

## **Re: Consultation response on Homelessness Regulations**

Platform is the charity for mental health and social change.

We are a platform for connection, transformation and social change. We're driven by the belief that a strengths-based approach is the foundation to sustainable wellbeing for everyone. We do not believe that people or communities are "broken" or in need of fixing.

Our work takes a trauma informed approach to understanding mental health and emotional distress, and we see the current mental health, and wider health, social care and public sector systems as no longer fit for purpose. Based on illness and deficit models, they deny people the hope and agency to heal.

### **Overall approach**

Platform is supportive of the approach to housing and homelessness that encompasses housing-first, rapid rehousing and a trauma informed housing strategy that has informed the development of the homelessness action plan. We responded to the action plan's consultation stage by noting that some aspects of the homelessness legislation needed to be examined to update them in line with the new approaches. As such, we are pleased that the consultation for these regulations has acknowledged the need to re-examine intentionality and priority need within the homelessness legislation and look forward to this happening.

Intentionality and the continued use of priority need categories (which exclude people) are legislative barriers to creating a housing-first policy across the whole of Wales. These are not trauma informed, and their continued use to exclude people from housing is an example of a service that runs the risk of re-traumatising people. Somebody being told they are 'intentionally' homeless, or not considered a priority, will exacerbate feelings of low self-esteem, low self-worth and shame, all of which we know contribute to difficulties with mental health. It dehumanises people, and makes people feel like they are an inconvenience and not of value,

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through a system that is not considering their unique circumstances and context that could have led to them becoming homeless.

As such, while we support the addition of 'rough sleepers' to the categories of people deemed to be priority need – primarily because it will hopefully lead to fewer people being excluded from support – we must emphasise that these regulations should only be considered as a bridge towards wider legislative changes to the system.

We also have concerns about the unintended consequences of adding 'person sleeping rough' to the categories of intentionality, including regarding people in hostels as not sleeping rough. Whilst we appreciate that this is being done to ensure legislative consistency, we feel there are several unintended consequences that will result from this:

- Rough sleepers who have recently spend time in a hostel will be regarded as intentionally homeless unless they can provide a good reason why they left the hostel. For example, a rough sleeper who left a hostel because drugs and alcohol were prohibited would be found to be intentionally homeless. This is not consistent with the ethos and approach of housing-first, which regards providing a house for somebody unconditionally as essential before any other issues such as substance use can be supported. This approach also does not recognise that drug or alcohol use is highly likely to be a coping strategy for childhood adversity and other trauma.
- Asking a person to disclose why they have left a hostel, or to articulate why a hostel may be unsuitable, may involve a person having to disclose trauma (such as sexual abuse) in front of an untrained local authority officer. The disclosure itself could be triggering for some people, causing flashbacks and other related trauma responses. This can be exacerbated by poor handling of the situation by untrained officers. Given the history and culture of some local authorities in how homelessness services have been run (see the ombudsman report) this could well create a scenario where a person sharing an experience of trauma has that experience scrutinised by an officer expressing disbelief or denial – processes that may be experienced as re-traumatising and harmful to the individual and which the police have spent decades trying to eradicate.

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- The concept of intentionality itself is deficit based. It creates a situation where a person feels internally responsible for the lack of help and support they subsequently receive. It puts the ‘blame’ for the situation onto the person, and perpetuates the problems that have resulted in that person sleeping rough. This creates an adversarial nature in a system where people asking for help perceive officials to be against them. Even those who are found unintentionally homeless will have experienced a system designed to exclude people, and will increase the level of adversarial tension, a feeling of being alienated, excluded, or not valued. This can mirror traumatic childhood experiences, when it would be more suitable to reduce the potential for re-traumatisation and re-establish trust and relationships with services.

Linked with these concerns, we would re-iterate the conclusions<sup>1</sup> of the Public Services Ombudsman for Wales, that identified several key areas of concern. These included:

- Findings that human rights duties were not explicitly taken into account by local authority assessments and reviews.
- There were significant delays in the assessment process, and significant matters were often missed.
- Communication was unclear for people at risk of or experiencing homelessness,
- There were failures to consider suitability of accommodation, and there were failures to support “vulnerable” people with “complex needs” (terms used in the Ombudsman report)

We would note that such concerns have been expressed previously by a number of organisations for several years and reflects a lack of consistent interpretation or implementation of law and policy. We think that a fuller exploration of why this is the case needs to be undertaken and should form part of the considerations of these regulations, as these findings highlight why we have concerns over unintended consequences of the regulations.

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<sup>1</sup> Homelessness Reviewed: an open door to positive change, Public Services Ombudsman for Wales 2021, available from <https://www.ombudsman.wales/wp-content/uploads/2021/10/Homelessness-Reviewed-an-open-door-to-positive-change.pdf>

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We also have concerns about the extension to March 2023 of the timescale in which local authorities can regard the use of B+B accommodation as suitable “where an Authority’s ability to provide accommodation has been restricted as a result of pressures from Covid-19”. This is inconsistent with other aspects of housing policy, where temporary changes to law because of Covid-19 pressures have been reversed – for example, the ban on private landlords evicting people has ended.

Extending this state of exception carries the risk that some local authorities will use “pressures from Covid-19” as a reason for not investing or providing alternatives to B+B accommodation. Whilst we appreciate that the Welsh Government cannot fully accurately predict what pressures from Covid-19 will occur over the next year, we feel that allowing the private rented sector to return to “normal” and evict people whilst allowing local authorities to maintain the state of exception regarding Covid-19 sends the wrong message about whose interests the policy is intended to serve.

Overall, there is a risk these regulations halt the promising progress towards a better homelessness system that focuses on preventing and rapidly resolving homelessness. We would therefore urge the Welsh Government to move the system forward in many other areas through reviewing the system with a view to:

- Ending intentionality and eliminating priority need categories in favour of a general duty to support and provide accommodation.
- Ending the use of the Pereira test for vulnerability within the homelessness system, considering Hotak as an alternative.
- Ending use of local connection, considering replacing it with a regional connection approach, and changing the funding system for local authorities to reflect pressures they face so no local authorities would be disadvantaged by this.

We would welcome the opportunity to discuss further.

Yours Sincerely

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James Radcliffe  
Head of Public Affairs and Influence