Homelessness Prevention: Reflecting on a Year of Pioneering Welsh Legislation in Practice

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Abstract_ *Homelessness prevention has become the dominant policy paradigm for homelessness services across the developed world. However, services have emerged in a piecemeal and selective manner, often restricted to particular towns and cities, with no requirement on local authorities to intervene. Wales is the first country where the government has sought to fully reorient services towards prevention and to make services universally available. At the heart of the Welsh approach is a pioneering legal duty on local authorities to help prevent and relieve homelessness. This paper draws upon administrative data and interviews with both service providers and service users to examine the first year of implementation under the new system. The paper finds services have been successfully reoriented towards prevention, creating a more supportive environment, reducing the number of people in temporary accommodation and decreasing the number who remain homeless after seeking help. However, outcomes are less favourable for single people and variations in service outcomes persist across Welsh local authorities. The paper concludes that whilst a legal right to homelessness prevention assistance is an effective driver of change, without attention to implementation and the quality of services being offered, legislation cannot realise its full potential impact.*

Keywords_ *Homelessness, housing rights, housing law, prevention, rapid re-housing, Wales*

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Introduction

In 2015, the Welsh Government introduced pioneering legislation which places a duty on local authorities to try and prevent or relieve homelessness for everyone who seeks housing assistance and is either homeless or at risk of homelessness. In no other country does a similar universal 'prevention duty' exist. However, innovations in Wales have not emerged in isolation, they are part of a wider international turn towards more prevention-focused homelessness policies (Culhane *et al.,* 2011; Parsell and Marston, 2012; Mackie, 2015; Byrne *et al.,* 2016; Szeintuch, 2016). As Mackie (2015, p.41) states, 'There has been a paradigm shift in homelessness policy-making in the developed world: we have entered an era of homelessness prevention.'

Homelessness prevention is now prominent in national homelessness strategies of many EU countries (Denmark, Finland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Sweden, UK) and Anglosphere countries outside of the EU (Australia, USA) (Edgar, 2009; Busch-Geertsema *et al*., 2010; Gosme, 2015). These strategies, and the new Welsh legislation, focus mostly on secondary forms of prevention[1], which centre on people who are either at high risk of homelessness in the near future or who have very recently become homeless. Consequently, across Europe, the US and Australia, there is widespread delivery of prevention services such as emergency rent, security deposits, help with move-in costs, mortgage and utility assistance, tenant/landlord mediation, education and job-training (Busch-Geertsema and Fitzpatrick, 2008; Montgomery *et al*., 2013; Mackie, 2015; Byrne *et al*., 2016; Szeintuch, 2016). The aim of this paper is to situate recent Welsh developments in the wider international context, identifying distinctive components of the legislation, before examining the first year of implementation. Ultimately, the goal of this paper is to reflect on experiences in Wales in order to inform approaches towards homelessness prevention and relief in other national contexts.

Situating Welsh Homelessness Prevention Policy in an International Context

After more than a decade of innovation and policy development within the homelessness prevention paradigm, we have learnt a lot about the characteristics of effective prevention services but also the main challenges faced in implementing the prevention agenda. A comprehensive review of homelessness in the European Union published by the European Commission (2013) points towards three main

[1] For a detailed discussion of primary, secondary and tertiary conceptualisations of prevention, see Culhane *et al*. (2011), Parsell and Marston (2012), Montgomery *et al*. (2013), Mackie (2015) and Szeintuch (2016)

characteristics of effective prevention services. Firstly, effective services are *timely*. For example, across Europe there are many examples where public and private landlords are required to notify authorities when rent payment problems arise (Amsterdam, Sweden) or when an eviction procedure is initiated (Vienna) (European Commission, 2013). Secondly, services are *individualised*, rather than offering a generic solution. Thirdly, services are *persistent* in their endeavours to make and retain contact with people facing homelessness. For example, in Austria letters are repeatedly sent to tenants in financial difficulty and home visits are offered, resulting in markedly improved contact rates (European Commission, 2013).

A review of key homelessness literature points towards four main challenges in the implementation of the prevention agenda. Firstly, despite the increased policy priority, systems have still not been fully reoriented towards homelessness prevention, with most spending still focused on temporary accommodation (Kenna *et al*., 2016; Pleace and Culhane, 2016). For example, in England spending on temporary accommodation in 2012 was approximately £100m, whilst £70m was spent on homelessness prevention (Department of Communities and Local Government (DCLG), 2012). Secondly, even in countries with extensive prevention services, there tends to be geographical variation in the support availability (Cloke and Milbourne, 2006; Kenna *et al*., 2016). For example, Mackie (2014) found that access to homelessness prevention services in Wales, prior to the legislative changes, resembled a lottery. Busch-Geertsema *et al*. (2010, p.43) suggest that central and regional governments have a key role to play in ensuring a 'geographical balance of provision and a certain (minimum) standard' and this is especially the case in countries with strong federal structures and a greater propensity for variation (Austria, Belgium, Canada, Germany, Spain, USA).

The third challenge is selectivity (Burt *et al*., 2005; Burt *et al.*, 2007; Moses *et al*., 2007; Pawson, 2007; Busch-Geertsema and Fitzpatrick, 2008; European Commission, 2013). Mackie (2015) concluded that services tend to exclude for two reasons. Firstly, the individual is perceived to be capable of finding their own solution. This selective approach is particularly common in the USA (Theodos *et al*., 2012; Byrne *et al*., 2016; Greer *et al*., 2016; Szeintuch, 2016) and results in a situation where households with support needs will go unaided, and yet a small amount of targeted assistance may have been highly beneficial. Secondly, prevention services often exclude those with very high support needs. For example, some Swedish services will not work with people who refuse to abstain from drugs and alcohol (Sahlin, 2005; Busch-Geertsema *et al*., 2010). The final challenge is a lack of any requirement to deliver homelessness prevention services. In its review of homelessness in the European Union, the EU Commission (2013, p.17) succinctly summarised this concern, 'While some form of basic service access is usually available to homeless people in Member States, it is not always guaranteed.'

These key challenges are being grappled with across Europe, the USA and Australia. The new Welsh legislation seeks to address many of these challenges, whilst also incorporating key service characteristics known to lead to effective homelessness prevention. In the following section we describe the evolution of the new approach, setting it in the context of what existed previously in Wales and across the UK.

Homelessness Prevention Policy Development in the UK

Since the commencement of the Housing (Homeless Persons) Act 1977, homelessness policy in the UK has been underpinned by legislation entitling homeless people to settled accommodation[2]. Fitzpatrick and Pawson (2016, p.545) state 'there is no other country where homeless people have a legal entitlement to settled housing that is routinely enforced by the courts.' Until the early 2000s, approaches across the four UK nations (England, Northern Ireland, Scotland and Wales) remained very similar. The legislation adopted a broad definition of homelessness, including literally homeless households and also those who have accommodation but it is not reasonable for them to remain. Additionally, the definition extended to those who were likely to become homeless within 28 days (threatened with homelessness). If a household was homeless they would approach the local authority for help. The local authority would then be under a duty to provide temporary accommodation until settled accommodation was secured. However, this duty was only owed where people were eligible for government-funded assistance, they did not become homeless intentionally (i.e. the person deliberately did or failed to do something that resulted in the loss of accommodation), and they were judged to be in priority need. A household is in priority need if it contains dependent children, a pregnant woman or a vulnerable adult. For those people not owed accommodation by the local authority, generally single people, no meaningful help had to be provided. Significantly, households had the ability to challenge the local authority's decision through the courts.

Since the start of devolution in 1999, whereby powers were transferred from the UK Government to parliament in Scotland and National Assemblies in Wales and Northern Ireland, approaches towards homelessness policy have diverged. In the early 2000s, homelessness prevention and rapid re-housing services emerged alongside the statutory system in England and Wales (Mackie, 2015; Fitzpatrick and Pawson, 2016). Prevention services were pursued through the 'housing options' model, which Wilcox and Fitzpatrick (2010, p.42) describe:

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2 See Wilcox and Fitzpatrick (2010) or Fitzpatrick and Pleace (2012) for a detailed discussion of the UK legislative framework.

> Under this preventative model, households approaching a local authority for assistance with housing are given a formal interview offering advice on all of their 'housing options'. This may include being directed to services such as family mediation or rent deposit guarantee schemes that are designed to prevent the need to make a statutory homelessness application.

In Scotland, a different pattern emerged. The turn of the century saw legislative change that committed to the abolition of the priority need test by 2012; essentially entitling all homeless households to settled accommodation. Rising numbers of homeless households were accommodated until around 2006 when it became clear that the highly progressive 2012 commitment could not be met without embracing homelessness prevention. Hence, Scottish Government also encouraged prevention and rapid rehousing services to be developed alongside the extensive statutory safety net.

Developments in homelessness prevention across the UK suffered all the key challenges documented across Europe and elsewhere: services were not fully reoriented towards prevention (Pleace and Culhane, 2016); there was geographical variation in the availability of support (Cloke and Milbourne, 2006; Mackie, 2014), provision of services was selective (Mackie, 2015), and there was a lack of any clear duty to take steps to prevent homelessness – prevention services sat outside of the legislative framework (Mackie, 2015). In response to these challenges, Welsh Government re-examined its homelessness legislation. It commissioned a review which published five reports (Mackie and Hoffman, 2011; Fitzpatrick *et al*., 2012; Mackie *et al*., 2012a; Mackie *et al*., 2012b; Mackie *et al*., 2012c) and the recommendations formed the basis of the pioneering changes introduced in the Housing (Wales) Act 2014.

An Overview of the Welsh Homelessness Legislation

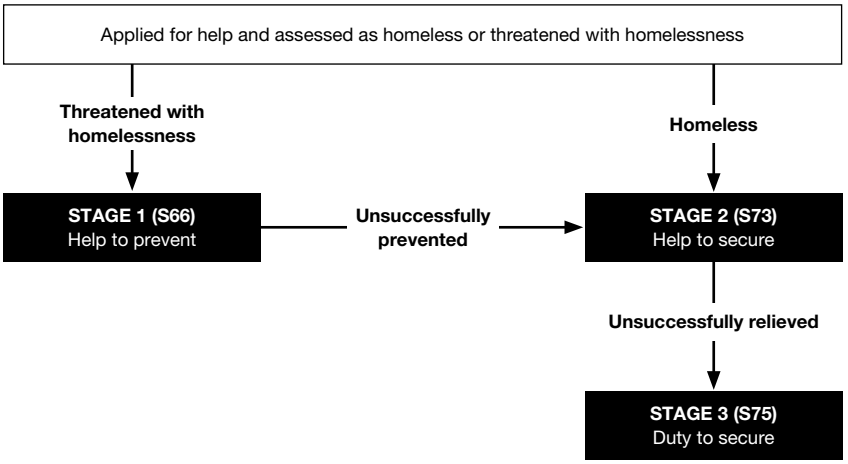
The Housing (Wales) Act 2014 attempts to prioritise homelessness prevention, reorienting the focus of services (and funding[3]). Most notably, the act is based on a firm belief by Welsh Government that 'everyone can have access to the help that they need, to secure a home.' (Welsh Assembly Government, 2009, p.26), hence access to prevention services is a universal right, with all local authorities required to take steps to help. By bringing prevention services into the statutory framework, for the first time people will be able to challenge the local authority

3 Funding was made available to local authorities to enable them to transition their services into the new model. In 2015-16 the total fund was £5.6 million, reducing to £3 million in 2016-17.

for failing to take steps to help prevent homelessness. The new legislation, like the previous legislation, is complex and we set out to describe its key components in the remainder of this section[4].

Figure 1 illustrates the Welsh homelessness legislation process. To access help, a person must apply at their local authority and if they are eligible for public funds and they are either homeless or threatened with homelessness, the local authority has a duty to help. There are three main stages/duties[5], with people entering the system at either the first or second stage depending on whether or not they are already homeless. We will explore each stage/duty in turn.

Figure 1. Welsh Homelessness Legislation Process Under the Housing (Wales) Act 2014



If a person is threatened with homelessness when they seek help, they enter the system at *Stage 1* (Section 66 – help to prevent). The local authority must help prevent the person from becoming homeless. Statutory guidance specifies the minimum set of interventions that local authorities ought to have in place (Table 1) and local authorities are expected to consider the most appropriate intervention(s) for each person. The duty ends in three main ways: homelessness is prevented (accommodation is available for at least 6 months), the household becomes homeless, or some 'other'

4 This description of the Welsh legislation is a simplification of an exceptionally complex legal framework. For full details, the Housing (Wales) Act 2014 and accompanying statutory guidance should be consulted.

5 Welsh Government does not refer to 'stages' in the legislation nor published statistics, however we have interpreted these as stages and we find it an effective mechanism for communicating a very complex system.

reason (either an offer is refused or they fail to cooperate). Notably, the legislation sets rights alongside responsibilities. Individuals must cooperate with the local authority, which in practice means also taking action to secure their own solution. Statutory guidance recommends that personal housing plans are devised with each household, identifying the key steps that both the local authority and the household will take. This is a significant departure from previous legislation.

Where homelessness cannot be prevented at Stage 1, or a person applies for assistance and they are already homeless, they enter *Stage 2* (Section 73 – help to secure) where local authorities must help to secure accommodation. This does not mean local authorities are required to provide accommodation, rather they have 56 days to take steps to help, again drawing from the minimum set of interventions identified in Table 1. Local authorities must assist all households. The duty again ends in three main ways: homelessness is relieved (accommodation is available for at least 6 months), homelessness is unsuccessfully relieved (having taken steps to help, no solution is found within 56 days), or some 'other' reason (either an offer is refused or they fail to cooperate).

Table 1. Interventions That Local Authorities in Wales Ought to Have in Place to Prevent and Relieve Homelessness

Accommodation-based • Options to facilitate access to the Private Rented Sector (PRS) • Arranging accommodation with relatives and friends • Access to supported housing • Crisis intervention – securing accommodation immediately	**Specific population groups** • Welfare services for armed forces personnel/ veterans • Options for the accommodation of vulnerable people • Action to support disabled applicants • Working in prisons prior to release • Domestic abuse services
Advice • Housing Options Advisors • Specialist advice on benefits and debts • Independent housing advice • Employment and training advice	**Support** • Mediation and conciliation • Intensive Family Support Teams • Housing/Tenancy support • Action to resolve anti-social behaviour
Joint working • Joint working between Local Authorities and RSLs • Joint approaches with services such as Social Care and Health	**Financial** • Financial payments • Action to intervene with mortgage arrears

Source: Adapted from Welsh Government Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness

Homeless households can only enter *Stage 3* (Section 75 – duty to secure) if steps at Stage 2 were unsuccessful. The Stage 3 duty largely replicates the previous system, placing an absolute duty on local authorities to secure accommodation

only for people deemed to be in priority need and unintentionally homeless. If a household is likely to be in priority need at Stage 3 they are also entitled to interim accommodation. Where this final duty is owed, there are two main ways in which the duty ends: the household is successfully accommodated or some 'other' reason (e.g. an offer is refused).

Methodology

This paper is based on a mixed methodological study incorporating an analysis of annual homelessness statistics returned by all 22 local authorities to Welsh Government, in-depth interviews with 50 people who have used homelessness services since the commencement of the new legislation, and interviews with 11 key individuals from local authorities and third sector organisations. In this brief section we summarise our approach in relation to each of these methods.

Local authorities are required to collect data on all households who apply for homelessness assistance. This data is returned in aggregated form to Welsh Government and we have drawn upon the first annual returns (April 2015 – March 2016) to inform our review[6]. Data shows the reasons why people are homeless, the types of assistance offered, levels of temporary accommodation use, and outcomes under each stage of the legislation, disaggregated by age, gender and household type. Our analysis options were limited given the data is returned in aggregated form, hence only descriptive statistics and basic QGIS maps have been produced[7].

In order to elicit an informed and balanced set of perspectives on the implementation of the new legislation, in-depth interviews were conducted with two types of informant between April and July 2016. First, we sought the views of 50 homeless people who had approached local authorities for assistance since the commencement of the new legislation. A purposive sample was pursued in order to ensure a wide range of experiences were captured according to gender, age and household type (Table 2). Participants were recruited face-to-face by researchers situated in local authority housing advice offices (28 people), by telephone following referral from local authorities (9 people), and face-to-face in hostels (13 people). Interviews

6 Although the homelessness statistics were designated as National Statistics (an indicator of quality and reliability) under the previous legislation, concerns over data quality and reliability resulted in a temporary de-designation of the 2015-16 statistics by the UK Statistics Authority. Welsh Government (2016) states it is confident that quality issues will be resolved and re-designation should be achieved by 2016-17.

7 Analysis in this paper is based on data from the Statistical First Release for homelessness statistics in Wales (Welsh Government, 2016) and data available from the Welsh Government's online statistical resource StatsWales.

explored people's individual experiences of seeking assistance and their perspectives on the help provided. Service providers were the second type of informant, including local authority homelessness service managers and operational managers at key voluntary sector organisations. Together they hold an excellent overarching awareness of the impacts of the new legislation on service provision at local authority level. In total, six local authority homelessness service managers and five voluntary sector organisation managers were interviewed. The interviewees were recruited from across 9 of the 22 Welsh local authorities to reflect a mix of urban/rural, northern/southern and large/small (population size) authorities. Interviews lasted between 0.5 and two hours and were conducted either by telephone or face-to-face. All interviews were transcribed and thematically analysed.

There are limitations to the research methodology which ought to be recognised. Firstly, the administrative data collected by local authorities is under review by Welsh Government because some inconsistencies were identified in local recording practices. Secondly, whilst every effort has been made to sample interviewees from a broad range of local authorities and across a range of household types, a larger study which includes interviews in all local authorities would potentially lead to more representative findings.

Table 2. Demographic Characteristics of Interviewees Who Had Used Homelessness Services

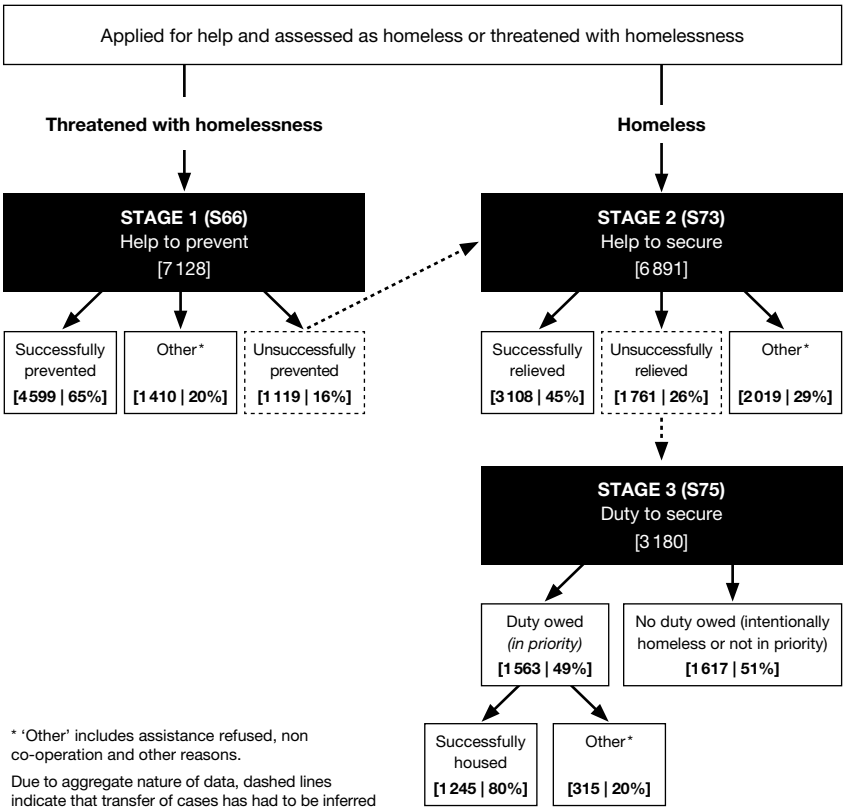
Demographic characteristic		Number of interviewees
Gender	Women	24
	Men	26
Age	16-24	10
	25-34	18
	35-44	14
	45-64	8
Household type	Single households	24
	Couple no children	1
	Single parents	18
	Couple with children	7

Reorienting Assistance Towards Homelessness Prevention

In this section we consider the extent to which the Welsh homelessness legislation has been successful in integrating and prioritising the prevention of homelessness. Figure 2 provides a more detailed illustration of the Welsh homelessness legislation process, including statistics on outcomes at each of the three stages between April 2015 and March 2016. It shows 7,128 households were given help to prevent their homelessness and in 65% of cases this was successful. A similar number of households (6,891) were given help to relieve their homelessness but the success rate

with these households was far lower (45%), a pattern that might have been anticipated given that in prevention cases the additional option of remaining in current accommodation can be pursued. The trends observed in Figure 2 certainly suggest Welsh local authorities are prioritising the prevention of homelessness, with most cases dealt with at this stage. However, there is an opportunity to ensure more households seek help earlier, therefore reducing the number of cases at the relief stage, where success rates are lower.

Figure 2. Welsh Homelessness Legislation Process, Including Outcome Data for Stages One (Help to Prevent), Two (Help to Secure) and Three (Duty to Secure), 2015-16



Notably, 20% of households at the prevention stage either refused assistance or failed to co-operate and this proportion increases to 29% at the relief stage. These figures have raised some concerns amongst third sector organisations. It might reasonably be assumed that an offer refusal is not overly problematic because the

person is likely to have access to alternative accommodation. By contrast, we know far less about housing outcomes of those who fail to cooperate. The legislation prohibits ending the duty if a failure to cooperate results from an unmet support need and yet several third sector interviewees were concerned this was the case in some instances. Also, interviews with homeless people showed a mixed awareness of the possibility that assistance could end if they failed to cooperate. It seems the co-operation duty is possibly being used unlawfully. It will be important to develop a better understanding of the impacts of the new 'responsibilities' enshrined within the Welsh legislation and that appear to affect so many – do those who fail to cooperate go on to resolve their own housing issues or does their homelessness become more entrenched? Only with this information will it be possible for Welsh Government to effectively determine whether the duty to cooperate is a desirable component of the new legislation.

At the third stage of the legislative process[8], approximately half of the households were judged to be in priority need and the majority of these (80%) were successfully accommodated. Perhaps the most significant statistic in Figure 2 is the 1 617 households (51% of all households at Stage 3) who are not in priority need and are therefore known to remain homeless at the end of the process. Whilst this is a significant number of households who remain homeless, it is 59% lower than in 2013/14 under the previous legislation, therefore providing further evidence of a positive shift towards prevention.

It was anticipated that under the new legislative framework, if homelessness prevention and rapid re-housing interventions increased and were prioritised, there would be a reduction in the number of households accommodated in expensive and often undesirable temporary accommodation. Temporary accommodation statistics are reported on a quarterly basis and they confirm expectations, showing an 18% reduction from 2 295 households accommodated during the final quarter of 2013/14 to 1 875 households accommodated in the same quarter in 2015/16. These statistical trends were corroborated by local authority key informants who suggested they now have empty properties that were previously used for temporary accommodation purposes:

> We will be handing back a number of properties at the end of April due to voids and the trend will hopefully continue. It is obviously early days. Who knows what will happen? (Local authority homelessness service manager, April 2016)

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8 The total households assisted at Stage 3 (3 180) is greater than the total number of households entering from Stage 2 because the new legislation commenced on 27th April 2015, which is three weeks into the first quarter of 2015/16. Hence, some households were assisted under the previous legislation, therefore entering immediately at Stage 3.

Whilst there has been a reduction in temporary accommodation use, there are two important caveats to this apparent success. Firstly, the removal of priority need status for prison leavers[9] is likely to have made a significant contribution to this reduction, given that they previously constituted 17% of all households owed a temporary accommodation duty. A second concern, raised by homeless people and by several third sector agencies, is the lack of entitlement to emergency accommodation, such as floor space, for most single homeless people. A duty to provide temporary accommodation to all households would be expensive but its absence means single homeless people continue to be roofless whilst steps are taken to relieve homelessness under the new legislation. Moreover, a duty to provide emergency accommodation exists in places as diverse as Denmark, Germany, New York, and Scotland.

The new Welsh legislation appears to have been successful in reorienting services towards homelessness prevention and it also seems to have driven a change in service ethos. Mackie (2014, pp.26-27) hypothesised that the new approach would lead to 'a vast cultural shift' and it seems this change has, at least to some extent, taken place. Interviews with people who have sought help under the new legislation and interviews with service managers repeatedly highlighted the supportive and caring nature of the assistance being provided – a pattern which contrasts markedly with experiences under the previous system in Wales and across the UK (Dobie *et al*., 2014; Mackie with Thomas, 2014). The comment by a single male who had accessed services under the previous legislation, and then more recently under the new legislation, rather bluntly but effectively summarises the dominant perception of most service users:

> This time round it has been totally different. Before I would have had to take my sleeping bag and my flask because you would be there for the duration of the day. The staff would have faces down to their asses, in and out of rooms moaning, you know. This time, totally different. They speak to you on a personal level, a better basis. They get you. (Homeless male, aged 35-39, July 2016)

Whilst people accessing services were overwhelmingly positive about the way they were treated, this section concludes on a cautionary message emerging from several interviewees. There are some concerns that the initial support interview,

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9 When the Housing (Wales) Act 2014 was introduced, Welsh Government also took the decision to remove the priority need status previously afforded to homeless prison leavers. Only with priority need status is there an entitlement to temporary accommodation.

although not unfriendly, felt a little divorced and bureaucratic and one homelessness service manager made a similar claim about the broader bureaucratic requirements of the legislation[10]:

> It has become very bureaucratic and paperwork heavy – that's the major thing we are finding. We spend more time keeping paperwork up to date than doing things to help people…. I'm dealing with a lot more paper work and not finding solutions. (Local authority homelessness service manager, April 2016)

Actions to Prevent and Relieve Homelessness

Welsh Government requires local authorities to consider the most appropriate interventions for each individual, allowing people who access services to have a say in the solutions they pursue. In this section we consider the extent to which assistance has been individualised, moving away from the 'rigid, inflexible system' which existed previously (Mackie, 2014, p.8). The majority of local authority homelessness service managers claimed to be implementing some form of personal housing plan, whereby people seeking assistance are involved in determining what help is provided but also reaching an agreement on the actions they should take themselves. Interviews with those accessing homelessness services support the claim that personal housing plans are being implemented, however the plans tend to be seen as bureaucratic records of the actions individuals should take, rather than an opportunity to express any significant choice. Furthermore, there seems to be limited communication between local authorities and those they are assisting after the initial housing plan has been developed:

> I've had one call since the initial interview about a month and a half ago… just asking what's my current situation? I told them that I'm still couch surfing and that's going to finish next week… I've no idea what the council's doing. (Homeless male, aged 25-29, July 2016)

Whilst there are clearly concerns about local authorities failing to communicate the actions they are taking, this does not equate to local authority inaction. Table 3 provides a summary of the many actions local authorities took in successful prevention and relief cases during 2015/16 and it demonstrates the dominance of three main solutions: securing accommodation in the (Private Rented Sector) PRS (39%), the social rented sector (30%), and in supported accommodation (12%). The

10 Respondents in this study did not comment on additional issues relating to the reorientation of services towards prevention (e.g. staff training and guidance, staff turnover, changing job roles, etc.), however this may reflect the focus of the research on implementation and experiences of services, rather than the change management process. A study of change management processes would be a particularly useful area for future investigation.

relatively low number of cases resolved using other mechanisms such as mediation and conciliation (2%) would suggest that a fairly standard and limited set of options are being pursed with individuals, implying that the full range of mechanisms local authorities ought to have are not being utilised. A caveat to these findings is that many of the actions in Table 3 are not mutually exclusive and it is likely that local authorities have opted to record actions in relation to the tenure (e.g. PRS with landlord incentive scheme), rather than record 'resolving rent or service charge arears' or 'financial payments', for example.

Table 3. Actions Taken to Prevent/Relieve Homelessness for Successful Cases, 2015/16

	Homelessness Prevented	Homelessness Relieved	Total	Percent
Private rented sector (PRS) accommodation	1959	1077	3036	39
PRS without landlord incentive scheme	*903*	*498*	*1401*	*18*
PRS with landlord incentive scheme	*819*	*579*	*1398*	*18*
Negotiation or legal advocacy	*237*	*n/a*	*237*	*3*
Social rented accommodation	*1353*	*939*	2292	30
Supported accommodation	273	624	897	12
Accommodated with friends/relatives or return home	156	240	396	5
Mediation and conciliation	171	n/a	171	2
Resolving housing and welfare benefit problems	153	n/a	153	2
Resolving rent or service charge arrears	129	n/a	129	2
Financial payments	96	n/a	96	1
Debt and financial advice	72	n/a	72	1
Homeownership*	21	3	24	0
Measure to prevent domestic abuse	9	n/a	9	0
Other assistance or support	207	225	432	6
Total	4599	3108	7707	100

*Includes mortgage arrears intervention, mortgage rescue, low cost ownership scheme

Source: Adapted from Welsh Government statistics

Qualitative evidence supports the statistics presented in Table 3, emphasising to an even greater degree, the role of the PRS as the main option considered by homelessness services. It is worth noting that security within the private rented sector in Wales is weak when compared to most other European countries (e.g. Austria, Belgium, Denmark, Germany, Sweden), with typical lease terms normally limited to six months, a two-month landlord notice period, and an ability to evict without the need to declare any specific reasons (Scanlon, 2011). Almost all of the 50 homeless interviewees had at least been asked to consider the PRS as a solution, with most initially being provided with a list of local landlords and being expected to make contact themselves. Concerns were raised by several inter-

viewees that the list of local landlords was not up-to-date, with several landlords unwilling to accommodate people in receipt of housing benefit. Whereas the provision of a list of landlords might have been the limit of assistance for single people under the previous legislation (Mackie, 2014), the key difference under the new approach is the offer of financial support when a property is found, usually in the form of a bond and rent in advance. This additional financial assistance seems to be key to opening up access to the PRS, although some local authority service managers also observed that the flow of money from local authorities to private landlords led to unintended consequences, with landlords and letting agents increasing their fees. Assistance in the PRS is not limited to financial help; for a smaller proportion of households, local authorities are clearly taking steps themselves to find and secure PRS accommodation:

> A member of [the specialist PRS Officer's] team sent me an appointment. I went to that appointment and the same day, not even half an hour [after the appointment], I had a phone call from that team saying that they've got me a place. (Homeless female, aged 25-34, July 2016)

The quantitative data and interviews with people accessing services appear to suggest a relatively formulaic prevention and rapid re-housing response is emerging which focuses on attempting to secure PRS accommodation with financial assistance. This falls significantly short of the flexible and individualised response that the legislation sought to encourage. However, many local authority homelessness service managers enthusiastically discussed the ways in which new funds for homelessness prevention and relief had enabled them to develop and introduce services such as mediation, shared accommodation, and welfare advice officers. It is possible some of these services are still being embedded.

Effective Assistance for All? Examining the Heterogeneity of Service Experiences

The main driver behind the legislative changes in Wales was a desire to move away from an all-or-nothing approach and ensure everyone has access to the help they need, wherever they seek help. This penultimate section investigates the extent to which the new approach is effectively assisting all people equally. We examine divergences according to geography and population demographics.

A geography of homelessness services

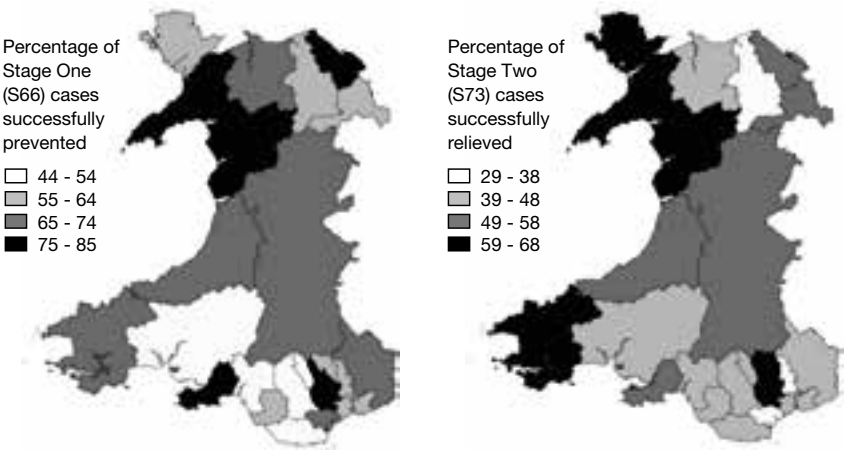
Figure 3 maps the success rates of local authorities in preventing and relieving homelessness. It shows significant variation between the 22 Welsh local authorities, with homelessness prevention (Stage 1) rates ranging from 44% to 85% and homelessness relief (Stage 2) rates ranging from 29% to 64%. These variations mean experiences of homeless people will differ dependent on the local authority where they seek help. Perhaps variation is to be expected given the flexible nature of the solutions local authorities can pursue and the encouragement given to local authorities to innovate, however it was anticipated that the baseline, above which any variation would exist, might be greater than evidenced in Figures 3 (Mackie, 2014). Our study provides no clear explanation for the different success rates in each local authority.

A second concern relating to geographical variations emerged in interviews with local authority homelessness service managers and people who had accessed services. Local connection criteria are being used in some areas to restrict access to homelessness prevention and relief services, particularly for single person households. In keeping with a broad principal of universal access, the legislation gives no grounds for local authorities to exclude people on this basis[11]. In one local authority a blanket policy exists, as illustrated by the quotation below. It seems some authorities may be unlawfully excluding individuals from support they are entitled to and yet this has not been challenged in the courts. Until such actions are challenged, or Welsh Government intervenes, these practices are likely to persist:

> People with no local connection who are homeless will not get any hostel accommodation… they also don't get any assistance with bonds or rent in advance. (Local authority homelessness service manager, April 2016)

11 A person can only be referred to another local authority at Stage 2 (help to secure) if that person will be in priority need at Stage 3. The receiving local authority then has a duty to help.

Figure 3. Homelessness Prevention and Relief Success Rates by Local Authority, 2015/16



Stage One (S66)
Help to prevent

Stage Two (S73)
Help to secure

Source: Adapted from analysis in Welsh Assembly Government (2016)

Service experiences and demographic differences

We examine service experiences according to the main demographic characteristics recorded in the Welsh Government homelessness statistics, including household type, age and gender[12]. In addition, in-depth interviews identified homeless prison leavers as a population subgroup facing a very particular set of challenges when help is sought, hence their experiences are also explored.

Previously, single people were owed no meaningful assistance in Wales, whereas under the new legislation single people constitute 44% of all prevention cases and 68% of all relief cases (Table 4). However, Table 4 highlights two prominent differences in the outcomes faced by single people when compared to other types of household (mostly families). Firstly, assistance to prevent homelessness (Stage 1) is less likely to be successful for single people (58% vs. 70%) and yet there is only a marginal difference in outcomes of efforts to relieve homelessness at Stage 2 (43% vs. 49%). One explanation for this difference is that single people are more likely to seek help to prevent homelessness because parents, other relatives or friends are no longer willing or able to accommodate them (32% vs 18%), whilst other household types are far more likely to seek help due to loss of rented or tied

[12] Whilst ethnicity is also reported to Welsh Government, the number of non-white households is too low for any meaningful comparison.

accommodation (42% vs 26%)[13]. We have already established that the majority of interventions focus on securing access to the PRS, rather than mediation or conciliation, a trend which has potentially disadvantaged single homeless people at the prevention stage given their reasons for seeking help. At the relief stage, the reasons for seeking assistance are more similar between household types and this may explain the relatively similar outcomes. The second difference is that single people are much less likely to be found a successful outcome at Stage 3 (26% vs 66%) – a pattern that is inevitable given the lack of priority need status given to single people at the third stage.

Table 4. Outcomes of Homelessness Assistance Provided Under the Housing (Wales) Act 2014 by Household Type, 2015/16

	Stage One		Stage Two		Stage Three	
	Help to prevent		Help to secure		Duty to secure	
	Single	Other	Single	Other	Single	Other
Successful	58	70	43	49	26	66
Unsuccessful / non priority need*	19	13	30	28	64	23
Other**	23	17	27	23	10	10
Total outcomes (Row percent)	44	56	68	32	67	33

*Non priority need applies to Stage 3 only

**Includes assistance refused, non co-operation and other reasons

Source: Welsh Government statistics

The only significant difference in the outcomes of services in relation to age, is the higher percentage of successful outcomes for 16-17 year olds at all stages (Table 5). This is almost certainly because of the unique legal standing of homeless 16-17 year olds, who are also protected under separate Social Care legislation[14]. These children are first and foremost entitled to social care assistance, which is why so few 16-17 year olds make a homelessness application (no more than 4% of all cases). Where an application is made, social care services are likely to continue to offer support, leading to better outcomes, and at the third stage of the homelessness system they are considered to be in priority need.

The experiences of men and women are extremely similar at the prevention (Stage 1) and relief (Stage 2) stages of the system (Table 6) and it is only at the final stage, when priority need is assessed, that women experience much more successful outcomes (62% vs 23%). The gender difference at this stage reflects the role of

13 To aid the narrative of the paper and to avoid unnecessarily burdening the paper with descriptive tables, we have not included a table representing reasons for seeking prevention assistance by household type. However, this data is reported by Welsh Government in their annual homelessness statistics.

14 Previously the Children Act 1989 and now the Social Services and Wellbeing (Wales) Act 2014.

women as the main carer for children; households with children are more likely to be headed by women and it is the presence of children that secures priority need status, rather than the gender of the person seeking help.

Table 5. Outcomes of homelessness assistance provided Under the Housing (Wales) Act 2014 by age, 2015/16

	Stage One			Stage Two			Stage Three		
	Help to prevent			Help to secure			Duty to secure		
	16-17	18-24	25+	16-17	18-24	25+	16-17	18-24	25+
Successful	74	63	65	53	43	45	71	47	36
Unsuccessful / non priority need*	17	16	16	30	32	28	17	42	55
Other**	4	9	8	17	25	26	8	11	10
Total outcomes (Row percent)	2	26	72	4	26	70	2	27	71

*Non priority need applies to Stage 3 only

**Includes assistance refused, non co-operation and other reasons

Source: Welsh Government statistics

Table 6. Outcomes of Homelessness Assistance Provided Under the Housing (Wales) Act 2014 by Gender, 2015/16

	Stage One		Stage Two		Stage Three	
	Help to prevent		Help to secure		Duty to secure	
	Male	Female	Male	Female	Male	Female
Successful	64	65	42	49	23	62
Unsuccessful / non priority need*	15	17	28	31	68	27
Other**	23	17	29	20	10	10
Total outcomes (Row percent)	40	60	59	41	57	43

*Non priority need applies to Stage 3 only

**Includes assistance refused, non co-operation and other reasons

Source: Welsh Government statistics

Prison leavers were identified by service managers as a population subgroup facing a very particular set of experiences under the new legislation. Prior to the legislative change, homeless prison leavers were considered to be in priority need in Wales which meant they were offered temporary accommodation and if they were not intentionally homeless they would then be provided with settled accommodation. This policy was perceived to be problematic by many local authority service managers because it essentially devolved prison and probation services of their duties to help resettle ex-offenders and caused tensions where prison leavers were prioritised over other single households (Mackie and Hoffman, 2011; Mackie *et al*., 2012a; Mackie *et al*., 2012b). Consequently, Welsh Government took the decision to remove the priority need status for prison leavers, resulting in a marked reduction

in the number of prison leavers judged to be in priority need at Stage 3. This change is both in absolute terms, falling by roughly 86%, and as a proportion of total priority need cases, from 17% in 2013-14 to 8% in 2015-16 (Table 7).

Table 7. Percentage of Households Accepted as Homeless and in Priority Need by Priority Need Group, Pre- and Post-Implementation of the Housing (Wales) Act 2014

		2013-14	2015-16	% decrease
Households with dependent children		33	40	64
Households where a member is vulnerable due to:	Prison leaver	17	8	86
	Physical or mental illness/disability	16	20	63
	Domestic violence	14	13	73
	Vulnerable young person	7	9	61
	Old age	3	1	86
	After leaving the armed forces	0	0	*
	Other	1	2	52
Household where a person is pregnant, with no dependents		6	6	70
Household homeless in emergency (e.g. flooding)		1	1	70
Total households		5115	1563	69

* Due to rounding in aggregate returns, item cannot be calculated

Source: Welsh Government statistics

The removal of priority need status for prison leavers was accompanied by the introduction of the 'National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate', a policy intended to improve resettlement planning prior to release. The policy states that a prisoner must receive housing assistance prior to release and they should receive the same treatment as anyone else who approaches a local authority for assistance, being treated with dignity and respect, however the fact remains that under the new legislation there is no longer a guarantee of temporary or settled accommodation.

Three key issues relating to prison leavers emerged from qualitative interviews. First, the new pathway policy had reportedly not yet been embedded and key actors in the process were unaware of their responsibilities. For example, one homeless prison leaver explained that they had been given inaccurate advice whilst in prison about entitlements to accommodation through the local authority. The second concern is that the typical forms of assistance being pursued to prevent and relieve homelessness, which focus on access to the PRS, are often unsuitable for prison leavers:

> None of the landlords want to take a prison leaver with no job and no money. Why would they? I'm high risk. Even the ones on the council's list that I contacted didn't want anything to do with me. (Homeless male prison leaver, aged 25-34, July 2016)

The final concern relates to the treatment of prison leavers by front-line homelessness staff. Some negative experiences were reported by prison leavers who claimed to be treated differently and less respectfully – a concern that Welsh Government seemingly pre-empted given requirements about equal and dignified treatment set out in the new pathway policy:

> To me I felt like I was looked down upon because I'd just come out of jail and my two children had to go and live with my parents. (Homeless female prison leaver, aged 35-44, July 2016)

Conclusions

This paper provides the first attempt to examine the implementation of pioneering Welsh homelessness prevention legislation, which sought to address the many deficiencies of existing prevention services in Wales, deficiencies that have also been documented across Europe and Anglosphere countries. In these conclusions we consider the extent to which the new legislation addresses these common challenges and in doing so we hope to inform developments both in Wales and in other national contexts.

The first key challenge is the widespread failure of national governments to effectively reorient spending and services away from temporary accommodation provision and towards prevention. Under the new Welsh approach, services have been comprehensively reoriented, with more than 7 000 households assisted before they became homeless (Stage 1) and in 65% of these cases homelessness was prevented. This, along with less successful efforts to relieve homelessness (Stage 2) with 6 891 households, has reduced temporary accommodation use by 18% and reduced the number of households who ultimately remain homeless at the end of the process (Stage 3) by 59%. Despite this marked success, there is scope for further improvement by increasing the number of early and timely referrals to homelessness prevention services, for instance through greater collaboration with prisons, social care services, health services, and both public and private landlords. For example, across Europe there are several countries where public and private landlords are required to notify authorities when rent payment problems arise (Amsterdam, Sweden).

The second challenge is to focus services on the needs of individuals, shifting away from uniform responses. This study finds that Welsh homelessness services have undergone a cultural shift, becoming more caring and supportive, however local authorities are conforming to a fairly typical set of limited actions to prevent and relieve homelessness. The legislation envisions a more innovative service tailored to the individual. Improving compliance with the intention of the legislation would

increase the individualisation of support, however a further development would be to place a duty on local authorities to accommodate households where prevention and relief efforts fail – essentially removing the priority need test at the final stage. This would drive improvements to prevent and relieve homelessness at earlier stages. We recognise the potential cost implications but it is worth noting that priority need has already been ended in Scotland (Anderson and Serpa, 2013; Fitzpatrick and Pawson, 2016).

The third challenge is service selectivity. The Welsh approach has delivered a significant improvement in the assistance offered to previously excluded groups, particularly single people, who now constitute 44% of all prevention cases and 68% of all relief cases. However, reforms have not brought about equality in service outcomes. Prevention assistance is less successful for single people, particularly prison leavers and those with no local connection. Steps could again be taken to ensure the legislation is implemented as intended, however outcomes for typically excluded groups might also be improved by enhancing their accommodation entitlements. Extending the right to emergency accommodation to all households (a right that exists in places such as Denmark, Germany, New York, and Scotland) might increase the likelihood of finding a solution for single people as they would no longer be roofless while steps are taken to relieve homelessness and the cost of temporary accommodation would provide a financial incentive for local authorities to act quickly. Also, we reiterate our conclusion that introducing a duty to accommodate households where prevention and relief efforts fail is likely to drive improvements in prevention and relief services.

The fourth challenge focuses on geographical variations in the availability of prevention services and it seems new Welsh legislation has failed to end the service lottery; experiences of homeless people continue to differ dependent on the local authority where they seek help. This conclusion raises questions about whether legislation alone can address this pressing concern. The final challenge is a lack of guaranteed access to homelessness prevention services. The Welsh legislation is pioneering in this regard as it provides the first case of national legislation which requires local authorities to help prevent and relieve homelessness for everyone who seeks assistance. However, this study has shown that whilst a legal right to assistance is an effective driver of change, without attention to implementation and the quality of services being offered, the legislation cannot realise its full potential impact. Busch-Geertsema *et al*. (2010) reached similar conclusions in their review of homelessness policies across Europe.

Related to the challenge of ensuring rights to access services, is the responsibility of people receiving them. This study raises two concerns about the new 'responsibilities' enshrined within the Welsh legislation. Firstly, it questions whether the

co-operation duty is being implemented unlawfully, with people who have unmet support needs and who lack full awareness of the consequences of a failure to cooperate. Secondly, it is important to develop a better understanding of the impacts on people's housing circumstances where assistance ends due to a failure to co-operate. If the impacts are highly detrimental, Welsh Government may question the desirability of prescribing such responsibilities. Furthermore, we learnt that effective prevention services tend to be highly persistent in their endeavours to make and retain contact with people facing homelessness (e.g. letters repeatedly sent to tenants and home visits offered in Austria). Perhaps the balance of rights and responsibilities currently weighs too heavily towards responsibilities in the implementation of the Welsh legislation.

Reflecting on the first year of pioneering Welsh homelessness prevention legislation in practice leads to four main lessons for policy makers in Wales, Europe and further afield. Firstly, placing a legal duty on local authorities to take steps to prevent and relieve homelessness is, in very broad terms, an effective tool for reorienting services towards prevention. As a result of this success we have already witnessed the Westminster Government in England replicating the Welsh legislation[15] and it has potential to be replicated beyond the UK. Secondly, placing rights alongside responsibilities is a fair principle, however its implementation in Wales raises some concerns about potential impacts on vulnerable individuals, hence policymakers must give careful consideration to such policies. Thirdly, legislation alone is insufficient. In Wales there has been a lack of attention to implementation, particularly in relation to the quality and consistency of services being delivered and their compliance with the intentions of the law. Effective monitoring, regulation and resourcing of services is essential. Finally, experiences in Wales suggest that a duty to accommodate households is likely to be an effective driver of homelessness prevention and relief services. If local authorities must provide emergency accommodation for roofless households and they must provide settled accommodation where prevention and relief efforts fail, it is likely that greater innovation and service development will ensue at an earlier stage. Welsh developments clearly offer learning for other European and Anglosphere nations but, as these conclusions highlight, there is also significant opportunity for further improvement in Wales, informed by effective practices elsewhere.

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15 The Homelessness Reduction Bill was passing through parliament at the time of writing.

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