



## Response to the Welsh Government's consultation on temporary exclusions from supported accommodation

28<sup>th</sup> April 2017

### Our vision

Everyone in Wales should have a decent and affordable home: it is the foundation for the health and well-being of people and communities.

### Mission

Shelter Cymru's mission is to improve people's lives through our advice and support services and through training, education and information work. Through our policy, research, campaigning and lobbying, we will help overcome the barriers that stand in the way of people in Wales having a decent affordable home.

### Values

- Be independent and not compromised in any aspect of our work with people in housing need.
- Work as equals with people in housing need, respect their needs, and help them to take control of their lives.
- Constructively challenge to ensure people are properly assisted and to improve good practice.

### Introduction

Shelter Cymru welcomes the opportunity to provide a response to this consultation. We have been closely involved in the development of the Renting Homes scheme since 2011 and were calling for tenancy reform for years prior to that.

Our responses to the questions in the consultation document are detailed below. As a general point, we would like to state our concern about the incompatibility with the proposed approach to temporary exclusions with other areas of Welsh Government policy, in particular the [long-term stated aim](#) of ending the need to sleep rough.

Rough sleeping has [increased significantly](#) in Wales in the last year, prompting widespread discussion about how we should be addressing this. There is a good level of consensus that the Housing First approach merits wider take-up.

Housing First is based on the principle that people need secure, stable housing as a necessary first step to rebuild their lives.

Facilitating accommodation providers to remove that stability, or place potentially quite narrow conditions on it, flies in the face of the Housing First ethos and thus may be viewed as a retrograde policy step.

Temporary exclusions – undermining people’s security, reinforcing their sense of rejection or abandonment – are the antithesis of Housing First, which is one reason why there are numerous providers in Wales that successfully operate non-exclusion policies.

We would argue that there has been a shift in service culture in Wales in the time since the Bill went through scrutiny – with growing awareness of the impact of Adverse Childhood Experiences and of a variety of evidence-based approaches that providers can take in order to engage with people who may have had difficult early lives and exhibit behaviours that could be characterised as challenging. There is certainly more awareness of practical alternatives to temporary exclusion, and this we argue would merit a second look at the legislation.

There is a strong ethos in the Renting Homes scheme of ‘levelling-up’ of rights. Our concern is that, having been sanctioned by the legislation, exclusions may become more common and lead to a ‘levelling-down’ of practice.

We would question the necessity of this provision when in fact the Supported Standard Contract won’t apply until contract-holders have had six months of living under a licence, during which landlords have plenty of time to get to know their tenant and, if necessary, apply to extend the licence. However, the consultation document was not very clear on this point and it may be that some accommodation providers don’t realise that they’ll have unlimited access to exclusion powers for the first six to nine months – which may affect how they respond to this consultation.

We hope that the Welsh Government is open to considering an amendment to the Act considering the very real challenges we have in tackling rough sleeping in Wales. In the meantime, we have a number of suggestions below on how to improve the draft guidance in order to help make existing good practice the norm and ensure that temporary exclusions won’t lead to people having to sleep on the streets.

## Questions on Part 2: Statutory Guidance on Temporary Exclusions

### Question 1: The Decision Maker

We welcome that the guidance addresses the seniority of the decision-maker. However we **do not agree** with the suggested level of seniority. What's important here is to ensure that whoever makes the decision was not involved in the incident itself, to avoid judgement being clouded by high emotion. In practice, this would best be achieved by reserving the decision-making power to posts at Director level or above. There are already some projects in Wales which require such decisions to be signed off at this level.

### Question 2: Preventing Homelessness

We **do not agree** with the proposed actions a landlord could take to avoid homelessness. There are a number of reasons for this.

- We are concerned that the behaviours in section 145, in particular the third point – *'behaving in the dwelling in a way which seriously impedes the ability of another resident of supported accommodation provided by the landlord to benefit from the support provided in connection with that accommodation'* – could be interpreted quite widely, to include a range of behaviours deemed uncooperative or even just time-consuming for support staff. We would strongly argue that the guidance needs to give landlords a steer on interpretation of this part of the Act. Guidance could provide examples of what would and would not constitute serious enough behaviour to warrant exclusion, with its inherent risk to the individual and wider community. The aim must be to ensure that providers are not using powers as a *punishment*, but only to ensure *safety*.
- We welcome that there is guidance for accommodation providers on establishing exclusion policies. We feel that there is potential to strengthen this further. Firstly, we would recommend that the guidance states that services *cannot* use exclusion powers unless they have an exclusions policy in place that describes how they will avoid causing street homelessness via their use of these powers. Secondly, we would argue that planning also needs to take place at local authority level. Supporting People teams have an important role in coordinating an authority-wide approach to minimising exclusions, including oversight of reciprocal arrangements and use of spare capacity. Supporting People teams should be making use of exclusions monitoring data when commissioning services.
- We welcome that the guidance mentions referral arrangements with local Housing Options/Solutions services. However, we would argue that these need to be strengthened. People being excluded need greater support to access emergency accommodation than the guidance currently describes. Providing written information is unlikely to be useful for people who may have limited literacy, or mental health

conditions. Landlords should alert Housing Options/Solutions that the individual has been excluded and will require emergency accommodation. The landlord also has a responsibility to ensure that the individual can physically reach the emergency accommodation, which may involve providing transport or the cost of transport.

- The guidance is an important opportunity to raise awareness about existing good practice. The fact is, it is quite possible for all supported accommodation providers to operate non-exclusion policies, but the current wording seems to excuse sub-optimal practice: *'there may be instances where it is not possible to arrange for the contract-holder to be temporarily accommodated for the exclusion period. In such instances, the contract-holder may end up being street homeless during the exclusion period'*. It would be highly beneficial for the guidance to signpost good practice, describing in a detailed way the strategies employed to avoid exclusions. One example is provided below: the George Street project run by Solas, which was [recently visited](#) and praised by the Cabinet Secretary for Communities and Children.

#### **Good practice example: George Street (Solas)**

The [George Street](#) project run by Solas in Newport accommodates highly vulnerable young people aged 16+, the majority of whom are looked after children. Many have experienced significant trauma brought on by abuse and neglect in their early years, and may display a range of complex behaviours. Residents with complex needs are not excluded from any of the activities at George Street. The project also employs a no eviction policy due to the enhanced training staff have received and their use of the concept of '[Elastic Tolerance](#)'.

### Question 3: Lessons learned review

We welcome the requirement to hold a 'lessons learned' review. While we **do agree** with the procedure, we would also recommend that a local authority representative, of suitable seniority, is present at the review meeting.

In terms of advocacy, Shelter Cymru's ability to be present at meetings may depend on staff capacity. If requests for advocacy become too numerous this may become an issue for us, and more resources might be required. We'd recommend that the guidance also refers to the possibility of any support workers not connected with the accommodation to be present to support the contract-holder.

Finally, we would recommend that the statistical return should be carried out on a quarterly basis rather than annual for at least the first year, to keep track of impacts and be able to put any necessary measures in place quickly.

## Question 4: Lessons Learned Review Form

While we agree that the lessons learned review form captures much useful data, we **do not agree** that it is fit for purpose, as it doesn't sufficiently prompt questions about:

- the measures taken to avoid street homelessness, and
- the impact of the exclusion on the individual and wider community.

We would suggest adding in further fields to incorporate the above two points.

The draft guidance states that a copy of the form should be provided to the local authorities' Supporting People and Housing Options/Solutions teams. However there is no mention of the form being provided to the contract-holder, which we would strongly recommend should be the case.

For more information please contact Jennie Bibbings, Campaigns Manager

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