



Homelessness Reviewed: an open door to positive change

The Public Services Ombudsman for Wales

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Executive summary

Introduction

The [Public Services Ombudsman \(Wales\) Act 2019](#) empowers me to undertake an investigation on my own initiative. That means I can investigate a matter beyond its impact on an individual and without having to wait for a complaint. I am proud to introduce this report; my first report of an investigation undertaken on my own initiative.

The challenges of increasing homelessness have been widely recognised by bodies in Wales, including the Welsh Government and third sector organisations. Despite the introduction of the Housing (Wales) Act 2014, Welsh Government statistics show a consistent increase in demand for accommodation for those classed as homeless and in priority need. Preliminary evidence indicated that a high proportion of homelessness assessment decisions were being overturned on review, in some local authorities, year on year. This suggested there might be systemic maladministration and/or a failure to identify and learn lessons.

In response to the COVID-19 pandemic, local authorities had to make significant and impactful changes to meet the demands placed on them to ensure that everyone had the security of a front door. It was, therefore, relevant for me to consider how good practice during the pandemic could drive further change or wider learning.

The Investigation

I considered whether:

- a) Homelessness assessments were being carried out appropriately.
- b) Those told that the local authority's homelessness duty to them had ended were also told that they could request a review of that decision.
- c) The reasons for overturning assessment decisions were understood and whether any lessons were being learned and shared.
- d) Those whose reviews were unsuccessful were told of the remaining remedies available to them.

- e) The actions taken during the COVID-19 pandemic to assess, address and review the needs of homeless people could provide opportunities for longer term or wider improvements.

The investigation focused on 3 local authorities: Cardiff Council, Carmarthenshire County Council and Wexham County Borough Council. It considered evidence provided by the 'Investigated Authorities' (both documentary and from officers), the Welsh Government and third sector organisations.

Findings

A review of homelessness cases from each Investigated Authority identified some concerns, including:

- Human Rights and Equality Act 2010 duties were not explicitly taken into account in assessments and reviews.
- Delays throughout the Assessment and Review Process.
- Significant matters being missed during the assessment process.
- Unclear and insufficient communication that was not always understood by clients.
- Failures to appropriately consider suitability of accommodation.
- Failures to provide support to vulnerable clients and those with complex needs.

The investigation also identified examples of good practice, including:

- 'Psychologically Informed Environment'¹ and 'trauma informed'² training for homelessness officers.

¹ A 'psychologically informed environment' should improve the development, delivery and evaluation of a service by taking the client's psychological and emotional needs into account. This will ultimately improve the client's experience and allow them to feel that they are in a safe environment.

² A 'trauma informed' process recognises the signs and symptoms of trauma in clients. It recognises and understands the widespread impact of trauma and that many behaviours and symptoms are the result of adapting to traumatic experiences.

- Participation in the 'Take Notice' project³ which provided feedback on homelessness template letters.
- Production of a factsheet about the assessment process and its duties.
- Use of 'minded to' letters to give an indication of what decision is likely to be made, allowing clients time to provide additional information or seek further legal advice before the decision is made.
- Partnership working with other homelessness services to ensure early intervention whenever possible and provide on-the-spot support and advice on matters relating to housing, homelessness and debt.
- Creation of a Mental Wellbeing Support Service, devised to support individuals whose needs were not critical enough to qualify for care/support following a Social Services and Wellbeing Act assessment, but who have mental wellbeing issues that need to be resolved.

Conclusions

The investigation found that all Investigated Authorities had difficulties collating the information requested. The quality of the records provided varied. It was concerning that essential information was not easily accessible to officers and, potentially, advocates and clients, especially given the time sensitive nature of some homelessness applications and reviews.

The investigation also found that each Investigated Authority applied a different approach to the Homelessness Review Process. This has prompted me to consider whether a Housing Regulator role in Wales would add value to the homelessness processes, by acting in support of local authorities, providing guidance to ensure consistency and to address concerns.

³ A Wales-wide service user involvement project funded by the Welsh Government.

The investigation concluded that, in general, the Investigated Authorities met their statutory duties under the Housing (Wales) Act and the associated guidance, to ensure that homelessness assessments are carried out properly. It found that, whilst those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, were being informed in letters and by the use of factsheets, it was not evident that they were always aware and understood their right to request a review.

Improvements could be made in the administration of reviews requested under section 85 of the HWA, in terms of the independence of the review and the timeliness of reviews. It is my view that the principal reasons for assessment decisions being overturned on review are:

- A failure to undertake additional enquiries.
- A failure to take relevant information into account.
- A failure to adequately consider the suitability of accommodation.

Addressing these points would reduce the number of poorly made decisions and reduce the number of reviews and, in particular, the number of decisions overturned on review.

The investigation has demonstrated that, whilst clients are informed of the remaining remedies available to them, the additional step in the process is inaccessible and ineffective, making it of little value to those affected.

What has become clear during my investigation is that the work undertaken by the Homelessness Teams in Wales during the COVID-19 pandemic has been exemplary. They have worked tirelessly to ensure that those people who have presented as homeless have been accommodated so that they can keep themselves safe. Significant changes were made to processes when face-to-face interviews ceased, people were sent home to work and a greater dependence was placed on technology. It is clear that many of the barriers the Investigated Authorities encountered at the start of the pandemic were quickly overcome, due to the flexibility and resilience of their officers, so that services successfully continued to what has been often described as a "new normal".

Recommendations

As a result of the investigation, the Investigated Authorities have agreed to a number of measures, including:

- Creating Easy Read⁴ versions of homelessness factsheets and standard homelessness correspondence, for clients with learning difficulties or whose first language is not Welsh or English.
- Reviewing the use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which could be then followed up with a letter.
- Implementing a Psychologically Informed Environment approach to correspondence.
- Reminding officers of their duty to properly investigate and verify information received, by seeking information from third parties and taking account of all relevant information.
- Ensuring there is a plan to provide regular training on equality and human rights to all decision makers and to reviewing officers.
- Including the reviewing officers in the development of future homelessness training.

In view of the potential for wider learning, I am inviting the other 19 local authorities in Wales to:

- Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.
- Create working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services.
- Formulate a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in

⁴ 'Easy Read' refers to the presentation of text in an accessible, easy to understand format. It is often useful to help people with learning disabilities and may also be beneficial for people with other conditions that affect how they process information.

relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review.

- Consider the recommendations made to the 3 Investigated Authorities and to take forward any learning points that would improve their service provision.

I am also inviting the Welsh Government to:

- Review the HWA and the associated Code of Guidance to ensure a more consistent approach to homelessness – particularly post COVID-19.
- Review the Code of Guidance to ensure that it is explicit that human rights and equality must be taken into account when assessing homelessness applications, reviewing decisions and when allocating housing.
- Standardise review documentation across Wales.
- Review the effectiveness of the post-review appeal process, given the difficulties clients have accessing Legal Aid.
- Improve and standardise the homelessness service across Wales by considering the creation of a Housing/Homelessness Regulator role to support and provide information and guidance to local authorities.

Note

The invitations made to the other 19 local authorities and the Welsh Government are not formal recommendations made in accordance with the Act because I did not formally investigate those bodies. They are included to assist with driving improvements in public service delivery across Wales. This was the purpose and intention of the Senedd when my new power of own initiative investigation was enacted and I trust that all local authorities will embrace the opportunity to learn from this investigation. I will be liaising with the local authorities, the Welsh Local Government Association and the Welsh Government on improvements made following the publication of this report.

Thank you

I am grateful for the co-operation of all those involved in this investigation. I am confident that sharing the learning points it has identified will improve homelessness service provision across Wales.

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

Foreword

The Public Services Ombudsman (Wales) Act (“the Act”) 2019 gave me powers to undertake ‘own initiative’ investigations⁵ where evidence suggests that there may be systemic service failure or maladministration. This report outlines my first such investigation.

Whilst the immediate priority of someone who is homeless will, of course, be to find somewhere to sleep or stay, rather than navigate the complaints process, it is perhaps surprising, and concerning, that the PSOW receives very few complaints about homelessness.

This investigation considered the application of the Housing (Wales) Act 2014 (“HWA”) by local authorities in Wales; specifically, to examine whether local authorities were administering the homelessness Review Process⁶ properly, fairly and openly, and whether they were making people aware of their right to a review of decisions made. The investigation also looked at how any lessons learned from these reviews were shared and, where appropriate, how they were embedded in the assessment process.

Homelessness affects every member of society, from the person who has lost their home, to those who have businesses, or work or live in areas where homelessness is evident. There is also a wider impact on perceptions of public safety, as homelessness is said to impact on tourism, making our Welsh towns and cities less attractive to visitors.

The greatest impact, however, is on the people facing homelessness themselves. Many homeless people are vulnerable because of their age, race, sexuality or physical or mental health difficulties. Homelessness may aggravate these vulnerabilities further, as it may restrict their ability to access the support and assistance needed.

The challenges of increasing homelessness have been widely recognised by bodies in Wales, including the Welsh Government, who formulated the Ministerial Action Group, and third sector organisations, many of which have produced reports on the matter.

⁵ Section 4 of the Act

⁶ Section 85 HWA

Despite the introduction of the HWA, the [Welsh Government statistics](#) show that, for the period 2018-2019, the total number of households assisted by Local Authorities with homelessness issues in Wales increased from the previous year by 7%, to over 31,000. Of those, over 2,600 were classed as homeless and in priority need⁷; an increase of 15% from the previous year. Whilst the total number of households assisted by Local Authorities with Homelessness issues in Wales remained steady in 2019-2020, those classed as homeless and in priority need increased again to 3060, a further increase of 15% from 2018-2019 data. This demonstrates a consistent increase in demand for accommodation for those classed as homeless and in priority need.

Local authorities have a critical role in preventing homelessness as well as supporting people who have found themselves homeless. In 2020, COVID-19 changed the world and highlighted the prevalence of homelessness and the vulnerability of the homeless in our communities.

In response to the pandemic, local authorities had to make significant and impactful changes to meet the demands placed on them to ensure that everyone had the security of a front door and access to private sanitation. The work undertaken by Homelessness Teams in Wales during the pandemic has been admirable. They have worked tirelessly to ensure that those people who have presented as homeless have been accommodated so that they can keep themselves safe.

It is important, both prior to and during the pandemic, that those assessed not to be homeless or not to be entitled to support are aware of the right to request a review of the assessment decision. It is also important to ensure that, when decisions are overturned at review stage, lessons are being learned and shared across the authority to improve services.

⁷ Section 70 of the HWA states that the following persons are deemed to have a 'priority need' - pregnant women, people responsible for dependent children, people made homeless by fire, flood or other disaster, young people aged 16 or 17, people aged 18-20 who are at particular risk, victims of domestic abuse, armed forces personnel, those vulnerable as a result of time in prison, people aged 18-20 who have spent time in care and those vulnerable as a result of some special reason e.g. old age, physical or mental illness/disability.

I recognise that responding to the pandemic has been challenging for the Investigated Authorities; their commendable response has enabled the identification of opportunities for longer term and wider improvements. It is imperative that the good practice identified in the Investigated Authorities' response to the pandemic is maintained and shared to improve the services provided to homeless people - both now and in a post-pandemic future.

Whilst I have identified areas for service improvement during my investigation, I also wish to recognise the good practice identified. This good practice must be shared and considered by all local authorities in Wales to support a shared commitment to learning and improvement.

Introduction and my jurisdiction

1. Section 4 of the [Public Services Ombudsman \(Wales\) Act 2019](#) (“the Act”) empowers me to undertake an investigation into a matter within my jurisdiction whether a complaint has been duly made to me or not. This investigation report on the administration of the Homelessness Review Process, is issued under section 23 of the Act.
2. Before starting such an investigation, I must consider whether the matter is something that can be investigated, or whether there is an appropriate alternative legal remedy. I am unable to investigate a complaint if the aggrieved person has/had the right to appeal to a statutory tribunal, the Welsh Government or a court of law, or if there is a remedy by way of proceedings in a court of law, unless I am satisfied that the complainant could not reasonably be expected to do so. In view of the vulnerability and financial hardship experienced by those who are homeless, as well as the difficulties in accessing legal aid for civil claims since the implementation of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#), it is my view that legal action is not a reasonable course of action for homeless people.
3. I must ensure that the subject of an own initiative investigation meets specified [criteria](#).⁸ Having undertaken a preliminary assessment, it was my view that an investigation into the administration of the Homelessness Review Process met the criteria for investigation for the following reasons:

Public Interest

4. For the purposes of my investigation, public interest is defined as something that impacts upon the public, rather than a matter the public finds of interest. ‘Public’ in this context can refer to a distinct section of the public, or the entire population of Wales.
5. Homelessness can affect a wide group of individuals across Wales and has the potential to impact wider public services and communities. The pandemic has reminded us that homelessness extends beyond those sleeping on the streets; it also includes those who are staying with friends and relatives on an ad hoc basis (“sofa surfing”) or in inadequate or dangerous accommodation.

⁸ Section 5 Public Services Ombudsman (Wales) Act 2019

6. The number of homeless people in Wales has been increasing and the impact of years of austerity, and of the recent global health crisis, means that many people in Wales are at risk of losing their homes. Therefore, it is reasonable to conclude that this subject is far reaching and affects many people.

Reasonable suspicion of systemic maladministration

7. Preliminary evidence indicated that a high proportion of homelessness assessment decisions were being overturned on review in some local authorities year on year (see Appendix 1). To me, this suggested the possibility of systemic maladministration in the process and/or a failure to identify and learn lessons.

8. Additionally, the variance of results in the homelessness data captured by some local authorities indicated that opportunities for service improvement were not being identified or actioned.

9. Further, the low level of reviews in some local authorities suggested that the promotion, by these local authorities, of the right to a review could be inadequate and/or the awareness of clients of their rights was low.

The matter impacts upon a wide group of citizens, to such an extent that they appear likely to sustain injustice or hardship in consequence of the matter being considered for investigation

10. In 2018/2019, over 31,000 households in Wales⁹ were assessed as homeless, and many more received support with homelessness issues. This figure has continued to rise. The absence of complaints to my office about this matter suggested that the individuals affected may be unaware of, or unable to exercise, their right to escalate their complaints to me.

⁹ The [Welsh Government statistics](#)

The weight of evidence

11. I considered evidence from numerous sources,¹⁰ including:

- The Welsh Government policy, statutory guidance and legislation
- Homelessness strategies, action plans and policies of all Local Authorities in Wales
- Other relevant research and guidance documentation from Audit Wales and third sector organisations
- Information published by StatsWales and the Office of National Statistics
- Media Reports

12. Evidence obtained from these sources suggested an inconsistency of practice in the Review Process.

The persuasiveness of the evidence

13. The information considered was, in my view, credible, reliable and suggestive of potential systemic maladministration in the administration of the Homelessness Review Process by local authorities in Wales.

The COVID-19 pandemic

14. The action taken by the Welsh Government and local authorities in response to the pandemic was widely reported, making it relevant for me to consider how the actions and learning from good administrative practice during the pandemic could be taken forward to drive change or wider learning.

¹⁰ Appendix 2

Consultation

15. Before starting my investigation, I undertook a [consultation](#) exercise¹¹ to seek comments, from organisations deemed to have an interest in the matter, on the purpose, topic and method I proposed to investigate. The [response to the consultation](#) was generally positive. However, concerns were raised about the timing of the investigation given the ongoing public health crisis¹². In responding, I reassured the consultees that I was aware of the challenges faced by many working within the public sector, including those working to address homelessness. I explained, however, that I was mindful of my duty to contribute to public service improvement, especially in such times, and that I hoped to identify, not only lessons to be learned, but also good practice to be shared across Wales, building on the successes achieved by Homelessness Teams across Wales during this difficult period. I also reassured the consultees that my Investigation Officers would be mindful of the time and resource pressures local authority officers were experiencing as a result of the pandemic and that all enquiries would be proportionate and reasonable.

Scope of the investigation

16. On 20 November 2020, I issued my investigation [proposal](#). I invited comments from relevant bodies and consultees. I received no responses.

17. The proposal document outlined the scope of the investigation:

- a) Are local authorities in Wales meeting their statutory duties under the Housing (Wales) Act 2014 (“the HWA”) and the associated guidance to ensure that homelessness assessments are carried out appropriately?
- b) Are those entitled to challenge the outcome of an assessment, or the decision that a local authority’s duty has ended, aware and understand their right to request a review under section 85 of the HWA?

¹¹ 23 September 2020

¹² The Welsh Government responded to the consultation in this regard, reflecting comments from some local authorities, including Wrexham County Borough Council.

- c) Are reviews undertaken in accordance with section 85 of the HWA being properly administered?
- d) What are the reasons for overturning assessment decisions and are lessons being learned and shared?
- e) In cases where decisions have not been overturned, are those affected aware of the remaining remedies available to them?
- f) The range of administrative actions and approaches taken during the COVID-19 pandemic to assess, address and review the needs of homeless people, or those presenting as homeless, by local authorities, with a view to identifying opportunities for longer term or wider improvements.

18. For the purposes of this investigation, the term 'homeless' includes all forms of homelessness, including street homelessness, those who are classed as 'homeless at home' (where the accommodation is unsuitable for the person) and those who are threatened with homelessness. The people who present to local authorities for help and support with homelessness services will be referred to as 'clients'.

19. Whilst homelessness is a matter that affects all 22 local authorities in Wales, given the current health crisis and its impact on resources, it would have been impractical to investigate all 22 at this time. In view of this, I decided to focus my investigation on 3 local authorities. The 3 authorities included in the investigation were Cardiff Council, Carmarthenshire County Council and Wrexham County Borough Council ("the Investigated Authorities"). The reasons for investigating these 3 local authorities are outlined in Appendix 2.

Relevant legislation, guidance and policy

20. Details of the relevant legislation, guidance and policy I referred to during my investigation are provided in Appendix 3.

The investigation

21. I obtained comments and copies of relevant documents from the Investigated Authorities including a sample of case records. The methodology for sampling the case records is provided in Appendix 4. I considered the documents obtained from the Investigated Authorities in conjunction with evidence from other sources. I have not included every detail investigated in this report, but I am satisfied that nothing of significance has been overlooked.

22. It is not the Ombudsman's function to make definitive findings about whether a person's human rights have been breached or whether someone has been discriminated against, victimised or harassed as a consequence of a protected characteristic. However, I will comment, where appropriate, on a public body's regard for the legal duties and the rights and protection the legislation affords individuals. During the course of the investigation, I considered the Human Rights Act 1998. The rights I refer to are called 'Convention rights', as the Act gives effect to the human rights set out in the European Convention on Human Rights. Of the 18 rights which are enshrined in UK law, I considered the following rights which are relevant to the housing, homelessness and assessment and Review Processes:

- Article 3 – The right not to be treated in an inhuman or degrading way.
- Article 6 – The right to a fair hearing.
- Article 8 – The right to respect for family and private life, home and correspondence.
- Article 14 – The prohibition of discrimination in the securing of all other rights afforded by the Human Rights Act.

23. Section 6 of the Human Rights Act makes it unlawful for a public body to act in a way which is incompatible with a Convention right.

24. Consideration was also given to Section 149 of the Equality Act 2010, which requires public bodies to consider how their decision-making and policies affect people with protected characteristics¹³ (the Public Sector

¹³ There are 9 protected characteristics – age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Duty). There are well-evidenced links between homelessness and age, gender, sexual orientation and trans identity, and physical or mental ill-health, which are all protected characteristics under the Equality Act. People with these characteristics may suffer when homeless, as homelessness may restrict their ability to access and engage with the support and assistance they require. There is also growing evidence linking ethnicity and COVID-19 health outcomes, which places homeless people from Black, Asian or Minority Ethnic backgrounds at risk if they are not provided adequate housing. Equally, consideration must also be given to ensuring equal access to services in Welsh and English languages, and to appropriate support for those wishing to access services in other languages.

25. The topic of the investigation is also relevant to those disadvantaged owing to their socio-economic status. Homelessness is one of the key disadvantages that people may suffer due to inequality in socio-economic factors, such as material deprivation, access to adequate housing and access to health and social care services.

Relevant Housing legislation and guidance

26. The [Housing \(Wales\) Act 2014](#) (HWA) placed a duty on local authorities in Wales to assess any person who presents as either homeless or at risk of homelessness.¹⁴ The purpose of the assessment is to determine whether the client is eligible for help.

27. The HWA requires the assessment to consider the following:

- The circumstances that have caused the client to be homeless or threatened with homelessness.
- The housing needs of the client and any person with whom the client lives or might reasonably be expected to live.
- The support needed for the client and any person with whom the client lives or might reasonably be expected to live to retain accommodation which is or may become available.
- Whether or not the authority has any duty to the client.

¹⁴ Section 62 Housing (Wales) Act 2014

- The outcomes the client wishes to achieve, and how those outcomes can be met.

28. In addition to the above, consideration should also be given to whether the client is in priority need for accommodation.¹⁵

29. Furthermore, local authorities have a duty to consider the Human Rights Act and the Equality Act during assessments and when making review decisions (see Appendix 3).

30. The local authority must notify the client of the outcome of the assessment. Where the decision is unfavourable to the client, the local authority has a duty to explain the reasons for the decision and inform the client of the right to request a review of the decision.¹⁶

31. Clients may request a review of any decision made under the following sections of the HWA:

- Section 62 – The assessment to determine eligibility.
- Section 66 – Duty to help to prevent homelessness.
- Section 68 – Duty to provide temporary accommodation.
- Section 73 – Duty to help secure suitable accommodation.
- Section 75 – Duty to provide settled accommodation.

The procedure for requesting a review is outlined in the [The Homelessness \(Review Procedure\) \(Wales\) Regulations 2015](#) (Appendix 3).

32. In response to the COVID-19 pandemic, the Welsh Government amended its homelessness guidance to local authorities and suspended the 'priority need' status. Local authorities were told that in order to ensure everyone had access to the necessary sanitation and the all-important protection from the virus of a 'front door', all clients should be temporarily accommodated, regardless of whether a duty existed and the client's previous history. Local authorities said that the change caused a significant demand on temporary accommodation and on homelessness

¹⁵ Section 70 Housing (Wales) Act 2014 – see footnote 3, above

¹⁶ Section 85 Housing (Wales) Act 2014

services in terms of the number of homelessness presentations, the increased complexity of cases and access to adequate interim accommodation.

Evidence from the Investigated Authorities

Cardiff Council – Documentary evidence

33. The Council said officers received high quality training to ensure they had the skills to undertake a thorough and person-centred homeless assessment to reach decisions. New starters were provided with extensive training and a period of job-shadowing before undertaking homeless assessments. It was noted that the homelessness training was amended to include the changes arising from the COVID-19 pandemic.

34. The Council said that any decisions made on eligibility for assistance, priority need and the relevant duty owed to a client under the HWA, were made in writing and either hand delivered, kept at the Council's offices for collection, posted or emailed to the client. The letters included the client's review rights:

“If you do not agree with the Council’s decision you have the right to request a review under S85 of the Housing (Wales) Act 2014. If you wish to request a review you can do so orally or in writing to the Homeless Legal Process Manager within 21 days of the notification of this decision. This is a senior officer who is not involved in the making of the decision. You will be required to give reasons for your request in writing stating clearly why you feel a review is necessary. Once your request is received the Legal Process Team will write to you, to acknowledge your review request and to give further advice on the review procedure.”

35. The Council said it took an active approach in improving homelessness decision letters and kept them under constant review to ensure they were accurate and easy for clients to understand. Additionally, officers provided clients, especially those with literacy difficulties and those

whose first language was not Welsh or English, with an oral explanation of their review rights and a factsheet¹⁷ which outlined the various legal duties under the HWA as well as the right to review.

36. The Council said that the factsheet was considered as part of the Shelter ["Take Notice"](#) project,¹⁸ where service users provided feedback and made the following observations:

- *“these [factsheets] are brilliant...I would definitely keep them for my own future reference and also for anybody who I know that may need help in future”.*
- *“I think the factsheets were very well laid out, much more visually easy on the eye and written in easy to understand language. I would give the person who designed them 10 out of 10”.*
- *“I think if these factsheets were enclosed with the letters, a far more positive spirit, more in tune with the Housing Act’s intentions, would be struck”.*
- *“the [factsheet] tone is friendlier and more positive in terms of help than the letters and they convey a sense of optimism”.*

Prior to the pandemic, copies of the factsheets were also readily available at the Housing Options centre.

37. The Council said that, for the period 2020/21, the top 3 grounds for challenging homeless decisions were:

- Suitability – the client felt that the accommodation offered was unsuitable.
- No duty was owed under section 68 of the HWA – the client believed that they had a priority need and the local authority owed a duty to place them in interim accommodation.
- No duty was owed under sections 62/66 of the HWA – the client disagreed with the decision that they were not homeless or threatened with homelessness.

¹⁷ See Appendix 4

¹⁸ See paragraphs 165 - 174

38. The Council said review requests could be made by any means and that those made within the legal time frame were acknowledged within 5 working days. The acknowledgement letter¹⁹ included an invitation to the client to make further representations in writing, or in a meeting, within the next 14 days. It also advised the client that they may contact a solicitor or third-party organisation to assist them in the process and that they could request an extension if additional time to respond was needed. Finally, the letters indicated the date by which the client should expect a decision.

39. The Council said that reviews were completed in accordance with Section 85 of the HWA, and associated guidance. This included considering 'out of time' review requests and requests for accommodation pending the outcome of a review.

40. When undertaking a review, the reviewing officer reconsidered the assessment, taking into account whether anything was missed by the original decision maker, as well as any new evidence or information provided by the client. During the reconsideration of the case, the reviewing officer could contact the clients, support workers or other representatives for additional information.

41. The Council said the reviewing officers were completely independent of the decision makers and not based within the Housing Options Service. Review decisions were made in writing within 56 days. However, in the event that the process took longer, the client was informed.

42. The review decision letters provide a reason for the decision, as well as the clients right to appeal the decision to the County Court within 21 days, on a point of law.

¹⁹ The review acknowledgement letter also explains how long it will take to complete the review, who will complete the review, what will be considered, asks the client to ensure that all supporting evidence is submitted, and advises that advice can be sought from Shelter.

43. The Council said that, in 2019, it undertook a review of the Housing Options Service with a view to ensuring that it not only adhered to the spirit of the HWA, but also delivered a service within a Psychologically Informed Environment (“PIE”).²⁰ The intention was to design the processes and procedures within the homeless assessment, so they were not only appropriate and compliant with statutory requirements, but also “trauma informed”²¹. The review also:

- Considered accessibility to the service.
- Considered prevention of homelessness.
- Ensured that the client’s journey met their needs.
- Improved partnership working.

44. The Council said the decisions made within the Housing Options Service were subject to quality assurance checks. If repeated errors were identified, the Assessment Manager would undertake individual audits of those officers concerned. Additionally, all closed cases were monitored by the Assessment Manager to ensure the information required to make the decision was correct. The Council said that, in the event a general trend was identified, it would be raised with either the individual or the team and, where appropriate, any specific issues would be discussed with the Training Officer and added to the training plan, as appropriate.

45. The Council said that staff had regular meetings with their line managers to discuss casework and ensure appropriate support was in place. This was in line with the ‘PIE’ ethos the Council worked towards.

46. The Council added that, following a review of Quality and Assurance procedures, it created the role of ‘Homeless Auditor and Mentor’. This role is based within the Housing Options Service and its purpose is to check that the procedures and processes have been followed, to provide effective auditing and verification of all legal homeless decisions and to support needs assessments.

²⁰ A ‘psychologically informed environment’ should improve the development, delivery and evaluation of a service by taking the client’s psychological and emotional needs into account. This will ultimately improve the client’s experience and allow them to feel that they are in a safe environment.

²¹ A ‘trauma informed’ process recognises the signs and symptoms of trauma in clients. It recognises and understands the widespread impact of trauma and that many behaviours and symptoms are the result of adapting to traumatic experiences.

47. The Council said the Homeless Legal Process Manager shared the review and appeals decisions and any concerns or trends, at the Housing and Communities Homelessness Performance and Improvement Meeting, which took place on a quarterly basis.

Cardiff Council – COVID-19 response

48. With respect to the impact of the COVID-19 pandemic, the Council said the Housing Options Services staff moved rapidly to homeworking and measures were put in place to continue to provide a good quality service to clients who were either homeless or at risk of homelessness. The Council said that, in its view, any barriers that were experienced at the start of the pandemic were successfully overcome.

49. The Council said that, in addition to its telephone advice service, it changed its procedure to allow assessments to be carried out over the telephone and via email. The Council said the use of telephone assessments made it easier for customers to contact the service for assistance and to receive immediate help if they were homeless on the day of contact. The Council added that clients had indicated that telephone assessments were preferred, as they had a pre-booked appointment and could access the service without the need to travel and wait at the Housing Options Centre. The Council said that those clients without access to a telephone, or who did not want to present to the Housing Option Centre, could contact the service directly through the community hubs and hostels, allowing them to access services in an environment in which they felt comfortable.

50. The Council said that it encountered some minor issues with the new assessments, but solutions had been found. An example of this was asking the client to take a photograph of their written consent and send the image to the Council, when required.

51. The Council said there had been no significant difficulties experienced by the Legal Process Manager in investigating or completing reviews during the pandemic.

52. The Council said it had implemented virtual house viewings and inspections during the COVID-19 pandemic, to allow the service to continue, given the restrictions imposed by COVID-19 regulations. The Council said it intended to continue to use virtual viewings for clients who were unable to attend; for example, clients who were in hospital or prison.

53. The Council said that, as a dispersal centre for asylum seekers, it housed refugees granted 'leave to remain' in the UK by the Home Office. There was a high number of Black, Asian and Minority Ethnic clients assisted by the service. The Council said that improved partnership working with relevant stakeholders during the pandemic enabled the housing pathway for these clients to be better planned and organised. The Council said that, since the Home Office started sending regular reports, highlighting all positive cases (those who make successful asylum claims and are granted 'leave to remain' in the UK) still residing in National Asylum Support Service (NASS) accommodation in Cardiff, it had been more proactive in contacting clients, and successfully working with them, to establish their housing needs and their 'move on pathway'. As a result, people were offered privately rented accommodation prior to their eviction date from the NASS accommodation, negating the need to rely on emergency interim accommodation.

54. The Council said that, prior to the COVID-19 pandemic, hospital discharge, for those clients being discharged from Mental Health facilities, was working well, with an NHS-funded Prevention Officer supporting clients from hospital into settled and supported accommodation. Since the pandemic, the Prevention Officer also assists patients over the age of 55, supported by Independent Living Services. The Council said weekly meetings and case conferences were held to manage patient discharge. Additionally, partnership working with the local accident and emergency teams had been developed, which was especially useful when assisting clients who were at risk of rough sleeping.

55. The Council said that, prior to the COVID-19 pandemic, Cardiff, like many major cities, saw a rise in rough sleeping. Research was undertaken to review services for single homeless people, many of which presented with complex needs. A multi-disciplinary team was established, comprising of a wide range of health, social care and therapeutic workers and this had made an impact on the numbers

sleeping rough. Research was also undertaken into the best type of accommodation to address complex needs. Additional funding received from the Welsh Government, and the need to house all clients at the start of the pandemic, escalated this work. 182 units of additional supported accommodation were established during the early days of the pandemic, with health and therapeutic services provided on site, leading to many clients being able to address their underlying issues for the first time.

Carmarthenshire County Council – Documentary evidence

56. The Council said it prided itself on its successful partnership working and open-door approach in the administration of homelessness services. The Council said that key partners, such as The Wallich,²² Shelter Cymru,²³ Housing Associations, the Probation Service, soup kitchens, the Salvation Army and the Care and Repair service, engage with their clients to enable them to access Council services. This enhanced the Council's established Homelessness Forum which monitors the [Regional Homelessness Strategy Action Plan](#) and the Transitional Funding Action Plan (Appendix 1 of the [Transitional Homelessness Plan 2020/2021](#)). The Council said that it had developed its partnership with, and improved relationships, with private landlords over several years by developing its own lettings agency²⁴. It said that it now manages 160 private lets on behalf of landlords which has had a significant impact on re-housing homeless households.

57. The Council said that, in 2015, it changed its approach to providing a Housing Solutions service and incorporated the '[Values Steps](#)' across all its housing options functions. The Council said it adopted a philosophy of putting the customer first when resolving housing needs which was demonstrated through its 'systems thinking'²⁵ approach.

²² A homelessness and rough sleeping charity that gives help and advice to homeless and vulnerable people.

²³ Shelter Cymru is a housing and homelessness charity that provides free, confidential and independent advice to clients, as well as advocacy services and legal support.

²⁴ A social letting agency works in a similar way to a high street lettings agency, except the primary purpose is social, rather than financial, is focussed on meeting housing needs in an area and plays a full part in the prevention of homelessness.

²⁵ A way of exploring and developing effective action by looking at connected wholes rather than separate parts.

58. The Council said it embraced the spirit of the HWA and ensured it met its legal duty to assist all households who face homelessness, regardless of whether they 'fit' into the priority need categories. The Council developed a 'core' service providing free advice and information on a range of housing matters, from enquiries about adaptations, to overcrowding, property condition and homelessness. The service took an average 2,800 housing calls per month, with most calls relating to information about homelessness and the prevention of homelessness. The Council said the service was accessible to everyone and had been expanded to include weekend and evening cover during the pandemic.

59. The Council said that the Regional Homelessness Strategy with Pembrokeshire County Council, Ceredigion County Council and Powys County Council moved the demand from emergency responses and triggering homelessness duties, to homelessness prevention before it became a crisis and the development of support and accommodation options, particularly for those with complex needs and higher service demands.

60. The Council said that the Welsh language and promotion of bilingualism played a key role in its work and that communities were changing, due to the lack of affordable housing and employment in the area, which directly impacted Welsh language and culture.

61. The Council said that, whilst it had done a lot of work to shift its focus to the prevention of homelessness, there was more work to be done. In addition to the continuing change to a culture of homelessness prevention, there was more cross departmental and multi-agency working.

62. The Council said it planned to ensure that people were able to access prevention services and have a range of affordable accommodation and support options. Also, consideration would be given to how those options would be linked to the utilisation of its housing stock.

63. The Council said the demand for single person accommodation far exceeded available housing stock and that, in response, the private rented sector was identified as a key partner in meeting those needs. However, there was evidence of an ever-greater reluctance from private landlords to engage, not only because of increased regulation, but also because of welfare reform, which was perceived as an increased risk when letting properties.

64. The Council said that, using existing financial services, it had attempted to tackle what it considered to be the main reasons for homelessness: affordability, relationship break-down and property suitability. This included the creation of a "hub", comprising of specialist advisers and partners, such as occupational therapists, environmental health officers and home improvement officers.

65. The Council also said that its Advice and Tenancy Support Team had been co-located with its key partners to provide support and expertise on key matters.

66. The Council said its approach to working with clients and partners co-located on-site enabled it to get its decisions "right first time", which was why the number of requests for formal reviews was low. The Council said there were occasions when the clients disclosed additional information to support agencies that it was not aware of and, in those cases, it worked with the partner agencies to review the case to ensure all the information was considered.

67. The Council said that, in November 2017, it introduced a 'Choice Based Lettings' process, which made the housing application process more open and transparent. It hoped that the process would result in more successful tenancies, as clients bid for properties that they were genuinely interested in, rather than accepting a property for fear of being penalised.

68. The Council said it produced a weekly report on the accommodation available to ensure there was a sufficient supply and that applicants were moving on to more appropriate accommodation as quickly as possible.

69. The Council said that all relevant staff received an extensive and detailed induction and training programme. They were also provided with a copy of the Code of Guidance as a standard manual, which they would follow as part of their initial training but would also be available to refer to daily.

70. The Council said that a client would be notified in writing of the outcome of a homelessness assessment. The letter outlined the decision that had been made as well as an explanation as to what that meant, practically, for the client. The Council said that it would inform the client of the right to request a review and how to do so.

71. Once a review had been completed, the Council said it wrote to the client outlining the following:

- Who made the decision
- The reason for the review
- The decision
- The client's right to appeal the decision to the County Court.

72. The Council said that the number of reviews had reduced during the pandemic period, owing to the change in priority need status.

73. The Council said that any review decision feedback was communicated directly to the decision maker and a discussion was also held at the next supervision meeting. Where appropriate, wider discussion would also be held during monthly team meetings. However, as review requests were so low, it was not a standing agenda item.

Carmarthenshire County Council – COVID-19 response

74. The Council said the COVID-19 pandemic caused it a number of difficulties. The increase in demand for assessments and more complex case work stretched the cohort of staff, as case workers found that they required more time with each client to undertake the homelessness assessment. Face to face meetings were restricted and, despite limited pre-COVID-19 interim housing stock, there was a surge in demand, as they had to accommodate everyone.

75. Additionally, the Council said that, when in interim accommodation, some clients refused to engage with services and became difficult to contact. This was exacerbated by the 'lockdown' conditions.

76. The Council said that it implemented a number of measures in response to the COVID-19 pandemic. The measures were introduced between March and August 2020. The Council said those measures demonstrated its ability to work at pace, be flexible in approach and implement proposals in a timely manner. The measures included:

- The re-designation of some accommodation.
- Sourcing alternative accommodation options to meet the shortfall in interim housing stock.
- Housing Officers and Advisers were redeployed from other parts of the service to meet new demand.
- An increase from 8 to 11 dedicated homelessness caseworkers to account for the increased demand. Each caseworker would keep a case to its conclusion and be the point of contact throughout.
- Homelessness caseworkers provided 24-hour emergency services via the Information, Advice and Assistance Contact Centre.
- The creation of a team of officers to focus on moving clients out of interim accommodation, by supporting people to identify new homes, move in and provide white goods and carpets.
- Increased provision of Housing First²⁶ support. The number of clients supported by this scheme increased from 12 to 40 with further provision available, as required.
- Increased support provision, to ensure contact with those in interim accommodation, was maintained.
- Engagement with volunteers to identify homeless people and work with stakeholders to ensure people had been signposted to appropriate services.
- Opening a Hub, with screens, dedicated to engaging and meeting homeless clients.
- Office space opened on the ground floor of a building used to house homeless clients on an interim basis. The space provided an opportunity to undertake face to face appointments, safely.

²⁶ An intensive wrap around support service given to clients who require the most help to get back on their feet and address any issues, in order to prevent homelessness recurring.

- The Housing Advice Service was opened on Saturday mornings to give more time for clients to make contact face to face and the online systems enabled clients to email/make applications at any time.
- Issuing mobile telephones to homeless clients and using 'WhatsApp' to exchange information and make contact.
- Arranging regular meetings with key partners and other stakeholders to ensure its response actions and strategies were effectively co-ordinated.
- The production of '[COVID-19 – Housing Response](#)'.
- The production of the Carmarthenshire County Council [Transitional Homeless Plan 2020/2021](#) for supporting rough sleepers in the area.

77. The Council said the Welsh Government's change to disregard priority need status in response to COVID-19, resulted in a significant demand on interim accommodation and on homelessness services. Specifically, there was an increase in the number of homelessness presentations, from approximately 70 to nearly 150 (including over 100 single people), as well as an increased complexity of cases.

Wrexham County Borough Council – Documentary evidence

78. The Council said homelessness assessments and reviews were undertaken in accordance with the Welsh Government Guidance.

Wrexham County Borough Council – COVID-19 response

79. The Council said that, since the first lockdown, there had been a significant reduction in the number of face-to-face assessments and interviews being conducted. This created the following barriers for officers:

- With face-to-face contact not permitted, clients without access to a telephone, or who lived in an area with a poor signal, had difficulties contacting the team.
- Given the chaotic lifestyle of some clients, it was difficult to keep in touch with people, as mobile telephones were lost, and telephone numbers were frequently changed.

- It was difficult to verify documents when carrying out investigations. Whilst those people with access to a smart telephone could forward photographs of verification documents as a substitute, those without access to that technology were unable to do so.
- Officers were unable to read body language during a telephone conversation, making it more difficult to build relationships with clients and encourage better engagement.
- Suitability reviews increased because, without face-to-face contact, it was not always possible to tease out the necessary information from clients.
- There were a large number of withdrawn assessments, as clients were contacting the service for advice and assistance only, but the system required a full assessment to be carried out.
- It was difficult to persuade people to engage in services.
- There was increased fraud. Without seeing a person face to face or being able to visit the premises regularly, it was difficult to know the true identity of a person residing in a property.

80. The Council said that there was an expectation from other agencies that, regardless of a client's housing situation, it must accommodate every person, and this had resulted in an increase in the number of clients accessing the service. The Council said some agencies failed to understand that, even if the client was given interim accommodation in response to the pandemic, it still had a statutory duty to assess whether a homelessness duty was owed to that client. The Council said this had detrimentally affected working relationships with other agencies and had put additional pressure on the service and staff.

81. The Council said it experienced some difficulty obtaining responses from some agencies as they were not always able to access the necessary information for the assessment. Additionally, difficulties obtaining written consent to share information meant that agencies were often only able to provide anecdotal information to officers. These difficulties were also shared by advocates. The Council said that GP services, in particular, were under such pressure that many failed to respond to requests for information, creating a barrier to the Review Process running smoothly.

82. With respect to reviews, the Council said that some decisions were overturned at review stage because communication delays meant the case officers were unaware of a client's change in circumstances. The Council said that, if a client's request for a review was unsuccessful, they were informed of their right to escalate the matter to the Court for judicial review.

83. The Council said that the reasons for overturned decisions at review were discussed with the decision maker and, where appropriate, with the team, to ensure the learning was shared. Any good practice identified was shared in weekly team meetings along with any changes to case law and any case issues, with a view to overcoming them by working together to develop solutions. The Council said it held regular refresher training sessions for relevant officers.

84. The Council said that, during the first lockdown, it was particularly difficult to contact applicants in the secure estate (for example, people in prison). As colleagues in resettlement teams were working from home, officers were relying on people answering their telephones or returning their telephone calls. In certain prisons, telephone facilities were shared, so if a COVID-19 case occurred in one wing, the whole wing was placed into lockdown, meaning that no staff could enter, and the use of the telephone was not allowed.

85. The Council said that, in response to the lockdown, several key outreach services provided by third sector organisations, such as night shelters and hot food provisions, were closed to service users. The Council said this led to increased demands on the Housing Options Service to fill the gaps in support.

86. The Council said that, because the Welsh Government guidance classed the night shelter as unsuitable and alternative arrangements were needed to protect vulnerable individuals from possible exposure to Covid-19, it took steps to move those people who were rough sleeping off the streets and into temporary accommodation. However, as many hotels and bed and breakfast establishments had either closed, or had been block booked by other public bodies, there was limited suitable alternative accommodation available in the area. The Council said that, by working in partnership with the Welsh Government and other local agencies, accommodation was supplemented by using 'out of county' bed and

breakfast establishments, interim accommodation and local lettings agencies' properties. Additionally, the Council negotiated a short-term lease with Wrexham Glyndŵr University for the use of self-contained student accommodation on the university campus and made use of a corridor at Wrexham's Foyer housing complex, for those with no recourse to public funds.

87. The Council said that arrangements were made to replace former outreach services that provided support and material assistance to homeless people, and that those services were made available on the Glyndŵr University site. The Council said clients were provided with accommodation, food, amenities, toiletries and, when appropriate, transport vouchers. The Council said delivering services at one location rather than at a variety of different outreach centres throughout the town, proved to be successful and there was an increased level of engagement amongst those who had traditionally been the most difficult to reach. Also, it allowed them to provide individuals with tailored services, including support from key services such as GPs, mental health teams and harm reduction services. The Council said information sharing agreements in place between partner agencies, made it easier to tailor an individual's support, as service providers had a fuller picture of each individual's needs.

88. The Council said alternative arrangements were designed to prevent unnecessary social contact and reduce the spread of the virus amongst people, many of whom were vulnerable. The Council said it also intended to design services that enabled homeless people to engage and develop the skills needed to sustain a tenancy successfully. The Council said the success of this model of service provision had been replicated at the new 'triage hub', which was recently developed following a successful funding bid to the Welsh Government.

89. The Council said that, although additional funding was made available, it was for the provision of support services, not the statutory service, where most of the additional pressures were experienced.

90. The Council said staff stress levels had increased because of the additional pressures and increased workload caused by the pandemic. The Council said there were fewer officers available due to increased sickness absence and one officer had resigned. Consequently, this

affected the robustness of the training new officers received, as it had to be provided by experienced staff with high caseloads. The Council said the pandemic also impacted recruitment, particularly as officers were expected to work in the office and many people felt worried about that prospect.

91. The Council said the Welsh Government's homelessness guidance, issued in response to COVID-19, occasionally conflicted with the legislation, for example temporarily ending priority need, causing confusion for officers and other agencies. The Council said the impact of having to continue to provide accommodation even though the homelessness duty ended, resulted in an increased pressure on interim accommodation. The Council said that, during the pandemic, there was a 173% increase in the use of interim accommodation, which resulted in officers having to devote more time to sourcing additional units of accommodation and managing placements. Additionally, being unable to distinguish between priority and non-priority need cases had caused an increase in the volume of accommodation required.

92. The Council said that the Housing Options service was the only source of advice and support for clients, which led to an increased volume of calls and presentations. Additionally, there were social factors arising from COVID-19 that had contributed to an increase in requests for assistance linked to family and relationship breakdown, an increase in domestic abuse and a rise in single men who had previously been able to 'sofa surf'. As a result, officers were having to source alternative interim accommodation at short notice.

93. The Council said the role of the Outreach Worker and Peer Mentor had been useful in identifying those who were rough sleeping and encouraging them to engage with services, particularly since the other outreach agencies had withdrawn from supplying this service.

94. The Council said that, at the beginning of the pandemic, it was a challenge to operate a virtual review panel, as the process had been paper based. However, as remote working methods embedded, it identified ways of sharing the information required and had since been able to revert to holding meetings with all panel members.

95. The Council said it purchased mobile telephones and travel vouchers for those that needed them, enabling people to access interim accommodation, or reconnect with family members.

96. The Council said it had introduced 'Soft Phone'²⁷ technology, which made it easier for staff working from home to keep in contact with colleagues and other agencies. It was also easier for some clients to access advice over the telephone rather than attend the office for an appointment, particularly if they worked office hours or shifts.

Witness evidence from the Investigated Authorities and other Agencies

97. Witness evidence was sought from officers from the Investigated Authorities. To accommodate the time pressures placed on the officers responding to the pandemic, the witness evidence was collated via 'Survey Monkey' and through interviews on Microsoft Teams, over a period of weeks.

98. Other interested parties were also invited to participate in the investigation and provide evidence. Evidence was provided by Shelter Cymru and YMCA Neath Port Talbot through Survey Monkey, Microsoft Teams interviews and online focus groups.

Cardiff Council – Witness evidence from Council Officers

99. 8 Council Officers were randomly selected to provide witness evidence. 7 Officers responded.

100. The Officers said they received relevant training about the HWA and any changes to the guidance. It was noted that some officers considered that the HWA was a good piece of legislation, especially for single people. Officers said training was provided in-house and via Shelter Cymru and that they worked within a supportive environment where colleagues provided each other with advice when making decisions. Officers said they had been 'PIE' trained (see footnote 14, above), which aided decision making. The Officers said that the local authority had created internal guidance to make

²⁷ A piece of software that allows the user to make telephone calls over the internet via a computer.

the process more user-friendly and that the Review Process was embedded within the local authority's case management software and undertaken by Review Officers.

101. The Officers said they were kept up to date with any changes to the Process or legislation. There were also regular management meetings, which included updates from the Development Officers.

102. Officers said that a lot of work had been undertaken to ensure people had access to homelessness services; this included Mobile Assessment Officers, officers specialising in areas for Prison leavers, officers within the hospitals and utilising partners in outreach, the Refugee Council²⁸ and RISE.²⁹

103. Officers said that some clients were reluctant or failed to provide the necessary information which impacted upon the officer's ability to undertake an assessment. Officers said that, in those cases, it was important to build a level of trust with the client, otherwise vulnerable people may be disadvantaged. Officers said that there could also be difficulties in obtaining information from third parties because of legislative restrictions³⁰ or lengthy response times. However, it was recognised that clients could ask for a review at any stage of the process.

104. Officers said they also experienced difficulties when clients were reluctant to engage in the process, this may be the result of complex needs or distress at the stigma of being made homeless. They said it was important to break down those barriers to best support those clients moving forward and that, using their 'PIE' training, they tried to offer their clients a constructive person-centred approach.

105. Officers said that, for those clients whose first language was not Welsh or English, they would ascertain the client's preferred language and use interpretation services such as Language Line. This service continued throughout the COVID-19 pandemic.

²⁸ A charity that works with refugees and asylum seekers.

²⁹ An organisation that supports victims of domestic abuse.

³⁰ General Data Protection Regulations

106. With respect to the barriers clients faced when entering the homelessness process, officers said that some clients, particularly those new to the process, were unclear about what was happening and how the system worked for them. Officers said some clients were concerned that, if they requested a review, it would jeopardise their placement. In those cases, clients were reassured that it was their legal right to make the request and that it would not have a detrimental impact on their application. They were also reassured that the Review Process was undertaken independently.

107. Other barriers clients faced included accessing correspondence. As a result, clients who failed to collect their letters were unaware of any decisions and their review rights. Officers said that, whilst more letters were being sent via email, there were still difficulties for those clients who did not have access to Wi-Fi or a computer. Officers said they tried to ensure that decisions were communicated in clear language and that the client was aware of their review rights and that a review request could be made orally.

108. Officers recognised that, whilst it was important that the legislation and statutory duties were explained to the client, the content of some letters could be difficult for people to understand and that it would be helpful to make them simpler, especially when notifying clients of multi-section duties.

109. Officers said that language and health conditions could be a barrier for some clients, but that this had improved with the telephone assessments undertaken during the pandemic, as it was easier for people to access the services.

110. It was noted that there were 2 Review Officers who were independent of the Housing Options Service.

111. Officers said that there were occasions when a review decision was made without consulting the decision maker and the client informed of the decision before it was shared internally. This resulted in opportunities for learning and discussion being missed.

112. Officers said that, when cases were closed, or when a duty was accepted or a client referred for interim accommodation, the audit process was generated, and a senior officer checked the case. Additionally, there was a dedicated Audit Officer who undertook general audits of the cases. Any issues or good practice identified was shared with the officers during either monthly progress meetings or team meetings. Overturned review decisions were shared with the line manager and fed back to staff. Where appropriate, training needs were also identified and addressed.

113. Officers said that there was an opportunity for critical self-evaluation through reviews of their own work, monthly progress meetings discussing cases and general case discussions with colleagues. Officers said they were encouraged and supported to review and reflect on decisions, including review decisions. Any identified needs or special interests were fed into the officer's personal training plan and consideration was given to whether wider training was needed.

114. Officers said managers provided feedback on overturned decisions, so the officer was given an opportunity to learn. Officers were also given the opportunity to discuss decisions with the Review Officer, especially if they disagreed with the decision. Where there were themes or trends in overturned decisions, consideration was given to whether there was a training need for either an individual officer or the team.

115. Officers said that, since the start of the COVID-19 pandemic, most assessments were undertaken over the telephone, via email or video call. The officers supported the client in whichever format the client was most comfortable, including face to face, for those without access to technology. Officers said it resulted in greater engagement from clients, as it was more convenient for them.

116. Officers said that, since the pandemic, they have taken a more flexible approach to the provision of supporting documentation by email.

117. Officers said that the Review Process had always been remote, so there was little change resulting from the pandemic.

Carmarthenshire County Council – Witness evidence from Council Officers

118. 6 randomly selected Officers engaged with the process. The officers had a wide range of experience across the whole homelessness process.

119. The Officers said they had received relevant training on the HWA and any changes to the guidance. Training was provided both in-house and through external agencies such as Shelter Cymru, and the Officers were not only regularly updated with any changes to the guidance and process, but they were also generally supported by their Team Leaders. Officers said they had received PIE training (see footnote 14, above) to help them with their roles.

120. Officers said they experienced difficulties in undertaking assessments when clients failed to keep their contact details up to date. Additionally, some clients had difficulty with telephone appointments as they were in rural areas with poor signal, had difficulty accessing the technology, or had communication issues that required an advocate. Officers said that the lack of face-to-face contact made accessing services difficult for those people.

121. Officers said clients could often be given incorrect information from support services which resulted in confusion and made it difficult to manage expectations. Officers said that, particularly since the outbreak of the pandemic, it could be difficult to access the information necessary to undertake an assessment.

122. Officers said the language barrier for those whose first language was not Welsh or English had increased and that access to translation services required pre-arrangement, which resulted in delays for clients.

123. Officers said spot checks were undertaken on assessment decisions and that some cases were used to work through in case meetings. Additionally, regular analysis was undertaken of the review decisions.

124. Officers said critical self-evaluation of decisions was undertaken to ensure they considered all of the information and options. Officers said a period of reflection was also undertaken on cases.

125. Officers said regular casework meetings were undertaken to discuss cases. Additionally, officers had regular progress meetings with their manager where any issues and training needs were identified. Officers said that any identified training need was addressed quickly. Additionally, any issues relevant to the team would be shared at the team meeting.

126. Officers said that any lessons stemming from a review would be discussed informally with the decision maker and would then be followed up formally, by email. Anything relevant to the wider team would be shared during the team meeting.

127. Officers said that working from home during the pandemic had given them more 'quiet time' away from the busy office to undertake their work. However, it also made it more difficult for officers to interact with colleagues, especially when an officer required support.

128. Officers said the increased casework from the pandemic resulted in significant pressure, particularly as the number of people eligible for interim accommodation had significantly increased following the decision to temporarily end priority need and the 'out of hours' service had been returned to the team to manage.

Wrexham County Borough Council – Witness evidence from Council Officers

129. Six randomly selected Officers engaged with the investigation. The officers had a wide range of experience across the whole homelessness process.

130. The Officers said they received relevant training about the HWA and any changes to the guidance. Training was provided both in-house and through external agencies, such as Shelter Cymru. Officers said that they were also regularly updated with any changes to the guidance and process. However, the Officers reported that the Welsh Government's changes to guidance in response to COVID-19 contradicted elements of the legislation (such as temporarily ending priority need) which has caused confusion.

131. Officers recognised that having a border with England, and the differences between legislation in England and Wales, affected services for the client. Officers said many third-party organisations had an unrealistic expectation of what was achievable, particularly in relation to the prisoner pathway.

132. Officers said some clients preferred telephone assessments as they found attending its offices intimidating. However, that was not the case for all clients, especially those without access to the relevant technology, or who lived in rural areas with no mobile telephone signal or Wi-Fi.

133. Officers said delays in obtaining necessary and complete information from third parties affected the homelessness assessment process and that it was difficult to progress matters when clients failed to respond to communications. Furthermore, during the COVID-19 pandemic, there were more applications that took longer as they were done by telephone. Officers expressed concerns that vulnerable people were being missed because some issues were not so identifiable on the telephone as they were face to face.

134. With respect to reviews, officers said the process was drawn out and that representations could be submitted at the 'eleventh hour', causing further delays for the client.

135. Officers said that review decisions were taken by a Review Panel which had a fair representation of people, including the presence of a legal representative, when reaching a decision based on the evidence. Officers said that it had not been possible to undertake the review panels at the start of the pandemic, so the process had to be amended for a period to allow them to be undertaken virtually. The Review Process had not changed during the pandemic and officers felt that the virtual review panels had worked well. Review panel decisions were recorded and noted by the Policy Officer.

136. Officers said review decisions were considered in progress meetings with the team leader, with areas for improvement, best practice, innovative ideas and training needs being shared and put into practice on an individual and team basis. Any lessons to be learned from reviews were also shared with officers and, when appropriate, discussed in team meetings.

137. Officers had access to translation services for those clients whose first language was not Welsh or English. There were also clear communication guidelines for those with sensory impairments.

138. Officers recognised that the volume of work caused by the COVID-19 pandemic meant clients were not contacted as often as officers would have liked. Also, many stakeholder services were scaled back, which increased the demand on the Council for advice and support, but officers felt that there were not enough officers to meet the demands.

139. Officers said accessing clients who were about to leave prison had been difficult because it was not always possible to undertake telephone assessments. In those situations, officers had to depend on resettlement services for information, which was often very limited. It was also difficult to contact prison leavers once they had left prison, as many did not have mobile telephones.

140. Officers said that, since the COVID-19 outbreak, appointments had been primarily completed over the telephone, with only a few face-to-face appointments being undertaken. This made it difficult to gather important identification documentation, evidence and signed consent forms. That said, it encouraged new ways of working and better information sharing with other agencies.

141. Officers said the decision to remove priority need status during the pandemic meant that everyone had to be accommodated. The volume of work since the outbreak of COVID-19 had trebled, making it difficult to revisit cases and complete assessments.

Shelter Cymru

142. The evidence and examples provided by Shelter Cymru reflect the experiences of caseworkers and their clients. The comments have not been attributed to a particular local authority. Rather, they are general comments. Views expressed should be seen in the context of Shelter Cymru's casework, which does not represent the whole of local authority activity; as a consequence, examples of good practice may be under-represented. The

caseworkers all had experience working directly with clients who were homeless or threatened with homelessness. The caseworkers also had experience of the homelessness Review Process.

143. The caseworkers generally felt that the Review Process was good when used correctly, but said that, in their opinion, the approach to reviews across Wales was inconsistent. Whilst there were some local authorities who provided clear written and oral information on reviews, others relied on a paragraph at the end of a letter or factsheet. It was suggested that having the review rights in bold letters or under a heading “Your right to review if you do not agree with this decision” would be helpful, along with an explanation of the Process and what to expect.

144. The caseworkers said many clients lead chaotic lives, had learning difficulties, physical or mental ill-health, substance misuse issues or literacy issues. Many were unclear about the homelessness decisions that were being made and unaware of their right to a review. In view of this, caseworkers felt that simply informing someone of their right to review at the end of a letter was not always sufficient, especially as many clients had no postal address and did not realise, they could collect copies of letters from council offices. Other clients struggled to understand the content of the letters. The caseworkers said that, whilst clients were given the opportunity to review decisions throughout the homelessness process, most did not understand, or were unable to navigate the Review Process.

145. Caseworkers said that, in their experience, some local authorities frequently missed or failed to send notifications or other documents which provided information about whether a homelessness duty had been accepted; without that correspondence many clients were unaware of their rights and obligations. The caseworkers said that, in their opinion, the letters were often full of jargon and appeared to have been ‘cut and pasted’ from other letters. As a result, the correspondence was not always specific to that individual client. Caseworkers said that poor communication also meant that clients were unaware of what was happening with their review, or what would happen next. Caseworkers said that, in their opinion, clients needed to understand housing law to be in a position to make an effective review submission.

146. The caseworkers said that not all local authorities supported clients to make reviews and that many failed to refer clients to external agencies for advice and support. They added that, in their experience, some local authority employees did not understand the Review Process, failed to recognise a request for a review without advocacy involvement, or would take the request for a review personally, which resulted in a difficult working relationship. Concerns were also raised about timescales – specifically, caseworkers said that some local authorities applied the deadline to request a review quite strictly, yet often failed to meet the deadline to respond.

147. Caseworkers said that there was a lack of structure to some local authority Review Processes, with some case reviews being overturned informally. They said such action meant that the client did not have their right to review dealt with in accordance with the law, which the caseworkers felt left vulnerable clients open to poor decisions. Conversely, there were occasions when, instead of putting a matter right when it was identified, the client was forced to request a review and follow that Process.

CASE EXAMPLE (provided by Shelter Cymru)

The Homelessness Officer was informed that the client had spent 8 weeks on floor space.³¹ The Homelessness officer accepted that this was not appropriate. The client was told to request a review. After going through the Review Process, the Review Officer confirmed that it was unacceptable and recommended that the client be moved to alternative accommodation.

148. The caseworkers said that the uncertainty surrounding the Review Process could be stressful for clients. They added that, pre- COVID-19, the length of the process itself posed additional challenges for clients, who were concerned about whether the provision of interim accommodation would continue while the review was being considered. Additionally, caseworkers said that people often felt that they had no option than to accept unsuitable accommodation or felt pressured to find alternative solutions while waiting to make a review. Caseworkers added that, in their experience, there were not only delays in undertaking reviews, but also delays when the review decision found that the accommodation provided was unsuitable. This led to disillusionment with the service.

³¹ Slept on a mat or mattress on the floor of a hostel/building.

CASE EXAMPLE (provided by Shelter Cymru)

Mrs X was only able to climb and descend stairs in a seated position and was placed in a first floor flat. Despite her health and safety concerns, Mrs X was informed that she had to request a review, which took over 8 weeks to complete.

149. Caseworkers said they encountered a number of barriers when supporting clients through the Review Process. Many caseworkers found the case files to be “very bitty”, with essential documents missing. Caseworkers found they often had to make repeated requests to the local authorities for information, which not only drained resources, but the continued requests for extensions prejudiced the client’s prospects. Caseworkers said that some local authorities had recently changed their software. This had limited the ability of advocacy services to access the complete case records and had adversely affected clients.

150. Caseworkers said both advocates and clients struggled to access homelessness officers, with many clients unable to identify their designated homelessness officer. Caseworkers said that this was exacerbated by the changes to the process following the COVID-19 pandemic, when most assessments were conducted by telephone and, in their experience, there have been a number of cases where clients waited for weeks for a response or assessment, with some being assessed only after an advocate had stepped in. The caseworkers added that, following the assessment, many clients were unaware of what duty, if any, had been accepted.

151. Caseworkers said, despite it being the local authority’s initial responsibility to gather relevant information when undertaking a homelessness assessment, local authorities placed the onus on the client to provide evidence, especially supporting medical evidence, if they wanted those health conditions considered during the assessment process. This information would often come at a cost the client was unable to afford and they could not therefore provide it. The caseworkers added that some local authorities were inconsistent in what supporting information they requested from clients. Furthermore, some local authorities used ‘minded to’ letters³² but failed to give the client the opportunity to address the issues that had been raised before sending the ‘end of duty’ letter³³.

³² Letters that pre-warned the client of the decision, giving the client time to provide additional information or seek legal or advocacy support.

³³ Letter that formally ends any duty owed by the local authority to accommodate the client.

152. The caseworkers said that some local authorities were better than others at making reasonable adjustments for people with protected characteristics under the Equality Act 2010. However, since the COVID-19 pandemic, this may have been adversely affected, particularly for those with literacy and language difficulties.

153. Caseworkers expressed concerns about the move to dependence upon telephone and internet-based assessments and communication, particularly since the COVID-19 pandemic, as those clients without access to telephones and internet became digitally excluded. They also described the difficulties clients had attending meetings, especially if the location of the meeting was in another town.

154. The caseworkers said that some local authorities invited comments from Shelter Cymru when making changes to policy and procedure and others had embedded Shelter Cymru's Advisers in the Housing Options Centres, which aided communication when changes were being made. Additionally, some of its officers provided formal and/or informal feedback on the process to the local authorities, directly to the decision maker or through the team leaders. However, the caseworkers felt that the local authorities were not always learning from their mistakes and, in their experience, did not share any learning with Shelter Cymru's officers.

155. It was noted that, although all local authorities were invited to take part in Shelter Cymru's "Take Notice" project, not all took that opportunity.

156. With respect to the impact of the COVID-19 pandemic on clients, caseworkers said that, in their opinion, accessing services was more difficult, as the process had slowed down and the changes caused more delays as calls were not returned promptly. Caseworkers felt that those without access to a telephone or who have communication or learning difficulties, faced more challenges, as they were dealing with a faceless voice and subtleties were being missed. Caseworkers also expressed concerns about the ability of clients to provide verification information and consent, especially without access to a smart telephone or computer with a scanner.

157. Conversely, caseworkers said that, for some clients, the convenience of telephone assessments made it easier to engage in the process, especially for those who lived some distance from the Housing Options Centre.

158. Caseworkers recognised that the Welsh Government's response to the COVID-19 pandemic resulted in all clients, including those who were not owed a duty, being accommodated in interim accommodation. However, caseworkers expressed concern, as much of the temporary accommodation was unsuitable or did not include the necessary support the clients required and, as a result, there have been a number of cases in some local authorities where clients were evicted because of their behaviour. Caseworkers said that, in their experience, some local authorities declined to accommodate clients or stated that there was a waiting list for interim accommodation.

159. The caseworkers also said that, in their experience, some clients were placed in what they believed to be interim accommodation and did not realise / were not notified that it was a permanent offer of accommodation under s73 of the HWA, and that the local authority's duty had been discharged. As a result, many people had missed their chance to review the suitability of the decision.

160. Caseworkers said that, in their experience, many of the decisions reviewed related to suitability of accommodation. Some of this had resulted from a lack of due diligence when matching a client to a property. However, a lack of accommodation options locally and high caseloads have led some homelessness officers to make unsuitable offers of accommodation.

CASE EXAMPLE (provided by Shelter Cymru)

Client Mrs Y was a single mother with a teenage son (S) who, having been associated with an undesirable group, was being supported by the Police to move forward and change his lifestyle. Mrs Y informed the Council of S's history with the Police and gave the Council consent to contact the Police. This was not adequately followed up with the Police and the family was placed in accommodation next door to Mr Z, one of the people the Police told S to avoid. Despite Mr Z threatening the family with violence, they had to remain in the property while the Review Process was undertaken.

161. Caseworkers felt that there was sometimes no consideration of the client when offering accommodation. The balance of power was such that clients felt “they should just be grateful” for anything. Caseworkers said that, in their experience, some clients felt that by being placed in unsuitable accommodation with no support, they were being set up to fail. The caseworkers said that some of their clients had to choose between work and accommodation because they were placed away from their work and support networks and had nobody to help with caring responsibilities. Caseworkers said there were also occasions when the accommodation was unsuitable, but the review was unsuccessful. In those cases, the client was left feeling unsafe and helpless.

CASE EXAMPLE (provided by Shelter Cymru)

A client fled domestic abuse and was placed in accommodation near the family of her ex-partner, where she had to stay, despite living in fear.

162. Caseworkers said, in their opinion, the personal housing plans (“PHP”)³⁴ created by the local authorities were not person-centred. Instead, they were often ‘cut and pasted’ generic plans and there have been a number of cases where plans did not consider the needs and capabilities of the client. The caseworkers said that, in their opinion, the PHPs were a tick box exercise and often placed duties on the client that were unachievable. The caseworkers said that, in their experience, local authorities used a client’s failure to undertake the obligations in the PHP to end its duty, yet there was no penalty on the local authority when it failed to meet its obligations.

163. The caseworkers said the decision to accommodate everyone during the COVID-19 pandemic resulted in clients expressing concerns that they had been given curfews to return to the accommodation or informed the ‘duty had ended’ because they left the temporary accommodation during the day. Some clients said they were given “caged areas” in which they could take their daily exercise³⁵. That said, the caseworkers expressed concerns about hotels wanting their rooms back when the Welsh Government’s guidance returned to that pre-COVID-19.

³⁴ When a housing duty is accepted, the local authority will create a PHP with the client. The PHP is a set of tasks/obligations for the client and the local authority to undertake in a specified timeframe.

³⁵ When student accommodation was used as temporary accommodation for those facing homelessness during the pandemic, fencing was erected to separate student accommodation from the temporary accommodation.

164. The caseworkers agreed that, when Welsh Government Guidance brought street homelessness within 'priority need', it was a positive step, but recognised that the infrastructure needed to be in place to meet demand. Caseworkers said that, in their opinion, the priority and focus appeared to be interim accommodation rather than permanent accommodation. Concerns were also expressed about the ongoing bids to the Welsh Government to create big blocks of interim accommodation for vulnerable people. The caseworkers said that such accommodation could turn into ghettos and become unmanageable.

The 'Take Notice' Project

165. 'Take Notice' is a Wales-wide service user involvement project funded by the Welsh Government. The project brings people, who all have personal experience of housing crisis, together to have their say on housing and homelessness services in Wales, to influence policy and decision makers and to educate the public as to the causes and effects of homelessness.

166. The Take Notice project is borne from the belief that people with personal experience of homelessness are the experts in their own experience. Only by listening to them and involving them in the design and delivery of services can we properly create systems and services that can meet their needs.

167. 4 clients with lived experience have provided information about their journey through the homelessness process and the impact it had on their lives (see Appendix 7).

168. Through the evaluation of services and provision of feedback, people with lived experience can say what worked well in service delivery, what needed to be improved and how this could be achieved. This provides an insight into the quality and consistency of services. The Take Notice project has produced a 'top tips' summary sheet to aid local authorities with communication (see Appendix 10).

169. The Take Notice project provided guidance to several local authorities on letter writing. It said that letters prepared by one local authority, Conwy County Borough Council, were considered an exemplar. Copies of those template letters are attached at Appendix 8.

170. Take Notice has also been working with Rhondda Cynon Taf County Borough Council on a homelessness application 'step by step guide', which uses pictures to identify the stages of the process. These pictures are then added to correspondence, making it easier for the client to identify the stage of the process the letter relates to. Copies of these documents are available at Appendix 9.

171. With respect to the Review Process generally, the Take Notice project said³⁶ that clients felt that, whilst local authorities include information about how to request a review in their duty letters, they are no more than fulfilling their statutory obligation at the most basic level. There is nothing more being offered to help the recipient understand what support they could get to request a review, nor any signposting stage that could help people pursue the review option. Examples of comments from service users include:

- “who do I request a review from? You? Your department? Is there a form I should ask for? Is there someone in your office I can ask for help? As you have told me you can't help me, I feel like asking for your help in a review may be futile. Do I ask Shelter, CAB³⁷ or another agency, if so, maybe you could prompt me in that direction?”
- “no advice given on agencies that can help with a review”
- “no sources of legal advice mentioned or whether it would be free”
- “although it explained the right, it didn't offer a contact list of organisations that could help i.e. Shelter, Citizens Advice”.

172. The Take Notice project said the general theme was that people felt that additional support to challenge a decision would be vital to allow them to do so, as pursuing a review on their own, without additional support, was a daunting prospect.

³⁶ It should be noted that these comments are Wales wide and do not specifically relate to the Investigated Authorities.

³⁷ Citizens Advice Wales

173. The Take Notice project said that the legal duties and processes created a power imbalance in which the client was not an equal partner, because the client does not always have the knowledge or confidence to challenge without additional support. If local authorities recognised this, they could go some way to addressing the imbalance by committing to do more than the bare minimum required in law, and by providing specific signposting for support in relation to the Review Process.

174. In response to the changes brought about by the COVID-19 pandemic, the Take Notice project has created a toolkit as an aid to frontline housing officers when working remotely (see Appendix 10).

Review of cases sampled from the Investigated Authorities

175. It should be noted that all Investigated Authorities had difficulties collating the information requested. 2 of the local authorities cited difficulties due to the number of IT systems used and the difficulties extracting information from the homelessness case management system. One local authority cited difficulty as it was still using a paper-based system.

176. The quality of the records provided varied. Whilst there was sufficient evidence in the records provided by Carmarthenshire County Council for me to find examples of the themes identified below, many of its case files were substantially incomplete with duty letters being notably absent and very little evidence to support assessment or review decision making.

177. From the sample of cases I considered, I noted that there were 3 different approaches to the homelessness Review Process. One local authority's review officers are based in a separate team and building from its Housing Options Team. Another local authority's review officers are the Homelessness Team Leaders but were independent from the management of the case being reviewed. The third local authority had a review panel which included a legal adviser.

178. I refer below to what I found on examination of the case records. I have commented on the evidence I found within the records and on information I could not find. The case reviews identified the following themes (some of the themes identified relate directly to reviews, while others, in my view, contributed to review requests):

No overt consideration of human rights when undertaking a homelessness assessment or review.

179. As outlined in paragraphs 22 and 23, local authorities have a duty to act compatibly with human rights considerations when making decisions (including decisions about homelessness), yet there was no evidence in the case files in all 3 authorities investigated of either the assessment or reviewing officers taking the client's human rights, in particular their Article 8 rights, into account when making decisions. Case review examples of this include clients being placed in properties near violent ex-partners (potentially in breach of their Article 8 rights) or previous criminal associates, despite the case officer having prior knowledge of these issues.

No overt consideration of the local authority's duties under the Equality Act 2010.

180. As with human rights, local authorities have a duty to consider the rights and protection afforded by the Equality Act 2010 when making decisions (as outlined in paragraph 24). Again, there was no evidence in the case files of the 3 authorities investigated of either the assessment officer or the reviewing officer taking account of this duty when making a decision. Case review examples of this include failures to overtly consider the needs of people with protected characteristics, such as people within defined ethnic groups, including the traveller community and people with physical and mental health needs who may need specific, supported or adapted accommodation.³⁸

Delays

181. I identified delays throughout the assessment and Review Process in the 3 authorities investigated. There were examples across the 3 authorities of delays in assessing priority need, delays in accommodating clients and delays in undertaking reviews. Such delays have a significant impact on the client and their ability to access services and move on.

182. Priority need should be considered when the client presents as homeless and a duty has been accepted, yet one authority consistently failed to consider priority need until determining whether a section 75 duty to provide settled accommodation existed. Additionally, there were examples of clients

³⁸ R (Bernard) v London Borough of Enfield

requesting a review of a priority need decision (the outcome of this may be access to interim accommodation) and there being significant delays in making that decision.

183. There were also examples of clients who were threatened with homelessness presenting to the local authority for assistance. It was noted that the local authorities, having been unsuccessful in preventing the eviction or ending the tenancy, would advise the client to remain in situ and let the landlord take the matter to Court for a notice, and again for a bailiff order; they were informed that if they left the property they would be considered intentionally homeless. This caused a deterioration in the relationship between landlord and client, with many clients becoming fearful of their landlords and, in some cases, notification from the landlord that they would not accept any more tenants who were homeless or in receipt of benefits. Additionally, it resulted in the landlord and tenant incurring unnecessary costs which, in the tenant's case, may have been unaffordable.

184. Finally, there were examples of delays in undertaking the review or providing a review decision. It was noted that a number of review requests took over 56 days to consider. This practice is suggestive of maladministration which, in my view, could cause an injustice to service users. In one case, the review was not considered for 5 months, which placed the client at a significant detriment, especially as the original decision was eventually overturned.

Significant matters being missed during the assessment process

185. Local authority officers said that, often, the client failed to provide relevant information during the assessment process (see paragraphs 103 and 133). However, I noted from my review of the case files that, even when the information about the client and their family was included, it was not always considered when making decisions, especially in relation to priority need. It was also noted that some decisions were made without proper due diligence and, as a result, intentionally homeless decisions were made and subsequently overturned at review. The impact of these decisions was that the client was left with no place to go. There are also examples of physical and mental health needs not being explored further with the client or their clinicians, resulting in decisions on duty, priority

need, and interim accommodation being made and subsequently overturned. In the meantime, those clients were either without accommodation or placed in unsuitable accommodation where their needs could not be met, tenancies failed, or clients experienced a detrimental impact on their physical and mental health. When relevant information is consistently not taken into account, decisions are not taken properly and this amounts to systemic maladministration which, in my view, is likely to cause injustice to service users.

Generic / inadequate Personal Housing Plan (PHP)

186. A PHP should be person-centred, taking into account the needs and limitations of the client. Whilst I accept that many of the actions to be undertaken by both parties will be similar in all cases, a review of the PHPs found them often to be generic in nature, with no reference to the client's assessed needs. Again, I consider this amounts to systemic maladministration which could lead to an injustice to service users. That said, it was noted that some of the PHPs created by Carmarthenshire County Council did attempt to create a more personalised plan and provided clients with more guidance on affordability.

Forcing clients to request reviews rather than empowering homelessness officers to put things right

187. The Review Process is important, as it is an opportunity for the client to express dissatisfaction with the decision and, when a decision may be incorrect, it is an opportunity for lessons to be learned and shared. That said, there appears to be a dependence on the Review Process, with clients being expected to request a review, which could take up to 56 days (and on occasion longer) when matters could be resolved quickly by the homelessness case officer by checking with another local authority department or a third party. When it is evident that a decision is wrong, it should be put right as quickly as possible. Not to do so, and instead to force clients to submit a review request and await an outcome, amounts, in my view, to systemic maladministration and is an injustice to service users.

Poor communication

188. Case reviews have identified examples of poor communication throughout the assessment and Review Process in all 3 of the Investigated Authorities.

189. I note that some local authorities in Wales have made efforts to ensure that the templates used to write to clients made the letters clear and understandable. Unfortunately, despite these efforts, letters are often confusing, and in some cases, the client is informed of the review right but the decision itself is unclear.

190. Wales is a multi-cultural country. For many clients, their first language is not Welsh or English. Additionally, there are people in Wales who have literacy difficulties. The case review identified examples of such people having difficulties understanding the homelessness correspondence and, as a result, being unaware of their responsibilities or the consequences of decisions made, yet I have seen no evidence of this correspondence being available in alternative formats such as 'Easy Read'³⁹.

191. It was of particular concern to find cases where the officers noted that the client had experienced difficulties understanding but there was no evidence of the officer undertaking any additional work to ensure that the client understood their obligations and rights. It was also of some concern that there was no evidence that these clients were referred for additional support to assist them.

192. There are also examples of letters being issued to clients which do not state the consequences of a particular action, for example that the homelessness duty will end if a property is rejected following an offer of accommodation under section 75 of the HWA. As a result, the client was later shocked to be informed that the duty had ended and advised of the reason why.

³⁹ 'Easy Read' refers to the presentation of text in an accessible, easy to understand format. It is often useful to help people with learning disabilities and may also be beneficial for people with other conditions that affect how they process information.

Suitability of accommodation

193. It appears that most of the review requests that I have seen relate to the suitability of interim and permanent accommodation. However, it is my view that unsuitable accommodation is also the cause for many tenancies breaking down and the local authorities ending their duties.

194. Accommodation may be unsuitable for a client for many reasons: location, size, disability needs. Whilst I accept that, in some cases, it is not possible to meet all of the client's needs and wishes, they should, at the very least, be fully explored and taken into account when making an offer of interim and permanent accommodation.

195. It was disheartening to see a number of cases where victims of domestic abuse were placed in properties near the perpetrator or the perpetrator's associates, or where clients who had been through a rehabilitation programme or been supported by the Police to change their behaviour were placed in areas where there were a high number of drug users or near previous criminal acquaintances. This is again evidence that relevant information has not been taken into account and that decisions are taken maladministratively, leading to an injustice to service users.

196. I was also disappointed to note the number of clients placed in accommodation that was so far from their support networks they could not work as they had nobody to help look after their children and, for example, undertake the 'school run', or they were unable to meet other caring responsibilities if the person they cared for lived too far away.

197. With respect to the accommodation itself, it was clear that there was limited accommodation for larger families, with some clients having to use living space as bedrooms. Additionally, there is very little interim and permanent accommodation that has been adapted for disabled people. These are matters which not only engage the Equality Act 2010 duties, but also raise health and safety issues for the clients.

Vulnerable people not provided with support

198. Vulnerable clients and clients with complex needs appear to have been grouped together in accommodation without adequate support, which makes

them susceptible to exploitation and substance misuse. Many found themselves evicted as they have not been adequately supported through the tenancies.

199. Decisions of 'intentionality'⁴⁰ or 'ending duties for non-compliance'⁴¹ were being made without first finding out the reason for behaviours and exploring why clients failed to engage in the process and whether this was due to a lack of support or understanding. This amounts to maladministration which, in my view, could cause an injustice to the service user. In many of these cases, the clients had little or no support with their needs and often did not understand or were unable to comprehend their responsibilities and the consequences.

200. During the homelessness Review Process, it was clear from the available evidence that many of these clients had reasonable explanations and the decisions were overturned. For example, an elderly client had been found to be intentionally homeless, because she had left the family home having been informed her husband had been accused of child abuse. The client said that she had no choice other than to leave the marital home, as her husband refused to leave the home. The client had been 'sofa surfing' for several months and deemed intentionally homeless until the review was undertaken. The failure to take this information into account amounted to maladministration and is likely to have caused an injustice to the client.

A failure to manage the client's expectations

201. It was clear from the case review that many clients have unrealistic expectations of what accommodation the local authority could provide; it is unlikely that the local authority would be in a position to allocate a client a 5-bedroom property with 2 bathrooms, a garden and drive in a specific street (as requested in one case example). Accommodation is limited and there are areas in each local authority where the turnover of properties is higher than others. The failure to manage clients' expectations often results in reviews being requested, as the client is unaware of what they may be entitled to and are then unhappy with the location or size of the property.

⁴⁰ For homelessness to be intentional the act or omission that led to the loss of accommodation must have been deliberate.

⁴¹ Where a client fails to comply with actions outlined in their PHP.

202. It is also noted that the limited amount of social housing stock has meant that local authorities have a greater dependence upon the private rented sector. However, many clients refuse to consider private rented accommodation, stating that they want a 'council house'. Clients seem unaware of the difficulty and likelihood of being allocated social housing, especially if the client has previous rent arrears or specific needs that the local authority is unable to meet, for example they would only consider properties in an area where there is no, or low, turnover of social housing properties.

203. With respect to 'priority need' status, many clients failed to appreciate that, whilst there are additional benefits and support associated with this status, these are often limited to the provision of interim accommodation and an extended duty under section 27 of the HWA.

Examples of Good Practice identified during the investigation

204. Whilst the themes identified above are concerning, it was imperative that my investigation also ensured that the good practice identified would also be shared for consideration by all local authorities across Wales, to enable self-reflection and service improvement. During this investigation, the following good practice by the Investigated Authorities was identified:

205. 'Psychologically Informed Environment' and 'trauma informed' training for homelessness officers (see paragraph 43).

206. The refurbishment of the Housing Options Centre to ensure it adhered to the principles of 'PIE'. This included the employment of receptionists in place of security guards to welcome clients to the building, ensuring the experience was less intimidating.

207. The integration of the impact of COVID-19 on the need of a person into the homelessness officers' training programme.

208. Participation in the 'Take Notice' project⁴² which provided feedback on homelessness template letters.

⁴² See paragraph 169

209. The production of a factsheet (see appendix 6) about the assessment process and its duties which is included with all decision letters and, prior to the COVID-19 pandemic, available at the Housing Options Centre.

210. The use of 'minded to' letters to give clients information on the progress of their case and indicate what decision is likely to be made. This gives the client time to provide additional information or seek further legal advice before the actual decision is made.

211. Issuing clients with an updated letter when they have changed their areas of choice over the telephone (following feedback from the Reviewing Officer).

212. In-depth quality reporting, looking at comments and complaints each quarter. This encourages close working with other departments, taking a holistic, multi-disciplinary approach to cases.

213. The introduction of a Homeless Auditor and Mentor, responsible for auditing all areas of the service to ensure consistency and high standards, verifying the legal decisions made by Homeless Officers and Prevention Officers, authorising a client's placement into emergency temporary accommodation and identifying trends and making recommendations for training needs and improvements, as well as instances of good practice.

214. Partnership working with other homelessness services, to ensure early intervention whenever possible, including the co-location of representatives from Shelter Cymru, The Wallich, Housing Associations, Youth Services, and Domestic Abuse Services within the Housing Options Service to provide on-the-spot support and advice on matters relating to housing, homelessness and debt.

215. The creation of a homeless forum to ensure partnership working with all agencies in the county, to look at innovative ways to prevent and relieve homelessness.

216. The incorporation of a set of values across all housing options functions.

217. Working to identify applicants who required adapted or suitable accommodation to meet their needs, or those who required their homes to be adapted.

218. The creation of a 'hub' of specialist advisors and partners to provide:

- In-depth advice and support to prevent homelessness or find alternative accommodation.
- Support to re-house disabled people and those with serious health issues.
- Support to tenants and landlords in the private rented sector.
- Support to people in their own home by facilitating adaptations and other essential improvement work.

219. The management of an in-house 'social lettings agency' to help access suitable accommodation in the private rented sector.

220. The move to a choice-based letting scheme, which made properties accessible to everyone and reduced review requests based on suitability, as clients are accepting properties that they are genuinely interested in. Expressions of interest can be made either on-line, in one of the Council's hubs, on the telephone or in person. The Council said that it would also accept expressions of interest from advocates on behalf of vulnerable people.

221. Officers talking the client through the content of letter before issuing it, to ensure it is understood.

222. The provision of out of hours cover and opening the Housing Advice Line on Saturday mornings during the COVID-19 pandemic.

223. The introduction of an integrated housing service which targets those people, aged over 25 and with complex needs, that require accommodation with support. The accommodation included supported accommodation and 2/3/4 bedroom shared, community-based accommodation. The support offered aims to stabilise behaviour and support the person to develop the

confidence, skills and capacity required to live independently and successfully in their homes and in the community and motivate those clients to make positive changes in their lives, when they are ready.

224. The creation of a Mental Wellbeing Support Service, devised to support individuals whose needs were not critical enough to qualify for care/support following a Social Services and Wellbeing Act assessment, but have mental wellbeing issues that need to be resolved.

225. Meeting regularly with stakeholders to discuss cases and outcomes.

Comments on draft report

Cardiff Council

226. The Council said that it was pleased to note that the report recognised some good practice that it had already adopted. It said that it was also already complying with some of the recommendations in the report and provided evidence of doing so.

227. In response to being identified as a local authority with a high number of review requests, the Council said that it was reviewing its practices to implement service improvement where required. It also said that it does share good practice, for example, good communication about rights of review and advocacy services which enable clients to challenge decisions.

Carmarthenshire County Council

228. The Council accepted that it had difficulty collating the evidence requested for this investigation. It said that it encountered difficulties extracting information from the homelessness case management system and intends to address this in an action plan it is developing as a direct response to this investigation.

229. The Council acknowledged that it did not, in all cases, provide complete homelessness case files to my investigation. It said that this was an error on its part.

230. The Council agreed to implement the recommendations made in this report.

Wrexham County Borough Council

231. The Council said that the staff interviewed during the investigation provided an account of the service as it was at that time and did not provide details of how the Housing Options Service has worked prior to the pandemic. The Council said that, before the pandemic, it had established links with third sector organisations, including staff from those organisations working from the Council offices regularly. It said that it was anticipated that, as the service was reopened, this arrangement would recommence.

232. The Council acknowledged that, whilst it made no explicit reference to considering equality and human rights in its documentation, it formed part of its day-to-day service delivery; for example, the provision of halal food for those in hotel accommodation. It said that it will take steps to update its written procedures to make reference to equality and human rights considerations. The Council said that it now includes details of any ongoing duty in review decision letters.

233. The Council said that its decision makers and reviewing officer's complete mandatory equality and human rights training modules. It also said that it would amend relevant paperwork to make explicit reference to equality and human rights considerations.

234. The Council said that it had already started a project to create Easy Read versions of documentation. It provided a copy of its Easy Read Occupancy Agreement for temporary accommodation as evidence. The Council said that it had always followed Welsh Government Guidance in standard homelessness correspondence but will work with relevant colleagues to amend correspondence and source exemplar correspondence accordingly.

235. The Council said that it already used texts to communicate with clients and would work to progress implementing other methods, such as WhatsApp. It said that the effectiveness of alternative

communication methods would be dependent upon network coverage and the financial ability of some clients to access the necessary devices.

236. The Council said that some members of the Housing Options Team had already completed PIE training. It said that further training would be sourced and extended to all members of the team. The Council said that it would use the new skills to inform the review of its correspondence.

237. The Council said that it had not always contacted GPs on behalf of clients in the past, but it was a practice that it will look to implement on every applicable case.

238. In relation to the recommendation to create an interactive social housing map for clients, the Council said that it would consider this, but it would become a stand-alone project, given that it would involve colleagues in other services. It also said that this could take in excess of 6 months to complete and would need to consider issues of accessibility and compliance with Welsh Language Standards.

My Observations on the Investigation

239. Before reaching conclusions in relation to the 6 elements of the scope of the investigation (see paragraph 17), I feel that it is important to mention some general observations and concerns that resulted from this investigation.

240. It is of some concern that essential information was not easily accessible to officers and, potentially, advocates and clients, especially given the time sensitive nature of some homelessness applications and reviews.

241. The inconsistencies of approach I identified have prompted consideration of whether a Housing Regulator role in Wales would add value to the homelessness processes, by acting in support of local authorities, providing guidance to ensure consistency and to address concerns. Whilst my role is to consider complaints from members of the public and to investigate systemic maladministration issues through my 'own initiative' powers, it is my view that a regulator position to monitor Housing and Homelessness issues in Wales would be helpful in guiding local authority practice and addressing the key issue of inconsistency of approach which I discovered in this investigation.

Conclusions

242. I will now address each of the 6 elements outlined in the scope of my investigation in turn:

a) Are Local Authorities in Wales meeting their statutory duties under the HWA and the associated guidance to ensure that homelessness assessments are carried out appropriately?

243. With an absence of firm guidance in either the HWA or the Homelessness (Review Procedure) (Wales) Regulations 2015, the investigation found that, although the Investigated Authorities met their general statutory duties under the HWA, there was little consistency in its application. Given these identified differences, it is my view that, on balance, it is likely that some of the other local authorities may also have individual and different approaches to the homelessness process. It is concerning that such fundamental legislation, which impacts upon the lives of so many, is so open to interpretation. The variations in the type and quality of service a client may receive place a greater pressure on those local authorities who are providing a better-quality service, as homeless clients are likely to gravitate to those areas. A more consistent approach to the homelessness process across Wales would make it easier for transient clients to access and engage in services throughout the country, make it easier for advocacy services and stakeholders supporting clients, ensure the same service throughout Wales and create a larger support network for homelessness officers. A regulatory role may assist to deliver these aims.

244. Variations in approach also extend to how homelessness information is communicated to clients. An absence of statutory guidance has resulted in local authorities producing correspondence that is often lengthy, full of jargon, not easily accessible and, in some cases, unclear as to the decision and consequences. That said, consideration has been given by some local authorities to how information is shared with clients in an easy, manageable and understandable way. Cardiff Council's factsheet, for example, has simple, bite-size pieces of information about the duty and relevant legislation. Carmarthenshire County Council has sectioned its letters with headings, making it easy for the client to identify the decision and what happened next. The Investigated Authorities also provide oral information to clients whenever necessary. Whilst I was pleased to see

that officers from the Investigated Authorities took such a proactive approach to communicating with clients, I was concerned to note that, for those people with literacy difficulties (who may be defined as disabled for the purposes of the Equality Act), or whose first language is not Welsh or English, there was less support, with some officers failing to ensure that clients understood what they were told, or referring those clients to support services, despite having documented concerns about the client's comprehension of what they had been told.

245. Whilst my investigation did not identify any obstacles for Welsh language clients to access services, I would like to take this opportunity to remind local authorities of their obligations to comply with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards in their homelessness assessments and reviews, to avoid adverse impact on the Welsh Language.

246. It was noted that, whilst authorities have access to translation services, accessibility is variable dependent upon which translation service is used. As a result, clients not able to access services in Welsh or English and therefore requiring translation services, some of whom may be in crisis, may experience delays in accessing services; this is not reasonable. I am also mindful that, during periods of distress, many people are unable to immediately process what they have been told and it is helpful to have written information, especially vital information about rights and duties, to take away and read later, or keep for reference. I was disappointed therefore to note the absence of 'Easy Read' versions of some of the standard documents, such as the factsheets, PHPs and the review acknowledgement letters. The absence of this documentation inevitably impacts upon the ability of the clients who are classed as disabled under the Equality Act to access important information. This places clients with a protected characteristic at a disadvantage and could be considered as indirect discrimination.

247. Many clients have difficulties accessing correspondence. Some do not have a postal address and others may have difficulties attending the Housing Options Centre to access their letters. As a result, many clients do not receive important letters informing them of the outcome of the assessment or their right to a review. The increased use of technology, in particular, emails during the COVID-19 outbreak, has meant that more people have been able to access correspondence easily. However, it is my view that alternative communication platforms, such as 'WhatsApp' and text messaging, may be used to communicate short pieces of information such as requests for information, assessment decisions or information about review rights, to clients. These messages may be followed up with a more explanatory letter, which could be made accessible at the Housing Options Centre or one of the HUBs. The absence of alternative communication methods could impact the ability of clients who are classed as disabled under the Equality Act to receive important information; again, placing clients with protected characteristics at a disadvantage, which could be considered to be indirect discrimination. I do, however, acknowledge that some clients may not be able to access the required technology to use alternative methods of communication, or they may live in areas where there is poor network coverage.

248. Whilst I acknowledge that local authorities are generally undertaking their statutory homelessness duties, I am concerned that the evidence I have found in my investigation suggests that there are significant delays in the process, particularly in relation to review decisions. This can lead to a detrimental impact on the client and their relationship with the local authority, especially when it prevents the client from accessing services, interim accommodation or moving on to permanent accommodation. By empowering homelessness officers, there would be occasions when a review may not be necessary and a fresh decision can simply be made, for example, where there is a material change in circumstances. This would reduce the waiting times for many who, having waited for the review decision, must then go back through the process. That said, I accept this will have to be carefully managed to ensure that a client is not denied their legal rights.

249. In addition to the delays in the process, I have concerns about the number of clients advised not to leave accommodation after the local authority had been unsuccessful in preventing homelessness. This advice

has left clients fearful to leave their property in case they are found to be intentionally homeless, despite aggressive and difficult landlords and, in some cases, unaffordable Court costs levied against them. In these cases, the support provided by local authorities is limited until the client is evicted and is in a period of crisis. This is not reasonable and intensifies the vulnerable position many of them are in.

250. In making my findings, I must acknowledge that this is a two-way process, and the client must fully engage in the process in order to achieve the benefits available. I accept that, for various reasons, this does not always happen. However, it is of some concern to me that, when a client has provided all the information available about themselves and their family, it is not always considered, or due diligence is not undertaken and material matters are missed; for example, checking information with a client's social worker or the Police. These failings may result in clients being refused assistance or being placed in unsuitable accommodation where their needs could not be met. This is not reasonable.

251. In addition to the duties outlined in the HWA, local authorities have a duty to consider the client's human rights. The investigation found no evidence of any overt consideration of human rights when any homelessness decisions were made, as a result of which, some clients may have been placed in unsuitable accommodation. As I have explained above, this amounts to systemic maladministration which could lead to an injustice to the service user. Whilst a human rights-based approach will not address all of the concerns that I have identified in this report, I believe that it would have a positive impact on the homelessness process. Specifically, it would re-balance the power between the local authority and the client, reinforce the client's rights (as they often feel that they should just be grateful for any help) and it would highlight additional considerations when challenging decisions.

252. As with human rights, local authorities have a duty to consider the Equality Act 2010 when making decisions. Again, there was no overt evidence in the case files of this duty, especially in relation to the consideration of protected characteristics of clients, being considered when making a decision. This was evidence of systemic maladministration which, in my view, could lead to an injustice to the service user. Additionally, it was of some concern that, with so little specialist interim and

permanent accommodation for clients with cultural, health or disability needs, it was difficult for officers to accommodate clients in suitable and safe accommodation.

253. It is my view that, by overtly incorporating a human rights-based approach and equalities duties into the decision-making process, it would become more person-centred. A consequence of this should be fewer reviews, as decisions made would be based on a holistic view of the client, so their needs and requests should be met, as far as is possible.

254. To summarise, whilst I have identified several areas where improvements should be made, in general, my investigation found that the Investigated Authorities met their statutory duties under the HWA and the associated guidance to ensure that homelessness assessments are carried out appropriately.

b) Are those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, aware and understand their right to request a review under section 85 of the HWA?

255. The Investigated Authorities include the right to request a review at the bottom of the relevant letters and factsheets. However, there is no information about the Review Process, what decisions can be reviewed, what is expected of the client and what the outcomes may be at that stage. This may result in clients requesting reviews for the wrong decision, for example the client may request a review of the end of a section 75 HWA duty, but the decision that required review was the suitability of the accommodation.

256. The records I saw show that some officers, particularly those in Cardiff Council, were alert to any requests for reviews and processed them accordingly. Whilst there was no evidence of this in the case files that I reviewed, I am mindful that this was not the experience across Wales, with reports of some local authority officers failing to recognise requests for a review unless there was advocacy involvement. I am concerned that there is potential for review requests being missed and clients being denied the opportunity to express their dissatisfaction, as well as denied services or placed in unsafe or unsuitable accommodation without an opportunity for recourse.

257. I also noted references to clients who were reluctant to exercise their right to review, as they were concerned that, by doing so, they would be treated negatively, and it would detrimentally impact the service they received. This is of concern, as it accentuates the vulnerability felt by the client and suggests that, for some clients, there are barriers to expressing dissatisfaction. Adopting a human rights-based approach should help address the imbalance of power.

258. I reiterate my concerns about communication and language barriers above (see paragraph 246).

259. In summary, my investigation found that, whilst those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, were being informed in letters and by the use of factsheets, it was not evident that they were always aware and understood their right to request a review.

c) Are reviews undertaken in accordance with section 85 of the HWA being properly administered?

260. The Investigated Authorities accept review requests in any format. The requests are acknowledged, and the client is offered an opportunity to provide additional information or, in some cases, meet the reviewing officer. Clients are also advised to seek support via a solicitor or advocacy service. 'Out of time' review requests and requests for an extension of the deadline are considered. From the evidence in the case files reviewed, the Investigated Authorities appeared to take full regard of these requests.

261. The reviewing officer, or panel, consider the evidence used by the decision maker as well as any new information. It is open to the reviewing officer or panel to seek further information or make independent enquiries. As with the assessment process, the Investigated Authorities had 3 different approaches to reviews. A fundamental principle in the Review Process is independence from the original decision maker, this is enshrined in Article 6 of the Human Rights Act (see Appendix 3, paragraph 9). The independence between the decision maker and the reviewing officer must not only be tangible, it must also be perceived by the client, otherwise there will always be a question over the review decision. It is my view that the approaches adopted by Cardiff Council and Wrexham County Borough Council provide strong reassurance for the client that an independent review has been undertaken.

262. My case review found that there were delays in the Review Process. These sometimes result from the client's delay in providing requested information to the local authority. It was of some concern to note that, clients and their advocates often experienced difficulties accessing vital information and documentation due to the limitations of the Investigated Authorities' case management systems. These delays are suggestive of systemic maladministration and prompt questions as to whether the systems in place are fit for purpose and benefit the administration of the assessments and reviews. It is likely, in my view, that such delays are likely to cause an injustice to service users.

263. In summary, my investigation found that improvements could be made in the administration of reviews requested under section 85 of the HWA in terms of the independence of the review and the timeliness of reviews.

d) What are the reasons for overturning assessment decisions and are lessons being learned and shared?

264. There was evidence of local authorities requesting information from clients that could have been requested directly from a third party, for example medical records. This information would often come at a cost that was prohibitive to the client, so it was not provided. As a result, important information was not always considered when making a decision, even though the decision maker was aware of its existence. It was also noted from the case review that the approach by officers within the same authority was inconsistent, as some officers would directly request specific information in every case, while others would place the onus on the client to provide it, or not request any supporting evidence at all. In some cases, if the supporting evidence was not provided with the initial application, it was not followed up.

265. The case review also found examples of decision makers failing to take all relevant information into account, especially when considering 'priority need'. In some cases, only the priority needs of the client were considered; medical evidence relating to the health or disability needs of a partner or dependent were not taken into account. As a result, clients were offered accommodation that was wholly unsuitable to the family member's needs or inaccessible.

266. It was reassuring to see that a number of officers used 'minded to' letters in order to provide clients with an indication of the provisional decision based on the available evidence and provide both guidance to clients as to what information was required to change the decision and an opportunity to seek support and advice. However, for these letters to be effective and benefit the client, the decision maker must give the client sufficient time to respond before issuing the final decision letter; this did not always happen.

267. With respect to suitability, many of the review cases considered related to the location of interim and permanent accommodation. Clients were encouraged by Officers to include areas with a high turnover of accommodation in their list of preferred areas; these were usually in less desirable areas so, when the offered accommodation was in one of those areas, the client would often request a review on the basis of suitability.

268. Additionally, unsuitable accommodation, whether that is because of location, size or placing clients with complex needs in accommodation with inadequate support, often results in the breakdown of the tenancy caused by the circumstances rather than the fault of the tenant. These are cases where the duty has ended, or clients find themselves classed as intentionally homeless and without access to services. By taking a human rights-based approach and listening to what the client is saying, issues around suitability could be addressed. Whilst it is acknowledged that this depends on the availability of suitable accommodation, this approach should reduce the number of review requests made.

269. It is my view that managing expectations goes hand in hand with suitability of accommodation. In reaching my findings, I am mindful that there is limited accommodation available in Wales and that local authority officers work hard to identify and secure homes for clients. It is my opinion that there remains a societal expectation that the local authority will provide social housing for those who present as homeless. However, in the current housing climate, that is not the case. Social housing is limited and often in areas that are considered less desirable. Therefore, greater dependence is put on the private rented sector to meet the needs of those with specific wishes. It is my view that the introduction of an interactive map available for clients which highlights the areas where properties are available, and the type of property available, would be useful when explaining areas of choice to clients and what they reasonably could expect.

270. With respect to the lessons learned, the Investigated Authorities said that they shared any lessons learned with the decision makers and, where appropriate, the teams. It was clear from evidence that Cardiff Council had made changes to its Process following feedback from its Review Officer.

271. It was also encouraging to note that the Investigated Authorities monitor trends which were fed back to the relevant officer(s), or into team training plans and that the officers had an opportunity to undertake a period of self-reflection and learning when a decision was overturned.

272. I was heartened to note that some local authorities engage with stakeholders when making changes to policy and procedure and that those stakeholders are invited to provide informal feedback to the local authorities on decisions that have been made.

273. In summary, it is my view that the principal reasons for assessment decisions being overturned on review are:

- A failure to undertake additional enquiries.
- A failure to take relevant information into account.
- A failure to consider adequately the suitability of accommodation.
- Poor communication (see paragraphs 188 - 192).

It is my view that trying to address these points would reduce the number of poorly made decisions and reduce the number of reviews and, in particular, the number of decisions overturned on review.

e) In cases where decisions have not been overturned, are those affected aware of the remaining remedies available to them?

274. It is clear from the records that clients are informed of their right to escalate their review to the County Court on a point of law if they are unhappy with the decision. However, there is no additional information available to them. It is of some concern that, where a review decision has been made but the local authority has an ongoing duty to the client, that is not explained to them.

275. For those who wish to pursue the matter, the opportunities are limited, given the difficulty accessing Legal Aid and the preference of local authorities to settle matters before consideration by a court.

276. In summary, I am satisfied that clients are informed of the remaining remedies available to them. However, the additional step in the process is inaccessible and ineffective, making it of little value to those affected.

f) The range of administrative actions and approaches taken during the COVID-19 pandemic to assess, address and review the needs of homeless people or those presenting as homeless by local authorities to identify opportunities for longer term or wider improvements.

277. I have outlined the good practice arising from the COVID-19 pandemic above (see paragraphs 204 and 225).

278. I note that officers feel that the move to telephone-based services has its drawbacks, as many officers miss the positive effects of face-to-face contact, especially when trying to build a rapport with a client. That said, I also recognise that many clients prefer the convenience of a telephone assessment, especially those who work, have to travel long distances, or have family commitments which make attending the Housing Options Centre difficult.

279. The use of technology through the introduction of virtual viewings has meant that the process of allocating accommodation could continue and, despite the pandemic, that clients were supported to move on.

280. It is noted that the Investigated Authorities have worked in partnership with other agencies to provide additional support to clients with complex needs, which has resulted in more people engaging with support services during the pandemic, with people who are at risk of rough sleeping being identified and supported into interim accommodation quickly.

281. I note that there have been difficulties with the limited accommodation available and the significant increase in people requesting assistance. This, however, has been overcome by using local facilities such as hotels and empty student accommodation.

282. Finally, I would like to say that the work undertaken by the Homelessness Teams in Wales during the COVID-19 pandemic has been exemplary. They have worked tirelessly to ensure that those people who have presented as homeless have been accommodated so that they can keep themselves safe. Significant changes were made to processes when face-to-face interviews ceased, people were sent home to work and a greater dependence was placed on technology. It is clear that many of the barriers the Investigated Authorities encountered at the start of the pandemic were quickly overcome due to the flexibility and resilience of their officers, so that services successfully continued to what has been often described as a “new normal”.

Recommendations

283. I **recommend** that, within **6 months** of the date of this report, all Investigated Authorities:

- a) Create Easy Read versions of homelessness factsheets and standard homelessness correspondence.
- b) Create Easy Read PHPs for clients with learning difficulties or whose first language is not Welsh or English.
- c) Review the use of alternative communication methods, such as ‘WhatsApp’ and text, to convey decisions which could be then followed up with a letter.
- d) Implement a PIE approach to correspondence.
- e) Remind officers of their duty to properly investigate and verify information received by seeking information from third parties and taking account of all relevant information.
- f) Create a Review Process factsheet, ensuring an Easy Read format is available.
- g) Create a factsheet outlining what a client may expect from the service, ensuring an Easy Read format is available.
- h) Create an interactive social housing map for clients to access.
- i) Ensure there is a plan to provide regular training on equality and human rights to all decision makers and to reviewing officers.

- j) Include the reviewing officers in the development of future homelessness training.
- k) Amend review decision letter templates to ensure the details of any ongoing duty are included.

284. I am pleased to note that some Investigated Authorities have already progressed the recommendations made. I expect the Investigated Authorities to inform me of their progress in meeting and delivering these recommendations, in accordance with my compliance procedure.

285. In view of the potential for wider learning from this investigation, I **invite** the other 19 local authorities to:

- i. Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.
- ii. Create working relationships with stakeholder/partner agencies such as 'Take Notice' to help improve services.
- iii. Formulate a framework, in conjunction with advocacy groups, which will empower officers to make decisions / take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review.

286. I **invite** the other 19 local authorities to consider the above recommendations made to the 3 Investigated Authorities (paragraph 283) and to take forward any learning points that would improve their service provision. I welcome comments from those bodies on the actions they have taken.

287. I **invite** the Welsh Government to:

- i. Review the HWA and the associated Code of Guidance to ensure a more consistent approach to homelessness – particularly post COVID-19.
- ii. Review the Code of Guidance to ensure that it is explicit that human rights and equality must be taken into account when assessing

homelessness applications, reviewing decisions and when allocating housing.

- iii. Standardise review documentation across Wales.
- iv. Review the effectiveness of the post-review appeal process, given the difficulties clients have accessing Legal Aid.
- v. Improve and standardise the homelessness service across Wales by considering the creation of a Housing/Homelessness Regulator role to support and provide information and guidance to local authorities.

288. The invitations made to the other 19 local authorities and the Welsh Government are not formal recommendations made in accordance with the Act because I did not formally investigate those bodies. They are included to assist with driving improvements in public service delivery across Wales. This was the purpose and intention of the Senedd when my new power of own initiative investigation was enacted, and I trust that all local authorities will embrace the opportunity to learn from this investigation. I will be liaising with the local authorities, the Welsh Local Government Association and the Welsh Government on improvements made following the publication of this report.

289. The Investigated Authorities were given the opportunity to see and comment on a draft of this report before the final version was issued. I am pleased to note that, in commenting on the draft of this report, the 3 Investigated Authorities have agreed to implement these recommendations and to provide me with evidence of compliance with them within the 6-month period from the date of this report.



Nick Bennett
Public Services Ombudsman for Wales

29 September 2021

ENDNOTE

This document constitutes a report under s.4 of the Public Services Ombudsman (Wales) Act 2019.

Review data

1. The data included in Shelter Cymru’s [June 2020 report](#) showed that, in 2017/18, over 400 review requests were made in Wales (it should be noted that Carmarthenshire County Borough Council and the Isle of Anglesey County Council failed to provide the information requested by Shelter Cymru). This gives a Welsh average of 1.4% of assessments generating a request for a review. The table below shows the actual number of review requests received by the 6 local authorities with the highest number of review requests:

| LA | No of review requests | % of Assessments Leading to a Review |
|------------|-----------------------|--------------------------------------|
| Cardiff | 185 | 4 |
| Wrexham | 50 | 4.2 |
| Flintshire | 49 | 3.9 |
| Bridgend | 26 | 2.1 |
| Newport | 16 | 0.7 |
| Gwynedd | 13 | 2.3 |

2. The data also showed that 155 assessment decisions were overturned on review by each of the local authorities who responded. This means that, in Wales, an average of 38% of assessment decisions that were subject to review were overturned. This high overturn rate raised concerns about the effectiveness and appropriateness of assessment decisions. The table below shows the 6 local authorities with the highest numbers of review received and the prevalence of overturned decisions for each:

| LA | Reviews (No.) | % Overturned |
|------------|---------------|--------------|
| Cardiff | 93 | 50 |
| Flintshire | 18 | 36.73 |
| Bridgend | 9 | 34.62 |
| Wrexham | 7 | 14 |
| NPT | 6 | 75 |
| Gwynedd | 6 | 46.15 |

Rationale for selecting the Investigated Authorities

Cardiff Council

1. Cardiff is an urban area in the south of Wales where just under a quarter of the population speak Welsh (23%). It also has the highest number of rough sleepers.
2. Cardiff is Wales's largest city and, from 2017-2019, consistently undertook the highest number of homelessness assessments in Wales. Furthermore, in 2017/18, the Council not only received the highest number of review requests in Wales, the figure was also significantly higher than the Welsh average.
3. Whilst it is expected that the local authority with the highest number of assessments may also have the highest number of review requests, it was concerning that, since the introduction of the HWA, approximately 50% of reviewed decisions have been overturned each year.
4. I acknowledge that a high number of review requests does not in itself demonstrate maladministration or service failure, rather it could be indicative of good communication around review rights, or a greater availability of advocacy services, to enable people to challenge decisions. These are matters I wished to explore further with a view to sharing any good practice identified. That said, I am unable to dismiss the fact that each review request is an indication of dissatisfaction with a decision. Additionally, in view of the consistent proportion of overturned decisions, I am concerned that the learning from these cases is not being used to support service improvement.
5. Finally, the rapid response by the Council during the COVID-19 pandemic in arranging temporary accommodation and minimising the number of people sleeping on the streets was widely reported in the media. I wanted to consider this positive action further with a view to sharing any systemic learning.

Carmarthenshire County Council

6. Carmarthenshire is largely a rural authority situated in west Wales. More than half of its population are Welsh speakers (59%).

7. Statistics provided to the Welsh Government indicated that Carmarthenshire County Council was dealing with a large number of assessments and that those numbers had increased by almost 19% from 2017/18 – 2018/19.

8. The nature and extent of support provided by the Council in response to the COVID-19 pandemic was reported in the media, showing that it had supported more than 280 homeless people into accommodation. Again, I wanted to consider this positive action further with a view to sharing any systemic learning.

Wrexham County Borough Council

9. Wrexham is an authority based in north Wales and has an English border. It has been identified as one of the local authorities in Wales with the highest number of rough sleepers. Just over a quarter of the population speak Welsh (28%) in Wrexham.

10. The Welsh Government statistics showed that the number of homeless assessments undertaken by the Council appeared to decrease between 2017/18 to 2018/19. Yet, despite having one of the highest numbers of review requests in Wales, the overturn rate, at 14%, was significantly below the Welsh average.

11. In my view, these unusual figures warranted further consideration of the structure, process, practices and approaches adopted by the Council, with a view to identifying the story behind these figures. Also, I wanted to see if I could possibly identify examples of good practice associated with the Assessment and Review Process and, with the application of the legislation/guidance more generally, which aspects could benefit other local authorities in Wales.

Relevant legislation, guidance and policy

Legislation

1. [Housing \(Wales\) Act 2014 \(“the HWA”\)](#)

- Section 55 defines what is meant by a person who is homeless or threatened with homelessness.
- Section 62 places a duty on the local authority to assess a person who has presented as homeless to see if the person is eligible for help.
- Section 63 states that, where the assessment decision (or a review of that decision) is against the client’s interests, the local authority must provide the client with written reasons for the decision. The local authority must also inform the client of the right to request a review of that decision.
- Section 66 places a duty on local authorities to help prevent homelessness.
- Section 68 places a duty on local authorities to provide interim accommodation for those who have a priority need.
- Section 70 lists those people who may be classed as having a priority housing need due to circumstance or vulnerability. Those in priority need are:
 - a) A pregnant person or a person with whom they reside or might reasonably be expected to reside.
 - b) A person with whom a dependent child resides or might reasonably be expected to reside.
 - c) A person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability), or someone with whom the client resides or might reasonably be expected to reside.
 - d) A person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster, or someone with whom the client resides or might reasonably be expected to reside.

- e) A person who is homeless as a result of being subject to domestic abuse, or someone with whom the client resides or might reasonably be expected to reside.
- f) A person who is aged 16 or 17 when applying to a local housing authority for accommodation or help in obtaining or retaining accommodation, or someone with whom the client resides or might reasonably be expected to reside.
- g) A person who has attained the age of 18, when applying to a local housing authority for accommodation or for help in obtaining or retaining accommodation, but not the age of 21, who is at particular risk of sexual or financial exploitation, or someone (other than an exploiter or potential exploiter) with whom the client resides or might reasonably be expected to reside.
- h) A person who has attained the age of 18, when applying to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18, or someone with whom the client resides or might reasonably be expected to reside.
- i) A person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces, or someone with whom the client resides or might reasonably be expected to reside.
- j) A person who has a local connection with the area of the local housing authority and is vulnerable as a result of one of the following reasons:
 - i. having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000,
 - ii. having been remanded in or committed to custody by an order of a court, or
 - iii. having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

- Section 73 places a duty on the local authority to secure suitable accommodation for occupation by a person if the local authority is satisfied the person is homeless and eligible for help.
- Section 85 states that within 21 days of a decision being made, the client has the right to request a review of the following:
 - a decision of a local housing authority as to the client's eligibility for help;
 - a decision of a local housing authority that a duty is not owed to the client under section 66, 68, 73, or 75 (these sections outline the specific duties to clients who are homeless);
 - a decision of a local housing authority that a duty owed to the client under section 66, 68, 73, or 75 has come to an end (including where the authority has referred the client's case to another local authority or decided that the conditions for referral to another local authority are met).
- Section 86 states that the request for a review must be made to the local authority responsible for making the decision. The request for a review may be made by the client or their representative either orally or in writing. The request must be made within 21 days of the decision (unless the local authority has agreed to extend the deadline period).
- Within 5 working days of receiving the request, the local authority must acknowledge its receipt and invite the client to make representations. Again, these representations must be made either in writing or orally. The local authority must also notify the client of the review procedure.
- The review may be carried out by the local authority or someone acting on its behalf. However, the Review Officer must not have been involved in the original decision.
- When reviewing a decision, regard must be given to any relevant information obtained either before or after the original decision. It is also open to the reviewing officer to make further enquiries and invite the client to an oral hearing.

- The local authority has 8 weeks from the date of the request to notify the applicant of the decision (10 weeks if there is a local connection issue and 12 weeks if there is a local connection issue and an arbitrator has been appointed).
- Section 88 provides the client with the right of appeal to the County Court on any point of law arising from the decision on review if they:
 - are dissatisfied with the decision on review, or
 - were not notified of the decision on the review within the time prescribed in the regulations.

2. The HWA does not give the client the right to request a review of a review decision. However, clients may submit an appeal, to the County Court, which is empowered to make an order confirming, quashing or varying the local authorities decision as it thinks fit.

3. The procedure for reviewing a decision is set out in the [Homelessness \(Review Procedure\)\(Wales\) Regulations 2015](#). Along with the HWA, the 2015 Regulations place a duty on the local authority to notify the client of the review decision (this must be done within either 8, 10 or 12 weeks depending upon the reason for the review), the reasons for the decision and the client's right to appeal to the County Court on a point of law. The Homelessness (Review Procedure) (Wales) Regulations 2015 states that review requests:

- May be made orally or in writing (or both), by the client or someone acting on their behalf
- Must be made within 21 days, beginning with the day on which client is notified of the decision
- Have no fixed format and that there is no requirement to give specific reasons at the initial stage.

4. The [Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) Regulations 2014](#) provides the details of those people who may/not be eligible for homelessness support.

5. The [Wellbeing of Future Generations \(Wales\) Act 2015](#) requires public bodies to consider the long-term wellbeing of the population and to work sustainably to prevent persistent problems such as poverty. The Wellbeing Act also encourages organisations to work together to prevent problems occurring or worsening. It also established 7 national wellbeing goals which a healthier Wales and a more equal Wales.

6. There is a duty placed on those exercising functions under the [Social Services Wellbeing \(Wales\) Act 2014](#) to promote the wellbeing of people who need care and support, and carers who need support. The Social Services Wellbeing (Wales) Act 2014 places a specific duty on Local Authorities to accommodate looked after children. It is noted that just because a local authority has discharged its duty under the HWA, it does not mean that the Social Services Wellbeing (Wales) Act 2014 duty has been discharged.

The Human Rights Act 1998

7. The Human Rights Act gives legal protection to a person's human rights. The rights are called 'Convention rights' as the Act gives effect to the human rights set out in the European Convention in Human Rights. There are 18 rights in total and each one is referred to as a separate article.

8. Article 3 is the prohibition of torture. No one shall be subjected to torture or to inhumane or degrading treatment or punishment.

9. Article 6 is the right to a fair trial. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

10. Article 8 is the right to respect for private and family life. Everyone has the right to respect for their private and family life, their home and their correspondence.

11. Article 14 is the prohibition of discrimination. It enables a person to exercise their human rights without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The Equality Act 2010

12. The Equality Act protects a person with protected characteristics from discrimination. There are 9 protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13. The act outlines the different types of discrimination, including:

- **Direct discrimination** – a person discriminates against another if, because of a protected characteristic, they treat them less favourably than they would treat, or would treat, others.
- **Indirect discrimination** – a person discriminates against another if they apply to that person a provision, criterion or practice which is discriminatory in relation to that person's relevant protected characteristic.

Guidance

14. Local authorities must have regard to [Guidance](#) issued by the Welsh Ministers when exercising their functions in connection with the allocation of property and homelessness.

15. The [Housing First - National Principles and Guidance for Wales](#)⁴³ was endorsed by the Welsh Government to tackle rough sleeping in Wales. Its purpose was to support homeless people with high and/or complex needs into settled accommodation.

16. The [Supporting People Programme Practice Guidance 2018](#) provides vital support to people who find themselves in difficult circumstances. It is aimed at helping some of Wales' most vulnerable people, including those who are, or who at risk of being made homeless through the prevention of homelessness, or by helping homeless people find and keep accommodation.

⁴³ February 2018

17. On 7 October 2019, the Minister for Housing and Local Government launched a [consultation](#) on the [Housing Support Grant Guidance](#), the Housing Support Grant is a homelessness prevention and support program.

18. The Welsh Government [10 Year Homelessness plan \(2009-2019\)](#) sets out some of the guiding principles for the development and delivery of homelessness services in Wales. It focuses responsibility on the causes of homelessness and the prevention of homelessness wherever possible, by empowering those affected through partnership working.

19. The [Welsh Government's National Housing Strategy 2010 "Improving Lives and Communities – Homes in Wales"](#) outlines the challenges faced by Local Authorities when meeting the housing needs of its residents. The strategy recognises the link between safe, secure and suitable accommodation and health and wellbeing and promotes equal access to housing and services for all.

20. The Welsh Government's ["Post-implementation evaluation of Part 2 of the Housing Act \(Wales\) 2014: Final Report \(19/07/2018\)"](#) evaluates how the homelessness duties introduced by the HWA have been implemented by relevant organisations; this includes the request for a review. The report concludes with a number of recommendations, including keeping full records of reviews and appeals to help provide a more accurate picture of how the legislation is being interpreted and identify where more guidance is needed.

21. The [Rough Sleeping Action Plan 2018-2020](#) outlines the Welsh Government's plan to understand, reduce and prevent rough sleeping in Wales through support, outreach, measuring and monitoring. Consideration is also given to prevention, emergency accommodation, Housing First, legislation and statutory guidance, funding, joint working and the promotion of good practice.

22. The Welsh Government's [Strategy for preventing and ending homelessness \(October 2019\)](#) outlines its approach to addressing and preventing homelessness in Wales.

23. The Welsh Government devised the following action plan for tackling homelessness during and after the COVID-19 pandemic:

| | | |
|---------|-----------------------------|--------------------------------------------------------------------------------------------------------------------|
| Phase 1 | March 2020 – August 2020 | Crisis Management |
| Phase 2 | July 2020 – March 2021 | Response - Planning Guidance for Homelessness and Housing Related Support Services . ⁴⁴ |
| Phase 3 | 3 January 2021 – March 2022 | Move to “New Normal” |

24. Audit Wales issued the publication [How Local Government manages demand \(2018\)](#) which assesses whether Local Authorities in Wales are addressing the demands on housing and homelessness services through the development of appropriate and effective prevention strategies.

25. In its [June 2020 report](#), Shelter Cymru noted that there was evidence that resource pressures had also made the cost of litigation prohibitive for some local authorities to defend. Conversely, the challenge of securing legal aid funding has also proved prohibitive to some potential claimants. As a result, informal resolutions have often been secured as an alternative to testing matters in the Court. This has resulted in a lost opportunity to develop binding case law and a variance of approach by differing local authorities meaning that the opportunity to share good practice and learning may also be lost. Shelter Cymru said that there was some anecdotal evidence that local authorities may have, on occasion, re-considered an assessment decision not because they felt the original decision was deficient in law, but because of lack of resources available to defend the decision at appeal or before the High Court.

26. The Welsh Government’s [Programme for Government](#)⁴⁵ promises to “make our cities, towns and villages even better places in which to live and work” by undertaking work which will include building 20,000 new low carbon homes to rent, fundamentally reforming homelessness services to focus on prevention and rapid rehousing and improving building safety so that people feel safe and secure in their homes. Additionally, the Welsh Government’s wellbeing objectives also include the development of a national scheme restricting rent to local housing allowance levels for families and young people who are homeless or who are at risk of

⁴⁴ 3 June 2020

⁴⁵ 2021-2026

homelessness and ensuring Rent Smart Wales landlords respond quickly to complaints of racism and hate crime and offer appropriate support.

27. The Code of Guidance for Local Authorities in Wales⁴⁶ states that applicants may complain to my office if they consider that they have been caused injustice because of maladministration or service failure by a local authority. I can investigate the way a decision has been made but may not question the merits of a decision properly reached, other than in relation to the provision of health or social care.

28. In response to the COVID-19 pandemic, the Welsh Government produced guidance on [Coronavirus: local authority support for rough sleepers](#).⁴⁷ This guidance sets out the measures local authorities need to put in place to ensure that:

- people who are, or are at risk of, sleeping rough, and those who are in inadequate temporary accommodation have the support, resources and policies needed to protect themselves
- people have access to the facilities that enable them to adhere to public health guidance on hygiene or isolation
- they utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic
- they mitigate their risk of infection and to ensure they are able to self-isolate as appropriate in line with public health guidance, in order to lower the risk of transmission to others.

29. Guidance was also issued to local authorities and their role in the consideration of vulnerability and priority need of those seeking accommodation. The '[Priority need for accommodation – people sleeping rough during the COVID 19 pandemic Guidance](#)' expressly refers to the COVID 19 pandemic and the need to self-isolate and socially distance as a special reason giving rise to a priority need for accommodation.

⁴⁶ March 2016

⁴⁷ Last updated 12 May 2020

Policy

30. All 22 local authorities in Wales have signed up to the Armed Forces Covenant. Under the terms of the Covenant, Members of the Armed Forces, veterans and their families should face no disadvantage compared to other citizens in the provision of local authority services such as housing. Special consideration is appropriate in some cases, for example, for those injured or the bereaved.

Methodology for sampling case records

1. A sample of cases from each of the 3 Investigated Authorities were considered in detail by my Investigation Officers. Given the significant difference in the size of these authorities, I wanted to ensure that any sample size was fair and did not place unnecessary pressure on the Local Authorities but was also sufficiently statistically significant to inform this report.
2. The sample figures were reached by determining the number of homelessness assessments per 1000 residents which placed the 3 authorities on a more even keel. This placed Cardiff as the largest and Wrexham as the smallest.
3. Using that information, as well as the knowledge of the number of reviews requested at each Investigated Authority, it was decided that the sample size would be 5% of the reviews or 20 cases, whichever was the greater number, and 10% of the overturned decisions or 10, whichever was the greater number. Each Investigated Authority selected the required number of cases from cases dealt with between 2018 – 2021.

Evidence received in response to the Consultation on the topic of homelessness assessments and reviews

The Welsh Government

1. The Welsh Government's Housing Department has a section dedicated to [homelessness](#) in Wales. The website provides information, guidance and support on the prevention of homelessness and moving people back into secure accommodation.
2. Local authorities in Wales have a duty to publish a homelessness strategy. This should provide information on the actions the local authority is taking to prevent homelessness, details of suitable accommodation available for people who are homeless and details of statutory support for people who are homeless.
3. The [Welsh Government's statistics](#) show that, for the period 2017-2018, the number of households assessed as homeless in Wales increased from the previous year. 2229 households were classed as unintentionally homeless and in priority need. The majority being in Cardiff (669), Newport (279), Carmarthen (162), Caerphilly (135) and Vale of Glamorgan (120). There are additional statistics on the [number of households applying to local authorities for housing assistance and the number of homeless households in temporary accommodation](#). These statistics are updated quarterly.
4. The Welsh Government pledged £10million towards accommodating homeless people during the COVID-19 pandemic.
5. The Welsh Government's [Equality, Local Government and Communities Committee \("the Committee"\) met on 5 May 2020](#) to discuss the impact of COVID -19. The Committee praised the action that had been taken to protect people who were homeless during the pandemic. It was noted that local authorities had reduced the number of rough sleepers to single figures, with 6 Local Authorities having no one rough sleeping at all.

6. At the Committee, Julie James AM said that finding the right accommodation and putting wrap around services in place was a big effort for everyone. She said they had to deal with the challenges of ensuring those people who are in accommodation do not return to the street. She said they were most concerned about those without recourse to public funds.

7. She said that there was a plan in place to provide physical accommodation for people. However, the more challenging issue was getting people into services who had been impossible to reach. She said they were conscious to ensure there was not a slide back and they would also be looking to accelerate house building programmes so there wasn't a surge of people looking for housing at the end of the lockdown.

8. Julie James AM said they were anxious to have support services around people which was essential to maintain tenancy. The Director of Housing and Regeneration said the best models were those that had been able to bring a range of services along with accommodation and they had seen local authorities being creative in the approaches taken. She noted good examples of services were accommodation where people were provided with prescriptions and so on in one place. She said they were seeing accommodation with support across Wales and changes around prescribing for people with substance misuse problems was really starting to provide a path for people to long term stability and housing.

The Ministerial Action Group

9. On 28 June 2019 the Minister for Housing and Local Government established a Ministerial Action Group ("MAG") which was committed to the goal of ending homelessness in Wales. The [MAG](#) advises on ways to prevent and end homelessness in Wales by considering the following questions:

- a) What framework of policies, approaches and plans are needed to end homelessness in Wales? (What does ending homelessness actually look like?).

- b) What immediate actions can we take to reduce rough sleeping between now and the winter of 2019/20, and to end rough sleeping altogether?
- c) How do we put the delivery of rapid and permanent rehousing at the heart of preventing, tackling and ending homelessness?
- d) How can we ensure joined-up local partnerships and plans are put in place to prevent, tackle and end homelessness throughout Wales?

10. In its October 2019 report "[Preventing Rough Sleeping in Wales and reducing it in the short-term](#)", MAG made a number of recommendations on both short-term measures to reduce homelessness and longer-term prevention goals. The March 2020 MAG report, "[The framework of policies, approaches and plans needed to end homelessness in Wales \(What ending homelessness in Wales looks like\)](#)", focuses on homelessness prevention strategies with a view to ending homelessness or, at the very least, making it a rare occurrence.

Audit Wales

11. Audit Wales advised us that they were in the process of completing an investigation in respect of Rough Sleeping in Wales. We were informed that this would facilitate a review of Public Service Boards and an assessment of whether they were working effectively with partners such as Prisons, Health and Mental Health Services, to make a difference to the rough sleeping numbers and provision of services. We were informed that Audit Wales had decided to consider the position in 3 areas of Wales with high numbers of rough sleeping. The areas selected are Wrexham, Cardiff and Swansea. Audit Wales initially planned to finalise and release their publication in April 2020, but this was delayed by the impact of COVID-19.

12. The Rough Sleeping in Wales Everyone's Problem; No One's Responsibility⁴⁸, report of the Auditor General for Wales was published in July 2020. The review determined that addressing rough sleeping required holistic and not linear thinking and the involvement and commitment of the full range of public bodies to work together to deliver an integrated response.

⁴⁸[Rough Sleeping in Wales – Everyone's Problem; No One's Responsibility | Audit Wales](#)

The Future Generations Commissioner for Wales (“FGC”)

13. The FGC confirmed that homelessness was an issue which they consider as part of its monitoring and assessment of the ‘Health and Wellness’ national goal. It confirmed that it would be very open to working with PSOW on joint projects. It was able to identify officers within FGC who were involved with work related to homelessness. These officers confirmed that their work on the Welsh Government’s approach to a ‘preventative spend’⁴⁹ required consideration of the homelessness position. In addition, a major focus for the FGC was that of ‘keeping people well’ and it was considering gaps between health service and treatment in that context. It explained that this work is often viewed from the perspective of the ‘voiceless’, like children, younger adults and vulnerable people, such as the homeless. One of its officers was also a member of the Welsh Government’s Homelessness Action Group.

The Older Person’s Commissioner for Wales (“OPCW”)

14. The OPCW said that it tends to receive complaints about “real time” matters, such as bus passes and television licenses. As there are more specialised advocacy services such as Shelter Cymru available to help people with housing and homelessness issues, the OPCW does not receive those type of complaints, therefore homelessness and associated issues are not an area of concern and focus as such for them. It does not consider that it could add value to this work, particularly when the third sector in this area is so strong in Wales.

The Children’s Commissioner for Wales (“CCW”)

15. The CCW said that homelessness and the issues associated with this were features in its ‘Lost After Care’ monitoring report in 2013. As part of that, the CCW considered concerns that there was a lack of appropriate affordable accommodation for care leavers. The report found that the majority of local authorities focused on more general youth housing policies or protocols and they did not deal specifically with care leavers. Suggestions made by CCW included the provision of tenancy supports, planning for supported accommodation and that social workers and personal advisers receive annual training or briefing.

⁴⁹ The use of resources more efficiently and effectively.

16. The CCW said that it does not deal with casework, as such, and often adults are assisted by other organisations with issues associated when families are faced with homelessness.

Shelter Cymru

17. Shelter Cymru was very happy to engage with PSOW and share information held by it in relation to the homelessness Review Process. It advised that, in 2019, it requested information via freedom of information requests (“FOI”) from all 22 local authorities in Wales on the number of review requests under section 85 H(W)A 2014 that they receive each year and the reasons for them. Shelter Cymru also asked how many of the reviewed decisions were overturned. The information was provided by 19 local authorities (Carmarthenshire County Council, Rhondda Cynon Taf County Borough Council and the Isle of Anglesey County Council failed to respond).

18. Anecdotally, Shelter Cymru was also able to advise of good practice observed by its caseworkers in some local authorities. An example being Bridgend County Borough Council, which has a designated Reviewing Officer, who sits separately from the Housing team. It is said to have a clear and easy Process, which makes it very easy to complete oral and written review hearings. In Shelter Cymru’s experience, reviews are conducted in line with regulations and usually within the timescales. Overall, Bridgend County Borough Council’s approach to reviews appears to facilitate easy access to the Process. Nevertheless, there is a continuing trend of an increase in the number of reviews in this area. This may be a consequence of Bridgend’s proactive approach to notify applicants of their right to review and access to independent advice.

19. Again, anecdotally, Shelter Cymru has concerns that not all local authorities are issuing good quality decision letters and giving people information concerning the right to review. It says that these letters are not generally well understood by service users, which represents a challenge for the local authorities, as the letters need to be technically accurate, but the technical information is not always easy to understand. Other concerns noted in some authorities were issues around delays and the length of time to conduct the review. There is often a degree of chasing up

of decisions and information. Shelter Cymru said that it has successfully challenged many decisions and have had to take up points of law through the County Court and on to Judicial Review⁵⁰ in a small number of cases. Cases of this type are often settled or resolved informally by agreement with the local Authorities.

20. Shelter Cymru explained that, beyond the Review Process, its clients have to satisfy a 'means and merits test' to obtain Legal Aid to cover appeal or judicial review proceedings. This can be challenging for some people who are rough sleeping or sofa surfing, as evidence of means on the form of bank statements is generally required. The lack of advice agencies who specialise in housing law can also make it very difficult for people to access help with the Review and/or Appeal Process.

21. Shelter Cymru published its report, [Implementing the Housing \(Wales\) Act Act 2014: The role of homelessness reviews and litigation - Shelter Cymru](#) in June 2020. Shelter Cymru found that, while the number of reviews is relatively low, local authorities are undertaking activity outside the formal Review Process, in an attempt to resolve matters quickly and effectively for the applicant; this is in the spirit of the HWA. However, this results in local authorities undertaking different approaches, there is no opportunity to share good practice and learning, and there is no binding case law available to provide guidance to those affected.

Llamau

22. Llamau is a homelessness charity based in Wales. It provides support to vulnerable young people and women, in particular, care leavers, people who have been involved in the criminal justice system, people who have experienced domestic abuse and people who have had chaotic and disadvantaged lifestyles.

23. In view of the type of support provided by Llamau to its clients, its concerns related to the quality and safety of the accommodation offered to young and vulnerable people, rather than the Review Process itself.

⁵⁰ A procedure by which a court can review an administrative action by a public body.

Citizens Advice Wales

24. Citizens Advice Wales provides a vital service to the public in Wales. Maladministration is often a key feature in the concerns raised with it. It advised that, although other third sector organisations more commonly provide assistance with homeless and housing issues, the matters that are focused on money and debt management are often strongly linked. Anecdotally, it said that it had observed an element of 'gatekeeping' in the provision or access to services in this context and with access to accommodation.

25. Unfortunately, due to the way complaints data is captured, it was unable to quantify the extent of its work where this was a feature.

Factsheets

Cardiff Council's Factsheet

The Law about Homelessness in Wales

The law which governs housing decisions is the Housing (Wales) Act 2014. Part 2 is about homelessness and the main duties are summarised here.

Assessment and Notification

Assessment - Section 62

The Council must carry out an assessment of an applicant and if eligible, must consider the circumstances and housing and support needs of the applicant.

Notice of the outcome of the assessment - Section 63

The Council must inform the applicant what duties, if any, are owed under this Section.

The duties that the Council may have are:

- Section 60 - Duty to provide advice and assistance
- Section 66 - Duty to help to prevent homelessness
- Section 68 - Duty to provide temporary accommodation
- Section 73 – Duty to help to secure suitable accommodation
- Section 75 – Duty to provide settled accommodation

What are the duties and how can they end

When the Council has accepted a duty it can only end in specific circumstances:

Help to Prevent Duty - Section 66

If an applicant is under threat of becoming homeless the council will work with them to help prevent this occurring. This help may include for example mediation with your landlord, help with rent arrears, and help to find another home. This help will continue for as long there is a chance that homelessness can be prevented.

This duty can be ended if:

- The applicant is no longer threatened with homelessness.
- The applicant refuses an offer of accommodation.

- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- The applicant has become homeless.
- A mistake of fact.

Help to Secure Duty - Section 73

If an applicant is homeless the Council will work with them for up to 56 days to help find alternative accommodation. This is likely to be in the private rented sector, and if eligible help with payment of a bond and rent in advance will be provided.

This duty can be ended if:

- The period of 56 days has expired or sooner if the council is satisfied that all reasonable steps have been taken (the Council will then consider whether a final housing duty is owed to the applicant).
- The Council is satisfied that the applicant has suitable accommodation.
- The applicant refuses an offer of accommodation.
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.

Final Duty to Secure - Section 75

If an applicant is still homeless at the end of this 56 days a final homeless decision will be made. This will consider if an applicant has priority need, and whether the applicant has become homeless intentionally. The Council will notify the applicant in writing of this decision and this will include their rights to request a review if they disagree.

A final housing decision means that the Council has a duty to find settled accommodation for the applicant. This can be in the private rented sector or in the social sector.

This duty can be ended if:

- The applicant accepts an offer from the Common Waiting List or a private rented sector tenancy.

- The applicant refuses an offer of suitable accommodation, including from the Common Waiting List, a private rented sector offer or an offer of temporary accommodation.
- The applicant has become homeless intentionally from temporary accommodation.
- The applicant voluntarily ceases to occupy temporary accommodation.
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.

Interim Accommodation Duty - Section 68

If a client is believed to be homeless and has priority need the Council will offer temporary accommodation for them to live whilst their housing solution is resolved.

This duty can be ended if:

- The applicant refuses an offer of temporary accommodation.
- The applicant voluntarily or intentionally leaves temporary accommodation.
- The duty under S73 has ended
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.

Local Connection Referrals to Other Boroughs - Section 80

Applicants will be referred to a more appropriate borough if the Council believe that the conditions for referral are met. These are that:

- Neither the applicant, nor any person who might reasonably be expected to reside with them, has a local connection where the application was made.
- The applicant, or a person who might reasonably be expected to reside with them has a local connection with the area of the other authority, and

- Neither the applicant, nor any person who might reasonably be expected to reside with them, will run the risk of domestic abuse in that other area.
- The applicant is in priority need
- The applicant is not intentionally homeless

Notification that duties have ended - Section 84

Where the Council decides that its duty to an applicant under sections 66, 68, 73 or 75 has come to an end it must notify the applicant:

- that it no longer regards itself as being subject to the relevant duty,
- of the reasons why it considers that the duty has come to an end,
- of the applicants right to request a review, and
- of the time within which such a request must be made.

Notice must be given in writing. If the application does not have a postal address it can be collected from the council office by the applicant or someone on their behalf.

Carmarthenshire County Council's Factsheet



Private Sector Housing Options

Where do I look?

- Websites**
 - www.zoopla.co.uk
 - www.rightmove.co.uk
 - www.gumtree.co.uk
 - www.spareroom.co.uk
 - www.flatshare.com
 - www.onthemarket.co.uk
- Local papers**
 - Llanelli Star
 - Carmarthen journal
 - South Wales Guardian
 - Evening post
- Social media**
 - Facebook spotted Llanelli
 - Facebook spotted Carmarthen
 - Facebook spotted Ammanford
- Notice boards at supermarkets**
- Local estate agents**

Can I have help towards the rent?

You may be eligible for housing benefit. Your housing benefit will be based on the Local Housing Allowance rate, which applies to you. This depends on the number of bedrooms you are allowed. For further information please contact housing benefits on 01554 742100.

| | | |
|----------------------------------------------------|-------------|------------|
| <i>Shared accommodation and under 35 years old</i> | £271.74 pcm | £62.71 pw |
| <i>1 bed rate and over 35 years old</i> | £349.05 pcm | £80.55 pw |
| <i>2 Bedrooms</i> | £423.84 pcm | £97.81 pw |
| <i>3 Bedrooms</i> | £478.70 pcm | £110.47 pw |
| <i>4 Bedrooms</i> | £593.36 pcm | £136.93 pw |

Am I entitled to any other benefits?

You can check on the website www.entitledto.co.uk

Can I have help with a bond?

You may be eligible for a bond through the Gwalia bond scheme. This is a paper bond, not cash. Please ensure you do not sign a tenancy agreement until you discuss your case with the bond scheme directly otherwise they may not be able to help. Please contact Gwalia bond scheme on 01554 899327.



Other options & advice

Social Lettings Agency

The Social Lettings agency is an in house private lettings service delivered by Carmarthenshire County Council. We have a range of properties across

Carmarthenshire that we let out on behalf of private Landlords. You will need to be interviewed and if a property becomes available in the area of your choice, they will contact you

Please call them directly on 01554 899276.



Where can I go for advice on my debts?

Our specialist Shelter debt advisor can provide you with advice and support around your debts. Contact directly on 01554 899280



Where can I go for advice on training or jobs?

You can access support and advice through our 'Hub', which is located in the centre of Llanelli. There is also free internet access available.

For more information visit www.onecarmarthenshire.co.uk



Where can I go for help with mediation?

If you're having difficulty with your landlord, neighbour or family member you may be able to receive help through our mediation team. They can support by offering free impartial mediation advice for people having relationship difficulties. This can also include tenants and landlords. You can contact them directly on 01554 899281.



Can I get help with furniture?

You may be able to get financial help through the discretionary assistance fund. You can contact them directly on 0800 859 5924.

You can get affordable furniture from British Heart foundation, Caerlas and Xcel recycled furniture in Carmarthen.

You can get affordable white goods through Gwyn I Wyrdd.

You can call them on 01269 845685 or visit their website for further costs www.gwyniwyrdd.co.uk



Social Housing

At present, there is a high demand for social housing in Carmarthenshire. We would recommend that you do not solely rely on social housing to solve your housing issue. Please refer to our website for timescales on obtaining social housing. Please select, Housing and then apply for a house, the waiting time calculator is on the right side of the page. www.carmarthenshire.gov.wales

Useful numbers

CCC contact centre: 01267 234567

Pobl housing: 0800 012 1080

Bro Myrddin housing: 01267 232714

Family housing: 01792 460192

Cantref housing: 01239 712000

Bond scheme: 01554 899327

Housing benefits: 01554 742100

Housing options: 01554 899389

Council tax: 01554 742200

Shelter Cymru: 01554 899369

Lived experiences from 'Take Notice'

'Take Notice' provided my investigation with 4 lived experience stories, providing insight into journeys through the homelessness process and the impact it had on people's lives.

Mr A's Story

1. Mr A, a UK citizen, aged 68, having lived and worked abroad for many years, returned to the UK. Mr A said that he could not return to the country he had left. He therefore returned to his hometown in Wales, where he presented to the local authority as homeless, as he had no money, friends or family connections to help him settle back in the UK.
2. Mr A said that he spoke to a person on reception who took his information, told him to come back and that they may be able to help him. Mr A said that when he returned, the officer had lost his records.
3. Because of Mr A's history, the Council incorrectly applied the eligibility/residency test and determined that he would have to wait for 3 months for assistance.
4. Mr A said he was not provided with any assistance or signposted to an organisation that may help him. He said that, when he asked, "does that mean I am on the street" he was informed, "I guess so". Mr A said he was not informed of his rights or how he could challenge the decision.
5. Mr A said that he had been unable to remember his National Insurance number, which delayed his access to benefits and he was not given any assistance in retrieving it.
6. Mr A said he was rough sleeping on the streets for 6 weeks during the winter until a chance encounter with someone from the YMCA⁵¹ put him in touch with Crisis⁵², who housed him.

⁵¹ A charity that provides support to young people.

⁵² A charity that provides one to one support for homeless people in South Wales.

7. Mr A said that he was placed in sheltered accommodation on the outskirts of his town which made it very difficult to go anywhere. He said that the accommodation was not suitable and he was the youngest person there. Mr A said he was not given any other options, despite the accommodation being unsuitable. Mr A said that he was told he could request a review in 12 months' time.

8. Mr A said that he had no idea what his homelessness responsibility was and that he did not receive any correspondence, as he was not told where to collect it.

9. Mr A said that feedback from other service users suggested that there had since been improvements in the local authority's front line service, however, in his view, the people on reception were not sufficiently trained to deal with complex matters.

10. Mr A said that there should be mentors for homeless people to support them for at least 6 months.

Ms B's story

11. Ms B was a professional person and single parent who, having worked abroad for a period, returned to the UK to live. Ms B said that she stayed with a friend while she attempted to sort out her accommodation, as she was informed by the local authority that she would be ineligible for assistance, as she had not resided in the area for a year.

12. Ms B moved into private rented accommodation for approximately 18 months, when she was given 1 month's 'notice to quit'. The notice transpired to be illegal, but the process had started.

13. Ms B applied to the Council for social housing but said that, eventually, she had to use her savings to rent another private property. Unfortunately, the landlord died and their family decided to sell the property and Ms B lost her home.

14. Having had little luck with the original local authority, Ms B presented at a different local authority for help. Ms B took the view that the move would make finding work easier, as it was a bigger area with better transport links. The second local authority declined to help, as there was no local connection with Ms B.

15. Sometime later, Ms B and her young son had to flee domestic abuse. For safety reasons, they left the area completely and presented to a different local authority. Ms B was allocated a social housing first floor flat. Ms B said that she had some concerns about the property, having seen the state of the ground floor flat. Ms B said she was assured that there was no problem with the neighbour. Ms B said that she moved into the first floor flat and redecorated and furnished it, using what was left of her savings.

16. Ms B said that, shortly after moving in, she realised her neighbour was a drug addict. Ms B said that the neighbour would come to her flat and disturb her and her son and would play music loudly, late into the night. Ms B said that she was harassed and threatened by people looking for her neighbour, or who mistook her for her neighbour. Ms B said that there were people overdosing in and around her neighbour's property. Ms B said that she and her son were in constant fear and she noted that there were men in the street who were frightened of her neighbour. Ms B said that she spoke to a previous tenant of her flat, who told her that there had been 11 tenants in the flat over the last 16 months and that the Council was aware of her neighbour's antisocial behaviour and friends.

17. Ms B said that, a few weeks after moving in, she and her son left the flat and presented to the Council as homeless, as they did not feel safe to return. The Council informed Ms B that she was 'intentionally homeless', so she was not entitled to help. Ms B said she refused to leave until she was placed in safe accommodation. Ms B said she and her son were placed in emergency bed and breakfast accommodation. Ms B said that, unfortunately, there was a drug addict living there who broke into her room and stole some of her son's belongings. Ms B said she felt that she let her son down during this whole experience, as he felt so scared and vulnerable in his home.

18. Ms B said that, in her opinion, there were barriers to people helping themselves. She said that sex offenders and addicts were often housed together, making it difficult for some to change their lifestyle and access help and support.

19. Ms B said that homeless people were constantly trying to secure accommodation but were finding it overwhelming. Ms B said that the requirements of a landlord would often depend on whether he liked you; if he liked you, there was no need for a bond payment but, if he didn't, he wanted a bond and rent payment 'up front'.

20. Ms B said that young people were not given adequate support to learn how to be good tenants and look after themselves, which impacted upon their ability to move on. Additionally, she said that there was a shortage of "Move On" accommodation⁵³ available, and that the accommodation that was available tended to be at the lower quality end of the housing market.

Mr C's Story

21. Mr C was a veteran who, upon leaving the armed forces, was given a "handshake, £500 and a one-way ticket to his hometown".

22. Mr C presented to the local authority as homeless and said that, despite being a veteran and suffering with post-traumatic stress disorder, he was informed that he could not be helped. Furthermore, he said that there was a failure to signpost him to an organisation that could help. As a result, Mr C said that he spent a period in 'squats' along the M4 corridor which, along with the lack of support, caused him to experience a setback in his health.

23. Mr C said that finding accommodation was difficult as he had no money and there were very few single bedroom properties or landlords who would accept a 'paper bond'⁵⁴ and only found accommodation when he was lucky enough to find a landlord prepared to accept him without a bond payment.

⁵³ Accommodation for individuals while they receive support they may need, provided either through the various stages of the homelessness provision or onto a home of their own.

⁵⁴ Most private landlords require tenants to pay a bond equivalent to 1 months' rent to secure against damage to property or unpaid rent at the end of the tenancy. A 'paper bond', provided by schemes run

24. Mr C currently works for the YMCA, providing support to other homeless people. Mr C said that the client's experiences of the Process are often negative, causing detriment to their physical and mental wellbeing.

25. Mr C said that the local authorities don't think about the impact a "letter in a brown envelope" would have on a client. He said that many will not open the letters, as they are frightened of the contents. As such, Mr C said that local authorities should not expect people to open, read and understand correspondence sent to them. He said that those who do open the letters find them confusing and the language used intimidating; Mr C described it as a "sense of power play". Mr C questioned whether clients need to know everything and whether local authorities could provide a simple explanation as to what the information means. Mr C also suggested that some consideration should be given to whether text and email could be used to give people simple information about what is happening.

Ms D's story

26. Ms D is currently going through the homelessness system for a second time. Ms D said that she had seen no improvement in the Process this second time.

27. Ms D was a single parent who separated from her husband (who had been convicted of a criminal offence), causing her to have to leave the marital home. Ms D said she contacted the Housing Options Centre as her situation had become desperate and found the Officer to be very rude to her. Ms D said that, during the conversation, she was informed that she had to get rid of her dogs (despite Ms D stating that her pets are part of her support network and help with her wellbeing) and that she "should have thought about her situation before she had so many children". Ms D said she was also questioned several times about her ex-husband, even though he was not party to the application.

by local authorities, housing associations or charities, help people who are homeless access private rented accommodation by providing a written guarantee to a private landlord to cover any losses due to unpaid rent or damage. No money actually changes hands.

28. Ms D said that, at the end of the 2½ hour telephone call, she felt “like rubbish”. She said that the Officer told her that they could not help her and cancelled her application for social housing, so she lost all the points she accrued and her position in ‘Band A’⁵⁵ on the list. Ms D said that, when she received her correspondence informing her that the local authority could not help her, she was not informed of her right to request a review.

29. Ms D said that she had to speak to the Housing Department, who sorted out the problem, but was unable to reinstate the points she had accrued over that year, so she was placed at the end of the list.

30. Ms D said she requested a different homelessness officer, however, the person then allocated to her pushed her towards private, rented accommodation. Ms D said that nobody listened to her; it felt like a tick box exercise and the whole process was dehumanizing. She said there was no contact/emotion/ empathy and there was no consideration of her human rights.

31. Ms D said she felt forced to move to a 2 bedroom property, far from her support network, job and children’s schools. She said that she was also told that she would have to get rid of her dogs. She said that the local authority did not consider her needs and gave her unrealistic options. Ms D said that the local authority failed to consider the prospect that moving to such accommodation meant that she would be unable to continue working and providing for her family.

32. Ms D said that she was finally offered suitable accommodation following support from Shelter Cymru and her MS (Member of the Senedd).

33. Ms D said that she had hoped the homelessness process had improved since she had first used it 13 years earlier, but it had not. She said that the whole situation was very scary and that she felt she was being judged by her ex-husband’s conviction. She said that she felt that the local authority did not believe that she had been unaware of his activities.

⁵⁵ The highest priority level of housing need.

34. Ms D said that she has found the online/telephone assessment process implemented following COVID-19, better. Ms D said that the first time she presented, the 'face to face' experience was horrific. She said that she was put in a tiny room like a prison cell and that, at the time, it was just her and her baby, who was a few weeks old. Ms D said that, during the interview, she kept being told to keep the baby quiet.

35. Ms D said that the timings for the Housing Option meetings were often awkward and the whole process felt invasive, as she was not given sufficient information about why information was required. Ms D said that not enough time was allocated for the meeting and she found that, instead of agreeing another meeting time, information was just left out of the assessment form.

36. Ms D said that the Housing Options process was not supportive, and she was being told, "What if we can't give you what you want?" She said that it did not feel like they considered the person when allocating accommodation; it was more a case of just getting the person housed.

37. Ms D said that her experience of the personal housing plan was "flimsy". She said that she was not offered any additional support around the homelessness issues, such as mental health support or practical support with budgeting. Additionally, Ms D said that there was no reference to the harassment that she had been experiencing and the police report that she had provided as evidence. Ms D said that the information was not taken into account when she was housed a 2 minute walk away from her abuser.

38. Ms D said that, even though the local authority could have undertaken the checks itself, she was expected to provide GP and police evidence. Ms D said that, in her view, this was a barrier for some people and would put them off seeking help.

39. Ms D said that she was educated to degree level but found the forms she had to complete to be very difficult. Ms D said that the process lacked the human touch and there was no empathy or understanding. Ms D said her officer was not professional and she was concerned that the officer was biased against her.

Examples of Conwy County Borough Council letter templates

Section 68 offer of interim accommodation

Interim duty to secure accommodation for homeless applicants believed to be in priority need under Section 68 Housing (Wales) Act 2014

The authority has assessed your application for accommodation and has decided that you are:

- i. Homeless
- ii. Eligible for help
- iii. Have a priority need for accommodation

You are therefore offered interim accommodation under section 68 Housing (Wales) Act 2014 at *(insert address of accommodation)*

When offering this accommodation the authority has considered the following when assessing suitability:

- Section 59 Housing (Wales) Act 2014 which provides that where a housing authority discharges its functions to secure that accommodation is available for an applicant the accommodation must be suitable, in relation to the applicant and all members of the household.
- Parts 9 and 10 of the Housing Act 1985 (slum clearance and overcrowding), and
- Parts 1 to 4 of the Housing Act 2004 (housing conditions)
- The Homelessness (Suitability of Accommodation) (Wales) Order 2015 which specifies that, in determining whether it would be, or would have been, reasonable for a person to occupy accommodation that is considered suitable, a housing authority must take into account whether the accommodation is affordable.
- Part 1 of Housing (Wales) Act 2014 (regulation of private rented housing).
- Homelessness Code of Guidance (2016), Chapter 19
- I have considered the housing needs circumstances of you and any other members of your household. This includes any health matters and whether you would be at risk of violence or a threat of violence that is likely to be carried out in the location where the property is situated.
- I am satisfied that the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property compared to the income available to you and specifically the outgoings which are needed for you to feed and clothe yourself and your household; to heat and light the property and to cover all other reasonable living expenses.

The authority's duty under section 68 to secure interim accommodation for you and your household can come to an end in accordance with section 69 for the following reasons:

- the authority decides that you are not owed a duty under section 73 Housing (Wales) Act 2014
- the duty to help secure accommodation for homeless applicants under section 73 has come to an end and you are not owed a duty under section 75 of the act and you have been notified of this decision
- you have become homeless intentionally in the circumstances which gave rise to your application
- you have previously secured an offer of accommodation at any time within the period of 5 years before the day on which you were notified under section 63 that a duty was owed to you
- the authority decides that the accommodation provided to you has been made available for a sufficient period, beginning on the day you were notified you were not owed a duty under section 75, to allow you a reasonable opportunity to secure accommodation which is a minimum of 56 days from the date you were notified you were owed a duty under section 73.
- you refused an offer of accommodation that the authority was satisfied was suitable for your occupation and secured under section 68
- you have become homeless intentionally from interim accommodation provided for you under section 68
- you have voluntarily ceased to occupy as your only or principle home suitable interim accommodation made available for your occupation under section 68

Further circumstances in which the duty under section 68 comes to an end:

- The authority decides that you are no longer eligible for assistance
- The authority decides that a mistake of fact led to you being notified under section 63 that a duty was owed to you
- That the authority decides you have withdrawn your application
- The authority decides that you have failed to co-operate

If you are dissatisfied with the accommodation being offered, you have a right under s.85 Housing (Wales) Act 2014 to request a review of the suitability of the accommodation. A request for review should be made before the end of a period of 21 days to me at the above address.

If you have any queries about this letter, please do not hesitate to contact me on the above number

What does this mean? You will be provided with temporary accommodation while Conwy Housing Solutions work with you to find a new home or we stop providing that accommodation for one of the reasons above.

Section 68 no duty to accommodate

Dear.....

Application for interim accommodation under s.68 Housing (Wales) Act 2014

We have completed the assessment on your application and have accepted a duty to help you secure accommodation under s.73 of the Housing (Wales) Act 2016 because you are:

1. Eligible for assistance
2. You are homeless
3. You have a local connection to Conwy

We have gone on to consider whether the authority has a duty to provide you with interim accommodation under s.68. I have decided that at this time you are not in one of the priority need categories as specified in section 70 of the Act.

The reasons for my decision are:

- *When asked what support needs you have you responded that you take amphetamines but that you hadn't taken any for 3 days. You stated that when using, you use roughly £10 worth of amphetamine per day 5 days per week. I am satisfied that in itself, your drug taking is largely of your choice and has not created any secondary complications.*
- *You stated that there are concerns surrounding your mental health but at present no formal assessment has been carried out. Enquiries made with the Psychiatric Liaison Team at the Ablett Unit, Glan Clwyd Hospital have confirmed that although you display signs of paranoia it is unclear whether this is as a result of your drug use or due to an underlying mental health problem. You have been referred for a full assessment to the Community Mental Health Team and I am satisfied that you are able to access support services for your drug issues and any mental health issues.*
- *When reaching my decision I have considered whether you are vulnerable as a result of your time in custody. I note that the sentence was relatively short and that you did not state that the custodial sentence caused any vulnerability.*

I have considered the Supreme Court Judgement in May 2015 for the cases of *Johnson, Hotak and Kanu* and I have fully taken into account this new judgement as it provides guidance to local authorities in England and in Wales on how to apply the test.

I have also fully considered the guidance set out in the 2016 Allocation and Homelessness Code of Guidance issued by the Welsh Government as this provides detailed advice on how I must consider the question of priority need and vulnerability.

If you are dissatisfied with this decision, you have a right to request a review under s.85 Housing (Wales) Act 2014. A request for review should be made before the end of a period of 21 days to me at the above address.

If you have any queries regarding this letter, please do not hesitate to contact me on number above.

What does this mean? We have decided we have no duty to provide you with emergency accommodation because you are not in priority need.

Section 75 duty to secure accommodation ending

Dear.....

Offer of accommodation to bring the section 75 Housing (Wales) Act 2014 to secure accommodation to an end

You made an application for help to secure accommodation to the authority. The authority accepted a duty to assist you under section 75 Housing (Wales) Act 2014 and notified you in writing.

The authority is pleased to notify you that you are formally offered the tenancy of (address) offered to you by (name RSL or landlord)

- *The landlord/ letting agent/ RSL will be in contact with you to arrange a viewing of the property*
- *You may view the property on*

The authority is satisfied that this is a reasonable offer and is likely to be available for your occupation for a period of at least 6 months. The authority is required to notify you of the consequence of refusal or acceptance of the offer:

Acceptance of Offer

If you chose to accept the offer of the tenancy, the authority will cease to be subject to the section 75 duty to secure accommodation for you because you are homeless. You will receive a letter discharging the authority's duty and your case will be closed.

Refusal of offer

Should you chose to refuse the offer of accommodation and the authority is satisfied that it is a reasonable offer, the authority will write to you to discharge its duty to you under section 76 (3). This means that the authority will have no further duty to secure accommodation for you and your case will be closed.

You will have the right to request a review of this decision on the suitability of the offer and you may also accept the offer and still request a review under s.85 Housing (Wales) Act 2014.

Should you present to the authority again following refusal of this offer, the authority may not be subject to section 62 Housing (Wales) Act 2014 to assess your application and may not offer any further assistance.

If you are unsure of your options, please do not hesitate to contact me on the above number.

What does this mean? You have been offered a new home that we think is suitable for you and this will stop you from being homeless.

Section 79 (5) Failing to cooperate

Dear.....

Section 84 Housing (Wales) Act 2014 notification of the ending of the duty to secure accommodation for homeless applicants (Section 75)

You made an application to the authority for help to secure accommodation. The authority accepted a duty to help you under section 75 Housing (Wales) Act 2014 and notified you in writing. The authority has decided that this duty has come to an end.

The authority has decided that its duty to secure accommodation for you because you are homeless under section 75 Housing (Wales) Act 2014 has come to an end under one of the circumstances described in section 79 of the Act.

The reason that this duty has ended is:

- The authority is satisfied that you have failed to co-operate with the authority to help secure accommodation (Section 79 [5])

This means that the authority is no longer under a duty to secure accommodation for your occupation. The reasons the authority has reached this decision are:

- *You have failed to take the reasonable steps outlined in your housing assessment plan to secure suitable accommodation*
- *You have failed to attend numerous appointments made for you to attend our offices to review your application*
- *You have failed to attend appointments with other agencies including **Isallt, Noddfa, Shelter (add or delete)** to help prevent your homelessness*
- *Your behaviour when attending the offices have made it impossible to co-operate with you to resolve your housing difficulties*

If you are dissatisfied with the decision reached by the authority, you have a right under s.85 Housing (Wales) Act 2014 to request a review of that decision. A request for review should be made before the end of a period of 21 days to me at the above address.

If you have any queries about the contents of this letter, please do not hesitate to contact me on the above number.

What does this mean? Because you have not worked with us to help find you a new home, we can no longer work with you.

Section 76 (a)(b) – Intentionally homeless from temporary accommodation

Dear.....

Section 84 Housing (Wales) Act 2014 notification of the ending of the duty to secure accommodation for homeless applicants (Section 75)

You made an application to the authority for help to secure accommodation. The authority accepted a duty to help you under section 75 Housing (Wales) Act 2014 and notified you in writing. You were provided with interim accommodation at

..... (*address of temporary accommodation*). The authority has decided that this duty has come to an end.

The authority is satisfied that its duty to help to secure accommodation for you because you are homeless under section 75 Housing (Wales) Act 2014 has come to an end under section 76(6)

The reason that this duty has ended is:

- The authority has decided that you have become homeless intentionally from suitable interim accommodation made available for your occupation
- *The accommodation was provided for you under section 68 and which continued to be made available under section 75 [section 76(6)(a)]*
- *The accommodation was provided under section 75 [section 76(6)(b)]*

This means that the authority is no longer under a duty to secure accommodation for you. The reasons the authority has reached this decision are:

- *You have failed to provide Housing Benefit department with the necessary details to process your claim and therefore have significant rent arrears.*
- *Your behaviour at the accommodation has been unacceptable and we have received numerous complaints of anti-social behaviour (include details of dates and behaviours)*

If you are dissatisfied with the decision reached by the authority, you have a right under s.85 Housing (Wales) Act 2014 to request a review of that decision. A request for review should be made before the end of a period of 21 days to me at the above address.

If you have any queries about the contents of this letter, please do not hesitate to contact me on the above number.

What does this mean? Your behaviour has led to your eviction and we will now close your case.

Section 74 (2) End of 56 days (non priority & intentional)

Dear

Section 84 Housing (Wales) Act 2014 notification of the ending of section 73 duty to help to secure accommodation for homeless applicants under section 74 (2) Housing (Wales) Act 2014

You made an application for help to secure accommodation to the authority. The authority accepted a duty to assist you under section 73 Housing (Wales) Act 2014 and notified you in writing and this duty has now come to an end for the following reason:

- The end of a period of 56 days from the date of notification

The authority has provided you with help to secure accommodation because you are homeless. The Act requires that the authority works with you for a period of 56 days to help secure accommodation. The authority has taken reasonable steps to help you secure accommodation and you will find enclosed a record of the steps taken to secure accommodation.

Below is notification when s.75 duty is not owed (non-priority). Delete/adapt as necessary.

I have gone on to consider whether a duty is owed to you under any other provision of the Act particularly under Section 70 (Priority need for accommodation) and Section 75 Housing (Wales) Act 2014. I have decided that no further duty is owed to you for the following reasons:

- I have considered whether you are vulnerable due to having spent time in custody. Your most recent sentence was for a period of days and you spent a further period in custody during You were able to secure private rented accommodation in the intervening period which suggests that a custodial sentence has not hampered your ability to secure accommodation.
- You stated that you suffer fromand that you are under the care of Having made enquiries withI can confirm that your case is closed to both and you are not in receipt of their services.
- You are prescribed.....to relieve your symptoms of which you are able to access through a pharmacy and have no difficulty in taking the medication or managing your dosage.
- I have taken into account the following case law: *Hotak (Appellant) v London Borough of Southwark (Respondent) Kanu (Appellant) v London Borough of Southwark (Respondent) Johnson (Appellant) v Solihull Metropolitan Borough Council (Respondent)* and I am satisfied that you are not vulnerable as defined by section 71 Housing (Wales) Act 2014

Below is notification when s.75 duty is not owed (intentionality). Delete/adapt as necessary

I have gone on to consider whether a duty is owed to you under any other provision of the Act particularly under Section 75 Housing (Wales) Act 2014. I have decided that you are:

- Eligible
- Homeless
- Have priority need for accommodation
- Have a local connection to the county
- You are intentionally homeless

The reasons for this decision are:

Note reasons here eg:

- You were served with a section.....notice from your landlord due to rent arrears of £.....
- You failed to pay your rent despite being in receipt of Housing Benefit. Your rent was £..... per calendar month and you were in receipt of the local Housing Allowance of £.....per week which equates to £..... per calendar month leaving a monthly top-up of £.....
- Having completed a financial statement with you to determine the affordability of the property it is clear that you had a disposable income of £.....per month after having paid your full rent.
- When asked why you had not paid the rent you stated that you'd needed the money to pay for
- When reaching this decision I have considered whether the property was suitable and affordable. I have considered the following:

- (a) Part 9 of the Housing Act 1985 (slum clearance);
- (b) Part 10 of the Housing Act 1985 (overcrowding);
- (c) Part 1 of the Housing Act 2004 (housing conditions);
- (d) Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation);
- (e) Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation);
- (f) Part 4 of the Housing Act 2004 (additional control provisions in relation to residential accommodation);
- (g) Part 1 of this Act (regulation of private rented housing).

If you are dissatisfied with the decision reached by the authority, you have a right under s.85 Housing (Wales) Act 2014 to request a review of that decision. A request for review should be made before the end of a period of 21 days to me at the above address.

If you have any queries about the contents of this letter, please do not hesitate to contact me on the number above.

What does this mean? Despite our best efforts we have been unable to secure you a new home and there is no further help available to you.

Rhondda Cynon Taf County Borough Council step by step guide

Step by Step guide

To the homelessness application process with Rhondda Cynon Taf Council



The process

Although every person's journey will start with an application and assessment, you may not go through every step of this process.

At each stage you go through, the council will write to you.

Look out for the symbols on this leaflet on the letters we send you to help you understand what stage of the process you are at.



Step 1: Application

If you are homeless or at risk of homelessness in 56 days, we will help you. We will give you free information and advice and, if you are eligible for further help, we will do an assessment.



Step 2: Assessment

We want to understand what we can do together to solve your housing problem. We will ask you why you need help and what you want to happen. We will ask you about any specific housing or support needs you might have. We will create a personal housing plan with you which will set out the steps that we must both take while we are working together.



Step 3: Prevention

If you are at risk of becoming homeless in the next 56 days, we will do what we can to prevent you from becoming homeless. We will consider different courses of action that might help you - this may include trying to help you keep your current home.



Step 4: Temporary Accommodation

If you are already homeless and we think you may be in priority need, we will provide you with temporary accommodation while we decide what other help to give you. This is sometimes a hostel, a refuge, or a B&B.



Step 5: Help to secure

If we can't prevent you from becoming homeless, or you are already homeless, we must help you to find a suitable home. This help can only last for 56 days. If we haven't been able to help you find a home during this time, we might not have to help you any further, unless you are in priority need and not intentionally homeless.



Step 6: Final duty to secure

If we haven't been able to help you find a home in 56 days and you are in priority need and you are not intentionally homeless we must find and offer you a suitable home.



Rhondda Cynon Taf County Borough Council

We offer dedicated key worker support based on your personal circumstances. If you are homeless or at risk of becoming homeless, a key worker can help you to find a home or help you with any actions you may need to take to prevent you from losing your accommodation.



We are here to help - don't delay, contact us for friendly, impartial advice.

Telephone
01443 495188
Out of hours
01443 425011

Email
homelessness@rhondda-cynon-taf.gov.uk

Step 7: Right to a Review

If you do not agree with the decisions made by us at any stage of the process you can ask for a review. You can request a review by phone, in person or in writing but it must be done within 21 days of you receiving our decision. You also have the right to ask for a review hearing where you can explain in person why you think our decision is wrong.



What does 'intentionally homeless' mean?

Being 'intentionally homeless' means that your homelessness was caused by something that you deliberately did or failed to do. Some families can still qualify for help even if they are found intentionally homeless.



What is a 'local connection'?

We may check if you have a local connection to the area. For example if you work here, already live here or have close family living here. There could be other special reasons why you might have a connection to the area so it's really important you tell us anything you think might mean you have a local connection.



For free independent advice about your housing situation, contact:

Shelter Cymru

www.sheltercymru.org.uk

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ShelterCymru

Registered charity no. 510902

Take Notice top tips

Writing to service users - a few “top tips”

Over the last 4 years, Shelter Cymru’s Take Notice Project has undertaken four different exercises which involved reviewing different organisation and local authority homelessness decision letters. The following top tips are based on the feedback from service users who are involved in the project, all of whom have had personal experience of homelessness.

Communication should be concise and relevant

Make sure the letter is personal and specific to the circumstances of the individual. If information is not relevant don’t include it “just in case”.

Keep the layout of documents simple and easy to follow

This might include use of bullet points, bold font or underlining so the main messages within letter will be clear to see.

Breaking up the text with headings and bullet points makes information more digestible for the reader.

Write in short sentence and short paragraphs – people can’t digest lots of information all in one go so think about the use of “white space”.

Use simple language which is easy to understand

Don’t use jargon, acronyms and legal expressions, or if you do have to use them make sure you explain what it means.

Just because you are familiar with the content and terminology within the letter doesn’t mean that the reader will be. A way of speaking that is commonplace for you might be complex and confusing for the average person, especially one in crisis.

Use present and active tenses where possible. For example, 'your appointment is on...' not 'your appointment has been made for...'.

Make sure you make any decisions clear

Tell people what they want to know – what will be done to help them and if you cannot help explain clearly why not.

Make sure the decision, which for most people is the most important part of the letter, is highlighted or positioned prominently (use of bold or underline).

Equally important is the right to review a decision. Make this prominent and clear for people to see and not hidden in a closing paragraph of text.

Answer the question, “what happens next”, or “what should I do next?”

Have a checklist of action points for both the user and the service provider if needed.

Make your contact information easily available

Part of personalising the letter is letting the recipient know how they can get hold of you if they need to. This should be your personal contact details including any direct dial or extension numbers, not just the general office phone number which could lead to people waiting on hold for a long time and not being able to get hold of the housing office they need to speak to.

If you only work part time include this information as well as it can be frustrating for people to try to make contact when you won't be available.

Consider also including out of hours information in case of an emergency.

Consider the use of appendices or factsheets

If you need to include lengthier information, attachments or appendices which can be referred to in the letter will help keep the body of the text shorter and more manageable to read.

These can be read separately or at a later time or retained for future information.

Attachments could include signposting information to other organisations that provide help and support or more complex legal information.