

Expert Review Panel: Meeting 4.1 supplementary

Minutes of meeting

Date: Thursday 26 January 2023

Present:

Chair: Professor Suzanne Fitzpatrick (Heriot-Watt University).

Members: Liz Davies KC (Garden Court Chambers), Professor Peter Mackie (Cardiff University), Jennie Bibbings (Shelter Cymru), Katie Dalton (Cymorth Cymru), Jim McKirdle (Welsh Local Government Association), Clarissa Corbisiero (Community Housing Cymru), Nazia Azad (Tai Pawb), Hannah Fisher (Welsh Government), Huw Charles (Welsh Government).

In attendance: Jordan Brewer (Crisis), Abi Renshaw (Crisis), Debbie Thomas (Crisis).

Apologies: Matt Downie (Crisis), Angela Bowen (Carmarthenshire Council), Sam Parry (Conwy Council).

1. **Welcome, minutes & additional papers**

The Chair welcomed members of the panel to the supplementary meeting of the Expert Review Panel on temporary accommodation and suitability. The panel were thanked for being flexible in fitting in an extra meeting at short notice.

Minutes meeting 4: The minutes were accepted pending one requested change to page 9 to clarify that defence of antisocial behaviour possession orders constitutes the majority of the legal team's casework at Shelter Cymru, as opposed to the majority of the charity's overall casework.

The Chair outlined that the meeting would focus discussion on the two topics remaining from the last meeting: temporary accommodation and suitability. A decision was made to hold discussions on allocations (including Section 5 in Scotland) for a future meeting, in light of the fact that there is ongoing discussions and evidence gathering in this area.

Panel member(s)	Action	Timeframe
Jordan Brewer, Abi Renshaw	Crisis to amend the minutes from meeting 4 to reflect comment from JB.	Immediate
Hannah Fisher, Suzanne Fitzpatrick, Clarissa Corbisiero	Discuss further research and scoping to help inform panel's discussion on allocations.	TBC

2. **Update from Welsh Government**

HF gave a brief update from the Welsh Government, outlining that:

- The Welsh Government is undertaking further research in relation to allocations, with thanks to CC for setting up meetings to learn from examples of good practice. Conversations are also planned with colleagues in the regulation team and with a wide group of stakeholders.

- Monthly meetings of the new local authority reference group are now underway. All local authorities were invited to send a representative and 20 of 22 local authorities have done so. The group is intended to test out the thinking of the panel and further inform discussions. The first meeting included discussions on allocations, prevention and relief and the three tests. A paper outlining the points raised will be circulated ahead of the panel's meeting on 3 February. The next meeting of the reference group will be at the end of February.
- The PRS policy team at WG will be developing and publishing a very high level green paper on fair rents and the right to adequate housing, which is due in the Spring. This work is closely linked to the white paper, but will be operating on a different time frame.

In addition, HF sought panel member views on how best to engage with ex-veterans. It was noted that the proportion of veterans experiencing homelessness is fairly low, but that this group do currently have priority need status. As such, it was felt important to reach out to this group. DT agreed to work with HF to attend meetings with key stakeholders in the field and report back to the panel in due course.

Panel member(s)	Action	Timeframe
Hannah Fisher	• Circulate paper to the panel outlining feedback from the local authority reference group at its first meeting. • Provide further updates to panel at March meeting.	03.02.2023 03.03.2023
Hannah Fisher, Debbie Thomas	To link in with Welsh Government colleagues with a view to attending key stakeholder meetings from the armed forces sector. To Report back to the panel in due course.	TBC

3. **Update on Experts by Experience views on temporary accommodation and suitability**

KD provided an update on the Experts by Experience engagement. The key themes raised included:

- People were grateful to have a roof over their head, but that aside, participants generally didn't have very positive experiences in temporary accommodation and much improvement was needed.
- People felt they had the best experiences with temporary accommodation when it was supported accommodation or there was support tied into the accommodation.
- There is a huge variation in support provided across temporary accommodation placements, some were unstaffed during Covid lockdowns, through to others which had 24 hour specialist support. For the most vulnerable (e.g. prison leavers, recovering from addiction), support was critical to their positive experience. Feedback clearly indicated that TA was less successful/unsatisfactory where there was no support.
- Support enabled people to leave TA 'much more confident with independent life skills', allowing aspiration for education and work. These outcomes often came from strategically commissioned supported accommodation, rather than emergency accommodation.
- Issues in current standards of accommodation included:
 - Lack of adequate cooking facilities
 - Lack of laundry facilities, especially for those with young children
 - Lack of access to a private bathroom, which had an impact on people's sense of dignity

- Space standards (e.g. families sleeping in confined spaces with no designated space for socialising, play, school work)
- Cleanliness
- Basic health and safety standards
- Lack of communication. Participants felt there was never any sense of progress leading to a settled permanent home. TA was described by one person as “a prison sentence but without a release date.”
- Lack of diversity in the types of TA available. For example, young women feeling unsafe or those recovering from addiction not housed appropriately.
- Mothers reported that staying in TA left them feeling unable to be good mothers/to provide what is needed for their children.
- Participants reported issues around CCTV in living rooms of congregate spaces. Individuals appreciated the safety aspect, but noted it didn’t feel like home under those conditions.
- The following were noted as key ways in which temporary accommodation could be improved:
 - Looking at diversity of accommodation and provision, so that people’s particular needs and vulnerabilities can be met.
 - Better communication for TA residents, so that they know their stay is temporary and are informed of the next steps.
 - Prohibit shared rooms as unacceptable unless it’s with family or a partner. Continuation of direction of travel for Welsh Government’s policy position of self-contained accommodation.
 - Look to provide TA in a location that is appropriate for the individual, e.g. school, work, transport access, family, support networks, probation and/or further away from problematic influences.
 - Provision of high-quality mental health support from well-trained staff.
 - Trauma-informed decision making.

4. **Panel discussion on temporary accommodation and suitability.**

Key points discussed and highlighted by the panel were as follows:

Supply and profiling of temporary accommodation

Panel members acknowledged that the context of the “everybody in” approach during the pandemic has placed increased pressure on temporary accommodation across the country. The numbers of people in temporary accommodation are much higher than three years ago (pre-pandemic). The lack of supply of temporary accommodation means that many people are being placed in unsuitable temporary accommodation.

The panel noted that there is a need for more detailed information on the existing supply of temporary accommodation across Wales with regards to the availability, suitability, type and location of TA. It was suggested that profiling work is needed to better understand the stock of TA and that perhaps, following on from such a profiling exercise, authorities could work regionally and collaboratively to secure TA placements that best meet the needs of individuals in their area.

It was noted that any profiling work should take account of the move towards a Rapid Rehousing approach in Wales. Ultimately, this approach should reduce the need for temporary accommodation

in the future. A profiling exercise should be mindful of this and, for example, could consider how temporary accommodation stock could be flipped to meet suitability for settled housing.

A question was also raised around whether a review of the LHMA (Local Housing Market Assessment) system, which feeds into PDPs (Programme Development Plans) and decisions on allocations, would help to fund supply in the most effective way.

Data

The panel felt that current data available from the Welsh Government on temporary accommodation is inadequate. Currently more detailed information, including the length of time that people remain in temporary accommodation, can only be obtained if a Freedom of Information request is made across all authorities. The panel felt that more detailed data should be routinely available. It was also suggested that data on equality groups and access to temporary accommodation is needed, as some groups may be disproportionately affected.

Support needs

The panel noted the difficulties arising from people being placed in unsuitable temporary accommodation, or temporary accommodation that does not meet an applicant's needs. There is a need for a trauma-informed approach and for person-centred support while in temporary accommodation to achieve "right home, right place".

Review process

There was discussion on the review process for those who find themselves in unsuitable temporary accommodation and whether the 56 day process presents too much of a window whereby people can be left residing in unsuitable temporary accommodation whilst the local authority review.

The panel reflected that, under current legislation, if somebody is eligible and has a priority need, then by law they have to be accommodated that night in suitable accommodation. Anything else is unlawful. It is not for the applicant to decide what is suitable but for the local authority. Suitable accommodation may be if a basic standard in emergency accommodation for up to two weeks and up to six weeks in higher standard accommodation. However, this does not always happen in practice.

The panel wished to consider whether there is a need for the legislation to be strengthened in relation to local authorities informing applicants at each key point of the process of their right to appeal and access to advocacy in order to do so.

Homeless at Home

A panel member raised the concept of "homeless at home," which is fairly widespread use in parts of England, and wondered whether this concept could help people to seek alternatives to temporary accommodation, while ensuring that they were not deprioritised for settled housing. It was clarified that Homeless at Home is also used in Wales, but to a far less extent. Panel members emphasised that any encouragement of its wider use would need careful balancing to safeguard against certain situations – e.g. feeling pressurised to stay with an abusive partner.

Another panel member felt that the term "homeless at home" had been used previously and had become associated with gate-keeping.

The panel was advised that, under current legislation, those who turn down an offer of temporary accommodation and instead stay homeless at home should not be deprioritised in social housing allocations. However, there are questions around whether current practice misinterprets the legislation. The panel decided to look into the legal implications of this concept.

Additions to minimum standards of suitability in temporary accommodation

The panel discussed whether the existing minimum standards could be added to, taking account of the points outlined within the Experts by Experience paper, including particular standards for families and in a variety of other areas.

There was discussion around whether the panel should look at core minimum standards for suitability that apply across all types of accommodation - interim, temporary and settled housing – but also identify any additional/different standards required in congregate settings in particular. One panel member suggested that temporary accommodation has become associated with poor quality accommodation. There is a need to shift this association so that temporary accommodation merely links to the length of stay.

There was also discussion around whether some of the standards outlined in existing legislation could be made more robust to pave the way for improved implementation. For example, the use of shared accommodation with strangers was a key theme in the consultation work with Experts by Experience, despite existing legislation in this space.

Linking suitability to person-centred/trauma informed approach

The panel recognised that suitability is linked to individual experiences and needs. While the current law on suitability requires local authorities to take into account some specific circumstances of an individual (e.g. adaptation requirements as a result of having a disability), it does not necessarily require local authorities to make person-centred decisions on suitability.

The panel wondered whether the link between suitability and a person-centred assessment of need could be strengthened on the face of legislation. The following suggestions were raised: Linking suitability to PHPs; requiring local authorities to consider a list of points in relation to suitability; inserting a legislative obligation to take into account an applicant's history and experiences, including those of trauma; placing a stronger legislative emphasis on the need for local authorities to consider the applicant's views.

Guidance on suitability

It was raised whether guidance on suitability could utilise a broader definition of abuse and exploitation. While it is welcomed that the guidance highlights the need to consider location issues for those fleeing domestic abuse, consultation with Experts by Experience shows that there are also many other forms of abuse and exploitation that may need to be considered when finding suitable accommodation.

Communication with applicants

Concerns were raised around tenant uncertainty while staying in temporary accommodation. The panel decided to consider how legislation could secure more robust communication with tenants both around progress towards finding settled accommodation and on their rights within the housing application process.

Consideration of policies and house rules in temporary accommodation

The panel discussed that policies can present persistent barriers to accessibility of temporary and settled accommodation, e.g. policies around rent arrears and pets. House rules within temporary accommodation can also present barriers, for example curfews can make working difficult. Could the panel consider legislative/guidance change in this area?

Affordability

Panel members emphasised the issue of affordability within temporary accommodation. Service charges in temporary accommodation can lead to people accruing debt, but at the moment can only

be challenged through bringing forward a suitability review. Arrears accrued over time can prevent you leaving the system. This combination leaves people trapped in temporary accommodation.

Regulation

The panel noted the Public Ombudsman's report on issues around suitability and felt that this is an area where regulation and monitoring could play a crucial role. The panel will be discussing regulation at a future meeting and will revisit regulation in this area at that point.

Danish model

A panel member highlighted that in Denmark, central Government funding is available to help authorities fund initial stays in temporary accommodation. However, the focus is on funding only the initial stay. Other funding is placed on other authority initiatives around longer term accommodation to drive incentives towards seeking settled accommodation.

Panel member(s)	Action	Timeframe
Hannah Fisher	Consideration to collecting and the sharing of regular data on temporary accommodation.	TBC
Jennie Bibbings	Shelter to share their temporary accommodation findings in Wales on the barriers to why people are getting stuck in the homelessness system.	TBC
Liz Davies KC	To produce advice looking at the following areas: - General approach on suitability; - Rights to request review; - Information about requesting review & ongoing process; - Interim accommodation, temporary accommodation, permanent accommodation; - Statutory factors; - Guidance; - Other factors from case-law; - Redress at the moment - Issues arising from the Expert by Experience paper & discussion; - Support needs, including how an individual's assessment of need can be more firmly connected to what constitutes suitable accommodation. - Duty to communicate/keep people informed - Way forward on trauma-informed practice - legislation or guidance? - Homeless At Home	For discussion at future supplementary meeting on temporary accommodation and suitability recommendations (March TBC).

5. AOB

The Chair emphasised the importance of the in-person meeting next week. At this meeting, the panel will review the areas discussed by the panel to date and confirm the recommendations that the panel wishes to make in each of these areas. A briefing paper will be circulated shortly. All panel members are thanked for their flexibility in producing and/or reviewing papers ahead of meetings.

The Chair reflected on a session held earlier in the week where Tai Pawb reported its interim findings from consulting with experts by experience who have protected characteristics. The slides and a brief summary have been circulated to the panel by email.

All of Crisis' online stakeholder engagement sessions are now confirmed and the dates are published on the Crisis webpage. JB asked the panel members to share the details of these session with their networks.

JB has been working on a plan for the briefing ahead of the panel's March meeting on children, young people, families and VAWDASV. JB would welcome any suggestions from panel members on documents or research that should be included within this plan and email has been circulated to this end.

Panel member(s)	Action	Timeframe
Abi Renshaw	Circulate to the panel the briefing paper and agenda ahead of Meeting 5.	Ahead of meeting on 03.02.23
Katie Dalton	Circulate to the panel the latest summary of Experts by Experience paper and frontline workers paper.	Ahead of meeting on 03.02.23
All	Let Crisis staff know if rail strikes will affect you attending the panel meeting in-person next week, as can offer a hybrid option or plan other travel arrangements.	Immediate
All	Feedback to JB on if any sources to add to the plan for the briefing on Children, Families, Young People and VAWDASV.	Immediate
All	To circulate details of online stakeholder engagement sessions	Immediate

The next meeting will be held in-person on Friday 3 February 2023.