

# Consultation on the White Paper on Ending Homelessness in Wales



**Our response**

Submitted January 2024

# About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system in England and Wales. Our aim is to ensure the sector is informed and engaged in order to transform the lives of people in the criminal justice system and their communities. We do this by providing specialist information and support with a particular focus on smaller voluntary organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships, and provide innovative services that respond directly to the needs of their service users. Clinks also uses its relationships across government to act as a policy conduit between ministers and officials, and the criminal justice voluntary sector.

We are a membership body with over 500 members, including the voluntary sector's largest providers, as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin, Light Lunch, and our social media activity, our network reaches tens of thousands of contacts. These include individuals and agencies with an interest in criminal justice and the role of the voluntary sector in rehabilitation and resettlement.

Clinks has 37 members who are based, or operate significant projects in, Wales. In addition, we have a dedicated member of staff whose role is to support the criminal justice voluntary sector in Wales and build relationships with statutory and non-statutory stakeholders.

Clinks provides the Chair and secretariat for the Reducing Reoffending Third Sector Advisory Group (RR3). This is a formal advisory group to the Ministry of Justice and HM Prison and Probation Service made up of openly recruited senior leaders from the criminal justice voluntary sector. The RR3 meets quarterly with government officials and sometimes Ministers to provide guidance and feedback from the sector. The structure of the RR3 ensures that members of the group have a diverse range of knowledge and experience, including representation for the sector operating in Wales, through a specific Welsh seat.

## About this response

Clinks has prepared this response to the Welsh Government's consultation drawing on its own research, knowledge and intelligence gathered through regular and ongoing engagement with and support to, the criminal justice voluntary sector. While preparing this response, we also held a consultation event with accommodation organisations operating in Wales, to test our existing data and ensure we had the most relevant and up to date picture.

Due to the nature of Clinks' work, we have focussed our response to this consultation on support for people in contact with the criminal justice system, particularly those leaving prison. Accordingly, we have selected questions 1, 2, 3, 4, 5, 6, 8, 9, 11, 15, and 28 to respond to.

# Reform of the existing core homelessness legislation

## *Question 1: Do you agree these proposals will lead to increased prevention and relief of homelessness?*

Yes.

## *Question 2: What are your reasons for this?*

### Reflections on proposed reforms of core homelessness legislation

Chapter 1 of the White Paper sets out a range of different proposals for increasing the prevention and relief of homelessness in Wales. The principles behind many of these changes are sound. Often, people face barriers to accessing accommodation and housing-related support through local housing authorities, including the priority need test, intentionality test, and local connection test. Clinks has heard numerous instances of where people in contact with the criminal justice system are unable to access accommodation and accommodation-related support because they are inappropriately assessed as not being in priority need or having made themselves intentionally homeless as a result of receiving a custodial sentence. In these cases, organisations also describe these tests often being applied inconsistently. Therefore, Clinks supports the removal of the priority need and intentionality tests, and the changes to the local connection test. (We expand upon the local connection test in response to Q6.) This should help to ensure people in contact with the criminal justice system are not faced with barriers to accessing accommodation help on the basis of these tests, and so are likely to increase the prevention and relief of homelessness for this cohort. However, as these changes are implemented, it is important they are reviewed and monitored to ensure they do not inadvertently amplify other barriers and challenges people in contact with the criminal justice system face, or create new ones.

These changes to the priority need, intentionality, and local connection tests will help ensure that people leaving prison are not inappropriately assessed, and therefore denied the right support. This needs to be coupled with earlier and more timely engagement with people before their release from prison, where their accommodation support needs are considered holistically and within an appropriate time frame. As such, it is welcome that the proposed changes to these three tests should help to remove barriers to support for people leaving prison. This group is also likely to benefit from the plans for greater multi-agency working set out in Chapter 2 and the specific measures set out for people leaving prison in Chapter 3 of the White Paper. We provide more detail on our response to those plans in answer to Q11 and Q15.

Despite these proposals continuing to move things in the right direction, these changes need to be supported by wider measures. Clinks has heard from voluntary organisations that there can also be less-formal barriers to accessing help faced by people in contact with the criminal justice system. For example, sometimes people leaving prison can have explained their situation to a voluntary organisation member of staff before they leave prison, but still be asked to repeat their answers to questions by the local housing authority on release. Not only does this require people to repeat what can often be very difficult conversations, but also takes up valuable time for people on release as they try to access several different services on their day of release.

Voluntary organisations supporting people with accommodation needs also raised challenges about a lack of details from local authorities, including about the accommodation and support available and who would be eligible for this. Some described the threshold for receiving various kinds of support being unclear. This means it can be hard for people and the organisations trying to support them, to ensure that people are directed to the most appropriate interventions. This can also impact people where they may struggle to articulate their needs and the challenges they face. Therefore, it is essential that support criteria are clear and shared with partner organisations to ensure people are directed towards the services that properly support them.

To help support people in contact with the criminal justice system, and especially people leaving prison, with their accommodation needs, Clinks suggests that a whole-system, multi-agency approach is most effective. As such, it is positive that many of the measures proposed in the White Paper move towards this approach. The resettlement panels that form part of the youth justice system could offer a helpful model of good practice in this area, that could be developed as part of these wider proposals.

Some organisations also raised concerns about a mismatch between the amount of detail a person trying to access support provides to a local authority and the speed with which a determination letter is sent out in a number of cases. This led to questions as to whether tests and processes were being effectively applied, or whether people seeking accommodation support were being asked the right questions to gather the relevant information for a local authority to make a determination about their needs and whether they are owed a duty. Whilst we are not advocating slowing processes to generate greater confidence, we think this lack of confidence in some cases is important to highlight.

Moreover, it again highlights difficulties that can be seen when there is a lack of detail from local authorities about the support and services they provide, and who is able to access them. Effective, person-centred communication between local authorities, voluntary organisations, and the people seeking support, would help to address this issue. Engaging with people earlier on would help to ensure there is adequate time available to clearly communicate to them about the accommodation and support options that are available to them. Consequently, plans to make it clear that local authorities must ensure they communicate with people in an accessible way, tailored to any individual needs, are positive.

Plans to make the “unreasonable failure to co-operate test” narrower are welcome, but Clinks would encourage these plans to be considered as part of the plans to introduce a duty for relevant bodies to identify, refer, and co-operate. During our consultation event with voluntary organisations, we heard some describe occasions where someone seeking support is engaging with a voluntary sector service, but may not be engaging with statutory services, such as probation or housing options services. This is often because people are engaging with services they trust and have faith in. One organisation highlighted cases where people had repeatedly sought accommodation help from the local authority and repeatedly received the same outcomes where they were not supported, leaving many feeling left out by the system. With voluntary sector services, many feel listened to in a way that they may have not experienced with statutory services. As such, Clinks recommends that engagement with voluntary sector services should be taken into consideration when making a decision regarding constant non-contact with housing options services.

Homelessness is not a lifestyle choice, and so Clinks welcomes the proposals to abolish the intentionality test. The wide, and often inappropriate, interpretation of this test has led to some people in contact with the criminal justice system being disadvantaged. For example, one organisation described cases where people who had received a prison sentence had chosen to hand back their accommodation so someone else can make use of it whilst they are in prison. However, on release, these people were then often considered to have made themselves intentionally homeless because they handed back their properties. Another described cases where people with unmet needs had not been able to maintain their tenancy, but they had been classed as intentionally homeless as result.

Organisations acknowledged that there was a need to ensure people do not misuse the system, but were clear that people asking for help to access accommodation should receive support. They also highlighted the risk management angle of providing accommodation support for people in contact with the criminal justice system, especially those leaving prison. The risk of reoffending can be greatly reduced by ensuring people have access to accommodation. The UK government cites research that people leaving prison with stable accommodation set up are about 50% less likely to commit further offences than those without stable accommodation.\*

\* The Lord Bellamy. (2023). *Offenders: Rehabilitation*. UK Parliament: Written answer, 23 March, HL 6302. [Accessed 10 January 2024]. Available from: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-09/HL6302>

### ***Question 3: Are there additional legislative proposals you think we should consider to improve the prevention and relief of homelessness?***

Building on the challenge identified above, regarding a lack of details from local authorities about the accommodation and support available, as well as details as to who is eligible for it, Clinks recommends exploration of legislative options to ensure this information is publicly available. For instance, a statutory duty could be placed on local authorities to publish online information about the kind of accommodation it has available, the support services it can provide, and the eligibility criteria or thresholds for accessing these. In the rare cases where it may be inappropriate for some details to be made available publicly (such as the specific locations of local authority housing), there should be a duty for local authorities to make this information available to partner organisations, such as relevant local and national voluntary organisations who provide accommodation support, to support their work with service users and the local authorities to achieve the best outcomes.

Making this information more available and transparent is likely to help streamline the provision of support, as people seeking support and voluntary organisations working with them, will know what information is relevant and helpful to provide. It will also help to reduce queries about eligibility for support. Greater transparency is also likely to improve confidence in the system as people will be able to understand the basis on which decisions about accommodation support are being made, and understand what help they are likely to be able to access.

For people leaving prison, Clinks would support legislative measures that improve the pre-release process for this group. In Chapter 3, a number of key measures are set out for this group to ensure that work around accommodation support begins much earlier in someone's sentence, and this is a very welcome step. Where possible Clinks would support these measures being placed on a statutory footing. We include some more detail around our recommendations on the pre-release process for this group in our responses to Q11 and Q15 below.

#### ***Question 4: Do you agree with our proposal to abolish the priority need test?***

Yes.

We have provided more details on our view regarding the abolition of the priority need test in our response to Q2.

#### ***Question 5: Do you agree with our proposal to abolish the Intentionality test?***

Yes.

We have provided more details on our view regarding the abolition of the intentionality test in our response to Q2.

#### ***Question 6: Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.***

The local connection test can pose a specific challenge for people in contact with the criminal justice system. In some cases, for people leaving prison, returning to a home area may place them at risk. In addition, sometimes people who have committed an offence may wish to move away from their previous home area because it has negative connections, which could mean they are more likely to reoffend. At the same time, positive local connections can be an effective protective factor against reoffending. This can also mean people seek to be near family connections in areas where they have not previously lived.

Some people in contact with the criminal justice system can also face difficulties around accommodation because of conditions placed on them, as part of their sentence or licence. For example, sometimes it may be possible for someone to live in a local authority with which they have a local connection, but at the same time, be subject to exclusion zone conditions that make living within that authority very impractical. Alternatively, where it would support the resettlement of a person in contact with the criminal justice system, a wider understanding of local connection could also be beneficial. For instance, being assigned to a certain probation area or having spent time living in approved premises in a certain area, may mean that people have developed connections in a certain area. However, these connections should not prevent someone in contact with the justice system being accommodated in an alternative area, if it would benefit their resettlement.

Therefore, it is important that exemptions to the local connection test include people both leaving prison, as well as those serving a sentence in the community. A person-centred approach should be taken to working with these people to determine the best place for them to receive accommodation support, based on their specific needs, circumstances, and wishes.

We are aware that some local authorities may have informal reciprocal agreements in place to better enable people in contact with the justice system to receive support in different areas. In order to best facilitate this person-centred approach described here, Clinks would propose that arrangements for people to be transferred to another area for accommodation are formalised to help make this process as efficient as possible.

## **The role of the Welsh Public Service in preventing homelessness**

*Question 8: Do you agree with our proposal to keep the local connection test but add additional groups of people to the list of exemptions to allow for non-familial connections with communities and to better take account of the reasons why someone is unable to return to their home authority.*

Yes.

Clinks believes a whole-system, multi-agency approach is the most effective approach to supporting people in contact with the criminal justice system with the accommodation needs. Therefore, Clinks supports the Welsh Government's plans to introduce a duty on a number of public services to work together to better prevent and relieve homelessness.



## ***Question 9: Do you agree with the proposed relevant bodies, to which the duties to identify, refer and co-operate would apply? Would you add or remove any services from the list?***

This whole-system approach to supporting people with accommodation is very welcome. As criminal justice is not a devolved area of government in Wales, Clinks supports the White Paper's aim for a range of organisations or bodies to practice in line with the proposed duties, whilst noting the powers to confer functions on these bodies is reserved. In addition to the non-devolved bodies and organisations set out in the White Paper, Clinks suggests also exploring the inclusion of commissioned rehabilitative service providers as organisations asked to practice in line with the proposed duties. Where these organisations provide essential support to people under the supervision of the Probation Service, they also have an opportunity to help further support the meeting of people's housing needs. However, it is also important that devolved organisations and bodies, who often provide much of the support to people in contact with the justice system, are able to work effectively with those reserved bodies and agencies.

The Wales Women's Justice Blueprint and the partnership work that is taking place within that plan, involving the Ministry of Justice, HM Prison and Probation Service, the Welsh Government, and voluntary sector partners, could offer a model of good practice. It also shows a reasonable effective solution to overcoming the complexities that can arise when matters overlap devolved and non-devolved areas of policy.

## ***Question 11: What practical measures will need to be in place for the proposed duties to identify, refer and co-operate to work effectively? Please consider learning and development needs, resources, staffing, location and culture.***

### **Longitudinal, inter-organisation record keeping, and digital exclusion**

When consulting with our members operating in Wales, Clinks heard challenges that arose where there is no record of a person's previous contact with housing, and other, services. It was suggested that an effective whole system approach could be supported through a central portal through which both statutory and voluntary sector services can add relevant information about a person's needs. One organisation Clinks spoke to described how they had begun to keep records of applications for assistance on their systems to help address the challenges around people who have made multiple applications, but where there is no record of any of their previous requests for help. For instance, where someone may have been in and out of prison several times, and be asked to make a new application for accommodation support each time they are released, this can require them to be repeatedly having difficult, but similar, conversations with local authorities. This can be very distressing for a person seeking help, and also inefficient for a local authority in gathering the relevant information to make an assessment.



Organisations also raised the challenges around digital inclusion, particularly for people leaving prison. Where people leaving prison may not have an email address or access to the internet, it is important that they are able to access information about the applications for support in an appropriate format. As part of a joined-up whole-system approach, this question needs to be considered carefully where agencies working together may be relying on digital tools to share information between each other, but where this may not be accessible to the person seeking support. As such, Clinks again notes its comments in response to Q2 about the importance of effective, person-centred communication.

## **Cultural change**

Some organisations also described the importance of achieving cultural change as part of this legislative process. As with many public services, organisations described variability in the offer from different local authorities, and sometimes between different teams in the same authority. They also noted that often people hold onto old practice, even when frameworks have changed, and so it is important that work is also done to bring about cultural change across the system, to ensure a new legislative framework has the best chance of success.

## **Distrust of statutory services and engagement with voluntary sector services**

As already mentioned in our response to Q2, voluntary organisations also highlighted that sometimes an individual might be engaging with their services, even if they are not engaging with statutory services. Voluntary sector organisations are often able to build more effective relationships with some groups, because of their separation or distance from statutory services. Voluntary organisations said that a person's engagement with services they trust and have faith in, even if they are not engaging with probation, should be recognised.

## **Joined up working between local authorities and voluntary sector partners**

To improve partnership working, voluntary organisations called for better processes with local authorities. For example, where voluntary organisation practitioners have been working with people due to be released from prison, they have been told to not submit applications for assistance ahead of the 56-day period, even if the practitioner has the application ready to go. In addition, some organisations described difficulties in getting an acknowledgement of receipt of an application for support. This means voluntary sector practitioners do not know if the applications they submit are being processed, and what actual timescales within local authorities are like. Some said it was very demoralising for their staff to do all the work to prepare and send an application to a local authority and then not receive any response or acknowledgement, meaning they have to spend significant amounts of time following things up. Building on previous comments, organisations said transparency around local authority processes was an important part to better partnership working and helped to give people greater confidence in the system. Hence, Clinks reiterates its recommendation of exploration around legislative options to ensure that local authority services, processes, and timescales are transparent. Not only is this likely to improve efficiency, effectiveness, and the quality of service, it will also help to improve confidence in a system that can appear very opaque.

In addition, for people leaving prison, there are currently a number of different systems that provide them with housing related support, including local authorities and commissioned rehabilitative service providers. For instance, the timelines on which the support of these groups is provided does not currently align, with local authority duties being concerned with someone being at risk of homelessness within 56 days, and processes around referrals to commissioned rehabilitative service providers beginning 12 weeks prior to release from prison. Whilst acknowledging that a number of these issues are subject to control of the UK government, Clinks would encourage work with partners, including commissioned rehabilitative service providers and HM Prison and Probation Service, to explore how these various duties could be aligned.

Organisations had mixed responses around increasing the number of local authority staff in prisons. It was noted that there are already lots of different staff in prisons, and adding more staff may lead to a risk of duplication. Some also highlighted that where voluntary sector staff are already working with people to support accommodation assessments, the suggestion that local authority staff need to be present in prisons to do this may undermine the expertise of the voluntary sector practitioners.

In light of this, Clinks suggests that a mapping exercise is undertaken through a partnership between the Welsh Government, prisons, the probation service, the Department for Work and Pensions, local authorities, Police and Crime Commissioners, and the voluntary sector, to determine whether there are gaps that additional staffing could support with or existing areas of duplication, and to ensure that the expertise of all staff in partner organisations is being recognised and effectively utilised.

This should be coupled with a strategy to improve relationships and partnership working between prisons, the probation service, local authorities, and the voluntary sector. It should include setting out the duties and responsibilities of stakeholders at each stage of the support process. This strategy should recognise the expertise of the voluntary sector not only as a delivery partner, but also in assessing service user need, identifying emerging issues, and providing local knowledge. Such a strategy should also include meaningful involvement of service users with lived experience of the criminal justice system to ensure that new roles or processes that are put in place meet their needs, and also consider any challenges they might identify in their engagement with staff. As noted above, the voluntary sector is often trusted by many service users who otherwise struggle to engage with statutory services. This means voluntary organisations are often more likely to be able to support those service users in a meaningful way, and this should be considered as part of such a strategy.

## Targeted proposals to prevent homelessness for those disproportionately affected

*Question 15: What additional legislative or policy actions could be taken to prevent or relieve homelessness for the groups captured by this White Paper?*

Clinks welcomes the measures that have been set out to help address homelessness amongst people leaving prison. We heard that there are currently challenges where people moving frequently in and out of prison were required to make repeated new applications for help. Therefore, the proposals for people to not have their existing duty ended because of a custodial sentence or recall were welcomed.

As mentioned above, changes to the pre-release process for people leaving prison presents a key opportunity to improve accommodation outcomes for this cohort. As such, we welcome the plans for prevention activity to begin at the reception stage, and to change the point at which people meet the criteria for homelessness from 56 days before release to six months before release. The earlier that planning around accommodation needs can start for people in prison, the more likely an effective plan can be put in place. Starting this work earlier will also make it easier for multi-agency support to be put in place for people leaving prison. Clinks also welcome the measure for someone in prison to be considered homeless from an early release date, where a person is eligible for early release.

## Implementation

*Question 28: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:*

Whilst organisations Clinks spoke to broadly welcomed the measures set out in the White Paper, underlying all of the feedback was realism and recognition that the availability of appropriate housing is the fundamental barrier to meeting the needs of the people seeking accommodation support. There are a range of difficulties that prevent people in contact with the criminal justice system accessing accommodation in the private rented sector. Organisations noted that some landlords were leaving the sector as they were able to make more money on properties through short-term lettings, landlords becoming more cautious to rent to some people as it becomes more difficult to evict people from their houses, and a lack of housing supply.

Even where organisations welcomed efforts to assess people at risk of homelessness more quickly, and further ahead of time when accommodation issues are known about, concerns were raised that there would not necessarily be an appropriate place for someone to be housed. Some also highlighted specific challenges about the availability of Community Accommodation Service Tier 2 places (formerly Bail and Accommodation Support Services), and Community Accommodation Service Tier 3 places (places which provide up to 12 weeks temporary accommodation for people leaving prison who would otherwise be homeless).

As such, Clinks recommends the Welsh Government continues to take account of the specific accommodation challenges facing people in contact with the criminal justice system as the development and implementation of its proposals progress. This will help ensure this group are not inadvertently disadvantaged as a result of changes being made, and create more opportunities for developing systems and approaches that meet the accommodation needs of people in contact with the criminal justice system.

## Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

## Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

## Join Clinks: be heard, informed, and supported

### Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 500 members. Clinks membership offers you:

- A voice to influence change
- Practical assistance to be effective and resilient
- Support from a community of like-minded professionals.

Membership starts at just £80 per year and is free for organisations with little income.

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