and/or learning disabilities. One person was or had been a member of a traveller community.

2.2. Survey

The survey was open between 11th and 18th October and was promoted via Cymorth's mailing list, direct communications with member organisations, meetings with homelessness and housing support providers, and on social media. 60 people with experience of homelessness or experience of being at risk of homelessness in the last five years responded to our survey. Of those who answered the diversity questions (35), 46% identified as a man, 54% identified as a woman and 0% identified as non-binary. When asked whether this was the gender they were assigned at birth, 94% said yes and 3% said no. 3% were aged 16-17, 14% were 18-24, 57% were 25-44 and 26% were 45-64. 0% identified as bisexual, 89% identified as heterosexual and 3% identified as gay or lesbian. 94% said they identified as white, 3% said they identified as mixed race. 26% said they identified as disabled.

3. Priority need

While the sample size is not large enough to draw any concrete conclusions, the survey respondents had a range of views about whether priority need should be retained, changed or removed from Welsh law entirely.

3.1. Priority need should remain the same

Those who felt that priority need should remain in Welsh law gave the following reasons:

“I would keep the above the same because these people seem to need the most help.”

“I believe priority need should remain. Reason for this is that those categories are more vulnerable should they be street homeless.”

A number of respondents said that priority need should remain in Welsh law, but their reasons were largely due to the lack of available housing. Many felt that whilst priority need may not always be fair, there was no alternative at the current time due to the severe lack of housing stock, with recognition that accepting everyone as a priority only serves to increase pressure on local authority housing waiting lists.

“The priority groups should stay the same - there is a housing crisis at the moment and if there wasn't any priority the council would struggle who to house first.”

“There is a lack of housing stock for single people and accepting each person as priority need increases that demand for housing.”

“I think this law should remain the same, however the lack of housing there is to accommodate the people that are priority should be looked at. People are finding themselves in very desperate situations. Like myself – I have been split from my family to make it easier for my mum and siblings to get housed.”

3.2. Priority need should be changed

Other people argued for the priority need groups to be changed or strengthened. A number of people called for young people and survivors of domestic abuse to be given greater priority:

“I think people with young children should be given higher place and if you are living in a house with someone violent.”

“I think the priority need for those who experience DA needs strengthening. I had to fight to gain housing even though the refuge I was in supported me initially.”

“Victims of domestic abuse should have a bigger possibility to have own place.”

“I think priority need groups are needed, however I feel these should be changed/there should be levels of priority need. Example: I feel young people should be prioritised more than people who are vulnerable as a result of time in prison.”

One survey respondent commented on the challenges facing people who were leaving prison, with reference to breaking the cycle of crime and homelessness. In particular, they mentioned the change to priority need in the Housing (Wales) Act 2014, which meant that people leaving prison would only be regarded as priority need if they were regarded as vulnerable as a result of their time in prison:

“Not all prison leavers are classed as priority need now. Most are only given a 56 day duty. Leaving custody with a criminal record makes prison leavers vulnerable before they start, regardless of the many complex needs they may have. It can be very overwhelming to leave prison NFA and often the only choice for some is to commit crime and return to custody due to the lack of housing opportunities presented to someone with a criminal record. Most have no ID documentation, previous landlord references or family support to act as guarantors. Leading to a continued cycle of prison and homelessness.”

This point was re-enforced by another person we spoke to, who was street homeless. He spoke about how hard he had worked to get clean but found he had no entitlement to housing when he left prison. He was extremely frustrated and saw housing as being fundamental to him getting a fresh start and staying sober. He was determined to avoid using substances again, but was finding life very difficult on the streets and in night hostels.

3.3. Priority need should be abolished

Many survey respondents felt that everyone should have the right to housing and that anyone experiencing homelessness, regardless of their circumstances, should receive the same levels of support and access to housing:

“I feel priority groups should be removed as it’s unfair – everyone who is homeless or at risk of homelessness is a priority.”

“Everyone deserves a decent roof over their heads.”

“What is the difference if someone if homeless they should have the same support.”

3.4. Priority need ≠ access to housing

A number of survey respondents and people who were street homeless told us that being priority need had not resulted in them being housed. As a result, they felt that priority need was not making a positive difference to them or their peers. It was clear to them that changing the law would mean very little if it was not accompanied by a significant increase in affordable housing stock.

“I’ve been made homeless through domestic abuse but have waited 3 and a half years for my own place so I’m not sure what would be classed as priority.”

“I don’t know because I’ve been made homeless through domestic abuse and I’ve been waiting 2.5 years for a first offer.”

“I’m priority need now but still can’t get accommodation.”

“I’m priority need but keep getting knocked off emergency accommodation by [people in] higher priorities.”

Two people who were sleeping rough expressed huge frustration at the number of empty properties that were not being utilised when so many people need a home.

4. Intentionality

The responses to our survey questions about intentionality were also very mixed, with just over half saying that intentionality should be retained in Welsh law, nearly 30% saying it should be removed and the remainder saying they were unsure.

4.1. Intentionality should remain

Some people felt that intentionality should remain:

“I do not feel that someone who has intentionally made themselves homeless should then be assisted for further housing. As an example, someone who has kept all of their housing costs and not paid their rent would still be entitled to the same assistance as someone who has found themselves at risk of homelessness through no fault of their own. There are circumstances in each case to consider intentionality however if someone is deemed intentionality then they should have limited assistance.”

“If someone has made choice not to pay rental/housing costs or caused ASB & broken the rules why should they have another chance over someone who has adhered to the rules of their tenancy.”

“I am becoming homeless through no fault of my own as my landlord is selling the property yet I am placed in the same category as people that have made themselves homeless by not paying rent I feel this is quite unfair seeming as i have done nothing to put myself in this situation.”

Others felt that there should be a differentiation between rent arrears and anti-social behaviour.

“I think if someone does something wrong like being noisy or a nuisance they should be punished but not paying rent or staying somewhere else does not seem fair.”

“Might not be someone’s fault for not paying rent, could be due to losing job etc. But any other anti-social behaviour should not be tolerated.”

However, most people were of the view that there should be exceptions or there needed to be some flexibility or understanding of mitigating circumstances. Some survey responses began with a statement that intentionality should remain, but as their answer developed they often demonstrated an understanding of how mental health, addiction, learning disabilities and trauma could impact on people’s ability to maintain a tenancy, and called for a more flexible and compassionate approach.

“I think so but at the same time it should be more fleshed out with how the systems work within the whole, needs to be more understanding on what makes them in that situation.”

“I think intentionality should remain, unless there is exceptional circumstances. For example, where there is rent arrears on the property, however the person is experiencing domestic violence, intentionality should be considered further.”

“I believe that if something is done deliberately, then it should be classed as 'intentionally homeless'. If someone has failed to do something, this should not be classed as intentional as the majority of time, when tasks are not done to help resolve homelessness, it could be due to someone's mental health, addiction, learning difficulties etc. I feel it is unfair to deem it 'intentionally' as 9 times out of 10, someone isn't intentionally making themselves homeless.”

“I think this law should remain but looked into more if people having been paying their rent there may be a reason behind that. The cost of living crisis is hitting everyone very hard so in some cases I think the council should be more understanding.”

“I agree it should remain however there are grey areas. A person who has made themselves intentionally homeless due to a chaotic lifestyle fuelled by mental health or addiction should be treated with fairness. I recently had a client who was going to be evicted from a temporary placement because while they were experiencing a period of unstable behaviour due to mental health and drug use they found themselves back in custody. Thankfully they had the support of the mental health teams who were able to provide evidence and stop the eviction. They had been told by going back to prison they had made themselves intentionally homeless.”

The following person also recognised that finding someone intentionally homeless could simply be ‘moving the problem on to someone else’.

“The only issue is if you make them [intentionally] homeless aren't you moving the problem on to someone else.”

4.2. Intentionality should be removed from Welsh law

The majority of the comments from our survey showed empathy and understanding of the challenges that people faced and suggested that intentionality should be removed from Welsh law.

“I don't think anyone is making themselves intentionally homeless, why would they. From my experience I did everything in my power to not become homeless but I didn't get the right help.”

Several contributors noted that people could find themselves intentionally homeless for a myriad of reasons including mental health issues, addiction, domestic abuse and learning difficulties (specifically regarding rent arrears). Several people recognised the importance of support for people experiencing challenges and commented that a lack of support could lead to that person becoming homeless. The

current cost-of-living crisis was also referenced, with many noting the increased pressure on people's finances and mental health.

"I think this should be removed because there is always a reason why someone doesn't pay rent, when someone get evicted it not always their fault, some people need extra support when they get a tenancy but they don't get it."

"I was made intentionally homeless once because I stayed with my sister because my neighbour took drugs and I was told if I stayed out I would be evicted. This upset me a lot and I did not know what to do."

"It should be removed, there may be a good reason why they had to leave the property they were living in."

"I feel that some people even though are intentionally homeless cannot be held at fault if there is exceptional circumstances. It's tough to live and pay bills at the moment for us all."

"Some people don't have the choice to become intentionally homeless, especially if physically or mentally abused by another person, e.g. partner."

"The Council just use it to find ways of not offering housing to everyone."

5. Local connection

Again, survey respondents had mixed views on whether local connection should remain within Welsh law, with approximately 42% saying it should remain and 31% saying it should be removed.

5.1. Local connection should remain

Some of our survey respondents felt that people from the local area should have priority access to housing and that local connection was a way of ensuring this. Others worried about the pressure on particular local authority areas if people without a local connection had a right to housing there.

"I think this is ok because housing should go to local people first."

"Local connection should remain. The reason for this is that it would increase demand on certain boroughs if the local connection was removed. Within those boroughs there is already a demand for housing from people who already have a local connection so therefore allowing people with no local connection to present as homeless would increase pressure significantly."

"Local connection is important, not only is it fair but it also helps to support those who are known by services in the community."

"Local connection should remain [...] If this was not in then people from outside the area could take housing from you."

5.2. Local connection should be removed from Welsh law

However, many survey respondents recognised the challenges with local connection and the implications it can have on individual circumstances. A number of people referenced the need for people fleeing abuse or violence to be able to relocate to another local authority area. Others talked about people who have been trapped in a 'cycle' of homelessness or addiction and needed to be able to settle in a new area, away from bad influences or problems, to enable them to have a fresh start.

"I think local connection should be removed from the Welsh Law. There are lots of reasons why people may need to relocate. Someone can be in a situation where they need a fresh start, maybe a family breakdown or lack of opportunities."

"I think this should be removed because people who are fleeing from domestic abuse move to places away from their family to feel safe and this can sometime be to somewhere where they don't have any connections."

"Many people want to move out of area as they have connections to drug use or violence in their local area. The current law does not take this into consideration and people are trapped in a cycle of homelessness due to being unable to move away from their past if they don't have local connection outside their area. It's a ridiculous rule that prevents people from getting the help they need."

"it more context to how people are, it works for some people but it helps for them to move away from their problems for a better start but sometimes it's good to stay in the area you are aware of but only if it applies to you."

"I feel it should be removed because sometimes people have to move away from their area for several reasons such as domestic violence, the area they are in is no good and they need a clean start somewhere too but with the local connection barrier people can't always live where they would like to."

"It should be my choice where I live, not dictated to by someone who doesn't know me in the council."

"Especially for prison leavers and people dealing with domestic abuse as you may never stop the cycle."

A number of the above comments relate to domestic abuse, and we know that local authorities often have reciprocal arrangements for people in this situation to access housing in other areas to ensure their safety. However, one survivor of domestic abuse outlined how local connection had been applied to them, despite their experience:

"Like myself I was fleeing domestic abuse and have found it really difficult to be housing due to not having a local connection to where I have been placed in refuge. I now feel like I am being penalised for fleeing somewhere I did not feel safe."

This highlights how inconsistent interpretation or implementation of exceptions to local connection can result in people falling through the net and becoming homeless or at greater risk of abuse or violence.

5.3. Changes to local connection

Some people had suggestions about how local connection could be changed:

“The rules should be extended to include extended family, those who have secured work in the area, and in particular those who have children under the age of 18 in the area.”

“I think another assessment on how you will be making the area your home and contributing to society would be better.”

A number of people we spoke to thought that demonstrating positive and sustained engagement with support services should negate the need for a local connection. This included people who had long histories of sleeping rough and substance use problems. They told us that they had been unable to remain sober where they had a local connection, but had accessed support and made huge strides forward in a different local authority. They knew that housing was critical for their future wellbeing and abstinence from substances, but felt strongly that they needed to remain in their current location to continue to receive support and stay sober.

Another person had been sleeping rough and said he had three days to go until he would be regarded as having a local connection. Until then he was sleeping rough or trying to get enough money for a B&B. He expressed that this seemed arbitrary and that having to sleep on the streets for another few nights was both frustrating and depressing.

5.4. Cardiff Reconnection Service

Two of the people we spoke to were accessing support from the Cardiff Reconnection Service, delivered by the Salvation Army in partnership with Cardiff Council. The council’s Homelessness Strategy 2018-2022 describes the service as follows:

The Reconnection Service delivered by the Salvation Army supports individuals with no local connection to return to their home authority in a managed way, or to achieve another positive accommodation outcome. Accommodation may be provided for an individual with no local connection either for one night or temporarily via a waiver to access specialist provision only provided in Cardiff, or because of overwhelming vulnerability, health or social care grounds.

Although the description of the service above talks about people returning to their home area, the two people we spoke to were being supported to remain in Cardiff. The staff working within the service understood why it would be difficult or unsafe for them to return to their home local authority and were supporting them to access accommodation in Cardiff.

5.5. Case study X:

X is originally from London but found himself homeless in Cardiff. He had no ties to the city and when he applied to the council for housing he was told “you’ve got no chance” due to his lack of local connection and would be waiting approximately nine years for social housing.

X had been using heroin for 25 years with numerous stays in rehabilitation centres and attempts to get clean. Since moving to Cardiff, X has accessed support services and is now six months sober. He has sustained a support network of his peers in Cardiff, attends regular meetings to help manage his addiction, and has a sponsor who provides invaluable support. X said that if he was forced to move to another area, he would lose his support networks and his 'recovery would be at risk'.

The Resettlement Service has provided him with support when he was found to have no local connection. They took his details and found him a place in a shared house, providing him with clothes, food and some emergency funding. He is now happily living in the shared house, developing positive relationships with his housemates and takes huge pride in his continued sobriety. He speaks very highly of the service and says 'otherwise, I would have been put into a very dangerous situation'.

X talked about the variety of reasons why people might need to move to a new area, whether that be to get support or for safety. His view was that people should be able to access housing in other areas if they are trying to get away from trouble or needed a fresh start. He said that engagement with support services, or drug treatment programmes, should be valued and that this could be used as evidence to negate the need for a local connection. He also talked about the experience of one of his peers, who had relapsed because they didn't have an entitlement to housing.

X also talked about the need for more dry supported housing for people who are trying to abstain from substances, as well as the wet houses for people who are still using. He also called for reduced stigma around addiction from services and landlords, better access to rehab (particularly for people on low incomes) and the importance of providing a home to people who are leaving rehab, to support their continued recovery.

5.6. Case study Z

Z had experienced multiple traumas from a young age including domestic abuse within the family, the death of a child, sexual assault and rape by a family member and others, homophobia from his family and community, and a recent bereavement due to the death of a parent. He has serious physical health conditions, mental health problems and learning disabilities. He is currently six years clean following an addiction to heroin.

Z had got on the first train out of his home city to escape the violence and abuse, ending up in Cardiff. He has been living on the streets where he has experienced further violence and abuse, but it now staying in a night hostel. He has no local connection and was told to go back home in order to access housing. However, he is terrified of returning to his home local authority and due to the significant risk of him experiencing further abuse and violence.

Z is currently accessing emergency accommodation but does not feel safe there and does not want to be around people who are using drugs for fear of losing his sobriety. He leaves the emergency accommodation each morning and cannot return until the evening. He cannot be given essential medication for a serious health condition because he does not have a home and therefore a refrigerator to store it in. He would also be at risk of being robbed if he carried it around with him. Instead, he has to visit a clinic every day to get his medication, which has to be taken three times a day

with food. This is extremely challenging for someone who spends each day on the streets and is relying on the soup runs and food donations from members of the public.

Z is desperate for a home, for a 'new, fresh life'. He wants to go to college but first he says he needs 'the stability of having somewhere to live'. He says he is 'exhausted', that the local connection test 'destroys' him and that he feels he cannot go on living.

The reconnection service is advocating on behalf of Z to get a waiver. This would provide him with an entitlement to accommodation due to the multiple vulnerabilities outlined above and because he cannot return to his home local authority. He speaks extremely highly of the support worker who is helping him and it is clear that this service has made a significant difference and is giving him a glimmer of hope for the future.

Z would like to see more people with lived experience working within homelessness and housing services, as they know what it is like to be homeless and would have a greater understanding of people's experiences. He also expressed frustration about the number of empty buildings when so many people need a home.

These two case studies highlight the challenges posed by the local connection test, but also some of the positive work that Cardiff's Reconnection Service undertakes, helping people who have no local connection to either find a home through alternative routes, or to advocate for people who are extremely vulnerable. We are unsure about whether this type of support is available in other areas of Wales, but if local connection is to remain in Welsh law, there is a strong case for each local authority to provide similar support to enable people to find housing if they are unable to return to their home local authority.