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## Consultation – summary of responses

# Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness

Date of issue: **May 2015**

# **Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015**

## **Summary of Responses to the Consultation Report**

### **1. Introduction**

The Code is specifically for members and staff of Local Authorities to guide them in implementing their functions in connection with allocations and homelessness. It applies to both the housing and to the social services functions of those authorities.

When exercising their functions under Part 6 (Allocations) of the Housing Act 1996 (the 1996 Act) and Part 2 (Homelessness) of the Housing (Wales) Act 2014 (the 2014 Act), Local Authorities must have regard to any guidance issued by the Welsh Ministers. This Code is Ministerial guidance issued under these provisions.

This Code replaces the 'Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness' issued by the National Assembly for Wales in April 2012.

The Code comes in two parts. Part 1 relates to the allocation of accommodation in accordance with Part 6 of the 1996 Act and, although updated to reflect changes in the law and relevant case law, largely follows the same format as the 2012 edition of the Code.

Part 2 of the Code covers Part 2 of the 2014 Act, which amends and consolidates all previous homelessness legislation. It explains the new legislation, and places it in the context of Welsh Government policy in 2015.

### **2. Consultation**

The consultation period ran from 26 January 2015 to 23 March 2015. Eight questions were set. We received 40 responses.

The full list of respondents/organisations is shown in Annex A (unless the respondent opted to remain anonymous).

This document summarises the responses to the consultation questions. The aim of this document is to give an overview of the responses and to highlight the common themes and suggestions put forward. The quantity and quality of responses was considerable and it would be difficult to reflect the full range of issues and ideas which were raised. For example some responses did not focus directly on the questions asked, raising more general points on the legislation.

### 3. Summary of Responses

We received 40 written responses to the consultation. These responses included thirteen from Local Authorities, five from Housing Associations and twenty-one from other representative organisations.

<b>Respondent group</b>	<b>No.</b>	<b>% of respondents</b>
Local Authority	14	35
Registered Social Landlords	5	12
Private sector organisations	1	3
Voluntary sector organisations	14	35
Tenant Groups/focus groups	6	15
<b>Total</b>	<b>40</b>	<b>100</b>

The following information is structured around questions set out in the consultation document.

#### **Part 1: Allocations**

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

The general consensus amongst respondents is the document is well written and brings together as best it can a complex area of work. The use of hyperlinks is referred to as a valuable additional resource.

Respondents felt the Code of Guidance around allocations is easy to read and flows well, explaining clearly the relevant elements which need to be taken into consideration. Several sought greater clarity within the guidance on immigration regulations and also around the test of unacceptable behaviour. Generally respondents felt the overall guidance provided on allocations was much clearer on certain aspects than the former Code of Guidance.

Respondents were encouraged by the Welsh Government's support for the development of Common Registers to make the process of applying for social housing easier and consistent for applicants. The use of a Common Register also allows for any housing need issues in an area to be recognised and tackled with common purpose. Respondents were also encouraged by the Welsh Government's support in relation to the development of Accessible Housing Registers.

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

Respondents asked for clarification on the definition of 'refugee'. A person who is an asylum seeker becomes a refugee when their claim for refugee status is accepted. At this point they become eligible for public funds. This has been clarified in the Code of Guidance.

One respondent provided within their consultation response a definition from its Housing Allocation Scheme on people who need to move on medical or welfare grounds which has been added to the Code.

Respondents felt the re-drafted Code would provide an opportunity to highlight the issue of accommodation and pets in particular the impact of pet ownership on the health and wellbeing of older people. Respondents suggested housing providers implement clearly defined guidance on the issue of pets which is flexible enough to allow pets to be kept on a case-by-case basis where the owner can meet the animal's welfare needs. This has been taken on board.

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

Welcome was made in connection with the retention of those measures in the Code which endeavoured to meet the aims of the Armed Forces Covenant particularly the issue of additional preference for 'people needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation'. Respondents were also pleased to note local connection in housing allocation can still be obtained by virtue of serving, or having served, in a particular community. A suggested re-draft has been taken on board in relation to the issue of injured or disabled Service Personnel being given high priority within allocation schemes.

Most respondents particularly welcomed the opportunity to comment on Part 2 of the Code, given the role of the guidance in providing a reference for local authority officers who will be responsible for delivering the new statutory homelessness regime.

## **Part 2: Homelessness**

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

The majority of respondents welcomed the breadth and clarity of the Guidance on homelessness and its explanation of the new legal duties.

Several respondents said that further clarity would be achieved if a table of duties by sector was included.

The issue which attracted most comment was that of prisoners. The context has been changing in recent months as the new criminal justice arrangements for prisoners are becoming established. Nine organisations sought a better understanding of responsibilities to prisoners across the criminal justice and housing sectors.

Four organisations called for more flexibility for Local Authorities in developing their local homelessness strategies, taking account of Local Government reorganisation.

A large number of respondents commented on a wide range of aspects of the guidance seeking more detail in certain areas. Three organisations called for stronger references to the

role of the private rented sector, whilst individual comments were made on issues such as split families, the military covenant, and the needs of care leavers.

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

Most respondents indicated they were satisfied with the explanation of the new duties.

Organisations particularly sought clarity in relation to prisoners, and engagement required at various stages in the resettlement process. Uncertainty was expressed about the new criminal justice resettlement arrangements.

Other areas where further explanation was asked for were assessments and Personal Housing Plans, the nature of advice and assistance, and the reasonable use of resources.

A number of responses recommended more guidance on the interpretation of the vulnerability test for homeless people in deciding whether they are in priority need.

One organisation wanted to see greater detail on the interaction between the homelessness duties and those duties under the Equality Act 2010.

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

Many of the organisations emphasised the importance of partnerships, and most agreed that this had been addressed in the draft Code.

Five organisations raised the issue of how partnership responsibilities could be enforced. Seven organisations would like the Code to have more detail on the role of Registered Social Landlords, with some recommending a separate Chapter on this.

Again the issue of prisoners was prominent, with a number of responses seeking greater clarity and more detail on joint working with prisoners.

Several organisations highlighted the need for monitoring of outcomes, and some recommended the development of standard agreements between Local Authorities and partners.

Other points made included the need for more prescription on hospital discharges, clarity on data monitoring systems, and information sharing.

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

A substantial minority of respondents commented on the length of the document, although this was to some extent contradicted by the demand for more detail. Several responses pointed out the need for links and annexes to be included in the final version.

#### **4. Concluding remarks**

The majority of responses support the proposed amendments to the Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness 2012.

## Appendix 1

### Organisations who responded to the Consultation

1. Age Cymru
2. Auditor General for Wales
3. Bridgend County Borough Council
4. Cardiff Community Housing Association
5. Cardiff Council
6. Cartrefi Cymunedol Gwynedd
7. Ceredigion Council
8. Community Housing Cymru
9. Conwy County Council
10. Crisis
11. Cymorth Cymru
12. Disability Wales
13. Dogs Trust
14. Flintshire County Council
15. Garden Court Chambers
16. Gofal
17. Gwynedd Council
18. Isle of Anglesey Council
19. Llamau
20. Monmouthshire Housing Association
21. Neath Port Talbot Council for Voluntary Service
22. Newport City Council
23. NOMS
24. Pembrokeshire Council
25. Police Liaison Unit- On behalf of the four Welsh Police Forces
26. Powys County Council
27. Residential Landlords Association
28. Rhondda Cynon Taf Council
29. Royal British Legion
30. RSPCA
31. Shelter Cymru
32. Swansea County Council
33. Tai Ceredigion
34. Tai Pawb
35. Torfaen County Borough Council
36. Vale of Glamorgan Council
37. Wales and West Housing
38. Welsh Women's Aid
39. WLGA
40. Wrexham Council