



Consultation response: Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness

March 2015



INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three fire and rescue authorities and the three national park authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. This is the WLGA's response to the Welsh Government consultation document "Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness".
4. The response uses the questions contained within the consultation document.

Allocations

i. Are the elements of the Code referring to Allocations clear enough for your use?

The elements of the Code of Guidance referring to allocations appear to be clear enough for use. However, it will be important to have sight of the Annexes not included within the consultation document before being able to be completely clear on this.

ii. Are there any further areas of the allocations guidance you would like further clarification or detail on?

As above, the Annexes not included in the consultation document will be required before implementation.

iii. Have you any more comments to make on the allocations element of the Code of Guidance?

No further comments on the Allocations element of the Code of Guidance.

Homelessness

iv. Are the elements of the Code referring to homelessness clear in explaining the responsibilities of each party?

In general, the responsibilities are clear, but there appear to be some areas which have a different emphasis in relation to who should be working with the household to complete each duty. The Guidance appears far more relaxed about the possibility of partnership working around the 'advice duty' (S60);

"Local Housing Authorities can choose to meet this duty in a number of ways. For example, through providing the service themselves, commissioning another organisation to provide the service, or providing the service in collaboration with another organisation".

However, the same flexibility does not appear to be afforded around the S62 duty, the duty to assess; the S66 duty, the duty to take reasonable steps to prevent; or the S73 duty, the duty to help relieve. For example;

"The Local Housing Authority has a duty to assess the housing needs of the applicant and any person with whom the applicant lives or might reasonably be expected to live"

"The Local Housing Authority has a duty to assess whether any support is needed by the applicant and their family in order to retain accommodation which is or may become available"

"When a Local Authority, following an assessment under s.62, deems an applicant to be threatened with homelessness within 56 days, it is obliged to help an eligible applicant to prevent them becoming homeless, by either directly meeting their housing need or by assisting them"

Although we recognise the local authority has the ultimate duty, authorities will need to work in partnership to fulfil them. The language around the S60 duty appears far more open in relation to allowing a partnership approach, whereas the language around later duties appears to put all responsibility on the local authority. We would welcome some re-wording to accurately reflect the importance of a partnership approach throughout the process.

v. Do they adequately address the new homelessness duties under the Housing (Wales) Act 2014?

We refer to answer above and the need local authorities will have to develop a partnership approach to meet these duties. There are also some specific areas which need further clarification.

Prisoners

We recognise work is on-going to develop the prisoner pathway, but there are statements within the draft Code which will need to be clarified in light of this.

For example, it states - *“on reception prisoners should be informed of their options”*. Will this be the role of local authorities, criminal justice agencies or Welsh Government funded Homelessness Grant services? We would appreciate this kind of statement clarified in the Guidance and clarity around roles and responsibilities.

A similar example is in relation to resettlement. The Guidance states - *“Housing and support plans must be prepared with all identified prisoners threatened with homelessness prior to release”*.

Clarity is required in relation to the responsibility for completing these assessments. Is it the responsibility of the local authority? Can authorities be challenged if these plans are not in place?

Best Use of Resources

The guidance around the ‘best use of resources’ remains confusing. For example,

“Where a Local Authority has made disproportionate reductions in their homelessness budget when compared to their full funding settlement, any decisions to discharge their duty on the best use of resources can expect to be subject to additional scrutiny and an increased likelihood of challenge”

This is a difficult thing to prove, as there are difficulties in assessing what is a ‘homelessness budget’ and how different local authorities measure it. How would anybody prove reductions are ‘disproportionate’?

The following statement also needs clarification;

“When a Local Authority discharges their duty on the basis of having undertaken reasonable steps within the best use of resources, they must communicate the decision in writing to the applicant outlining the specific rationale behind the decision to discharge the duty”.

Would it be possible for Welsh Government to write an example letter and how the household would be informed of this decision?

vi. Does the Guidance explain adequately how organisations should work together to tackle homelessness?

See responses to previous consultation questions in relation to the need for clarity over roles and responsibilities in relation to partnership working. However, in addition there are some specific elements we like to highlight and question.

In relation to the Homelessness Strategy expected in 2018 the Guidance is explicit in relation to working with the RCC. However, is there any need to develop 22 different strategies, would it be more strategic and in line with SP commissioning if 6 homelessness strategies were developed across Wales? This would also allow a better use of resources and allow a focus on the front line.

There are also a couple of statements which need further clarification. For example;

“New information systems will need to be developed to work closely with partners to identify non-statutory homelessness”

We would also like some clarity and commitment around the following statement - *“Projects funded directly by the Welsh Government will be expected to work closely with local authorities who will need to be involved in the monitoring of these services”*.

We welcome this approach, but would like a joint approach to performance monitoring and evaluation, so that the same data and information is submitted to both the Welsh Government and the relevant local authority.

vii. Do you feel the Guidance could be strengthened or made easier to use and if so, could you explain how it should be improved?

We feel it could be shorter and does tend to repeat itself in places

vi. Are there any more comments you would like to make about the revised Code?

None

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