



Eich cyf/Your ref
Ein cyf/Our ref

Local Authority Chief Executive Officers;
Heads of Services;
Leaders; and
Housing leads

16 October 2019

Housing (Wales) Act 2014 Commencement of section 75(3)

Since the introduction of the Housing (Wales) Act 2014, the prevention of homelessness duties have resulted in many households avoiding the trauma of homelessness thanks to the work of your teams and partners and I would like to extend my thanks to them.

I recognise that the demand on services is increasing and that there are still too many people whose homelessness is not prevented; collectively, we therefore need to do more.

We committed during the Housing (Wales) Act's passage through the Assembly to introduce an additional safety net for particular households who may be found intentionally homeless.

You will wish to be aware therefore that on 2nd December 2019 we intend to commence section 75(3) of the Housing (Wales) Act 2014. This particular subsection will provide additional help for specified households who have received a decision they are intentionally homeless and are not owed the final duty to secure accommodation.

This will mean that local authorities will be required to secure accommodation for households with children and certain young people, who are in priority need. This new duty will apply regardless of if they have been found 'intentionally homeless' where the duty to relieve homelessness has been unsuccessful. This legal duty will only apply should it be the first time they have been found intentionally homeless in the past five years.

This will provide greater security for children in vulnerable households and additional help for some of our young people and care leavers, in line with the aims in the United Nations Charter on the Rights of the Child. We also expect local authorities to co-ordinate a plan of action and support these households to help prevent them becoming homeless in the future.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Whilst the number of cases who received intentional homeless decisions is not a significant number in comparison to those receiving help under the Act (201 cases recorded in 2018/19 across the whole of Wales), the threat of intentionality remains powerful and emotive.

It is of paramount importance that local authorities work to the spirit rather than the letter of the law. We need to ensure the focus of our efforts is on homelessness prevention, which starts far earlier than the statutory 56 days. Working with people before a crisis takes hold is essential to give ourselves the best opportunity to reduce and ultimately end homelessness in Wales. It is also the most effective, and cost effective, approach minimising trauma to families and individuals and maximising their ability to sustain their housing.

We are currently undertaking a comprehensive review and revision of the Code of Guidance, in collaboration with stakeholders across the sector which will result in a very different document. Work is underway to re-develop the current Code of Guidance into a new, accessible, more policy driven document, set out in four parts:

- Part 1 – Policy and direction*
- Part 2 – The statutory duty*
- Part 3 – Delivering a quality service*
- Part 4 – Measuring effectiveness*

*working titles

The new Code of Guidance will clearly set out, up front, the Welsh Government policy approach and the legal position. It will also provide practical guidance to support front line staff to deliver a quality service to households across Wales; supporting them to get the right support at the earliest opportunity. The new Code of Guidance will seek to bring together both statutory and non-statutory aspects of the agenda, based on a shared set of working principles and a collaborative, partnership driven, and more consistent approach.

A truly preventative approach puts the individual at the centre, assisting households at the earliest opportunity into accommodation and then ensuring they are supported to stay there. We need to move away from policies that seemingly use threats to ensure compliance and co-operation so that a more productive partnership between the authority and household can take place. This is far more likely to result in a positive outcome for all concerned. Under the legislation, local authorities have a general preventative duty to help individuals at the earliest stage when they seek support. Not only is this the right thing to do, but it is also a far more effective and cost effective intervention.

Let me be clear – the legislation sets the minimum requirements on local authorities and should be seen as such. It should be used as an enabler to support individuals and households. The legislation should not be used as a barrier to support and I expect local authorities to take a far more inclusive approach, be that in the application of local connection or interim accommodation duties. I expect local authorities to work to the spirit of the legislation in supporting individuals to prevent their homelessness and also in supporting those who are already homeless into accommodation.

This is a vitally important agenda and I value your continued commitment to jointly taking this forward.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government