

Introduction

Cymorth Cymru is the umbrella body for organisations working with marginalised and excluded people in Wales.

Our **vision** is that all people in Wales have the right to live safely and independently, managing their own lives in their own homes

Our **mission** is to connect, strengthen and influence service providers, policy makers and partners to:

- Prevent homelessness
- Improve the quality of life and choices for the people our members support.

Our **objectives** are to:

1. Use evidence-based research to effectively influence policy formulation and implementation
2. Strengthen the capacity of member organizations to increase their impact by connecting them with wider issues and debates within the UK, Europe and elsewhere, convening events that contextualise and share learning
3. Provide high quality and tailored membership and consultancy services, identifying risks for the membership
4. Challenge public attitudes by campaigning with others on key issues that affect the people our members support.

Our main **policy areas** are

- Homelessness, housing related support
- Social value care provision
- Emerging themes from our two core areas
- Joining up across related policy areas

Our **120+ members** support people who are marginalised, isolated or experiencing housing crisis, including:

- people who are homeless, or at risk of homelessness
- families fleeing domestic abuse
- people dealing with mental or physical health problems, or learning disabilities
- people with alcohol or substance misuse problems
- refugees and people seeking asylum
- care leavers and other vulnerable young people, and
- older people in need of support
- offenders and those at risk of offending.

This list is not exhaustive, and individuals may often face a range of challenges that make it difficult for them to find or maintain a stable home and take control of their lives.

Cymorth Cymru's members help people address these issues, supporting them to find and maintain safe accommodation, fulfil their personal potential and feel confident making choices about their future. Our members work across policy areas to assist marginalised and excluded people and to promote a shared understanding of the key role that housing plays in promoting well-being.

Consultation response

Cymorth Cymru warmly welcomes the Renting Homes Bill. The steps toward providing clarity for all tenants across Wales are a positive move. All too often the complexity of tenancy law leads to legal interventions to rectify situations. The complexity of law can also be disempowering for all people in Wales – particularly those with more chaotic lives, who might find it harder to navigate the systems and processes. Having a Bill that introduces a simpler approach and clarity is a very positive step.

We do have some concerns more broadly about the security of tenancies for those in the private rented sector (PRS), and we know that these have been picked up by Shelter Cymru as well as by Cymorth. This is of particular concern for us as, in light of the recent Housing (Wales) Act, local authorities will be able to discharge their homelessness duty through using the PRS. On the one hand this Bill will, in simplifying the system, benefit the people we represent by helping them and their landlords understand their rights and responsibilities. However, we strongly question whether ending the 6-month moratorium, for instance, will encourage more landlords to accommodate people with chaotic lives. In our view it risks increasing instability for those who need a more secure environment to flourish.

We have limited our response to key areas, particularly those that intersect with the interests of the individuals our members work with – such as domestic violence and antisocial behaviour. We have also focused particularly on the area of supported housing, as this is where the majority of our members have expressed views and comments.

There are areas throughout where we hope that the guidance that is issued later in the process will clarify several questions of concern. We have, where possible, noted these clearly.

This Bill provides an opportunity for Wales to take a lead in the UK, ending a complex, inefficient system whilst retaining the flexibility so that organisations can continue to provide services that encourage individuals with the most chaotic lives to retain their independence. For that reason, Cymorth Cymru has had to be alert to potential unintended consequences posed by this Bill. We commend the work done by the stakeholder groups and welcome the opportunity to contribute further to the Bill by working with the Committee at this stage.

We look forward to giving evidence to the Committee on the 6th May.

Welcomed areas

In particular, we are in clear agreement with the Bill, with respect to:

- The new secure tenancy based on the current secure tenancy used by local authorities, etc;
- The new standard contract based on the current assured shorthold tenancy;
- The benchmark tenancy to be used by all landlords, as this will provide clear consistency;

- We re-iterate our point in the consultation on the White Paper that there should be an easy read version of these tenancies – and that we are ready and willing to assist with this if needed;
- We absolutely support the introduction of the Prohibited Conduct term in all contracts, with a few specific additional comments to be explored further in the response;
- We absolutely support the proposals made relating to joint tenancies, again with a few specific comments to be explored further below;
- We agree with the proposals to allow 16 and 17 year olds to rent in the same way as everyone else, but would suggest additional safeguards either in the Bill itself, or in guidance afterwards;
- We establish in greater detail our response to supported housing below.

Antisocial behaviour and domestic violence

We can see how the Bill could be used to ensure swift responses to antisocial behaviour and to ensure that those experiencing domestic violence are protected (and we see that this is to be developed further in guidance). We also acknowledge that the signal sent out through the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill will have a positive impact on individuals who witness or experience domestic violence.

However, we suggest that the Bill should take the opportunity to make this more explicit. Whilst of course it can be assumed that domestic abuse is part of Prohibited Conduct, and that the protections in the joint tenancy section ensure that people at risk of domestic abuse are now more protected than before, we consider that landlords in particular would benefit from this being an explicit part of the Bill.

We recommend that an explicit reference to domestic abuse be added to both prohibited conduct sections (Part 3, Chapter 7 and Part 5, Chapter 5). Whilst we understand that domestic abuse could be categorised under “nuisance” and “annoyance”, there should be an additional point for “abuse”, to increase clarity for landlords and tenants in this area.

Additionally, we would like to see it made clearer in the Joint Tenancy section (Part 3, Chapter 5) that there are protections in place for those at risk of domestic abuse. If this is not appropriate, it should be made clearer in the guidance to be published later.

With regards to antisocial behaviour, we believe that the particular needs and demands of individuals with chaotic lives require specific mention in the guidance when published – as well as much wider awareness training for landlords. For example, tenants with mental health problems might present behaviour that is antisocial, but they might be exhibiting a need for support rather than anti-social behaviour. We hope that a system can be put into place with training and awareness that encourages landlords to seek other options where an additional need is involved. We would be ready and willing to look at developing this further as an organisation.

Points to be explored specifically in any guidance published after

There are points noted earlier which we would like to see developed further in guidance, as we understand they are not appropriate for the legislation itself. These include:

- Guidance on Prohibited Conduct and approaches to resolving anti-social behaviour without possession. We would advocate as noted above for clear best-practice steps in the guidance as to how landlords can work best to bring in additional support by contacting relevant services. This will be even more relevant given the ability of local authorities to discharge their homelessness duty into the PRS.
- Specific guidance on 16 / 17 year olds renting is needed, so that they are made aware of the risks of joint tenancies. We would be very concerned that without adequate awareness-raising for this group, there could be an increase in homelessness due to unpaid rent, for example. Clear guidance, an easy-to-access guide to contracts, and other steps, should help to reduce this, as well as simple explanations of what is expected of tenants.
- Specific guidance on joint tenancies, particularly with regards to an individual being liable to the entire rent if another leaves, will be needed. In addition (as noted above) we believe the guidance should draw specific reference to domestic abuse and processes / best practice in this area.

Supported housing / accommodation

We welcome provision of a legal basis under which supported housing can operate in terms of tenancies. As with our response to the White Paper, we recognise that both the Law Commission and the Welsh Government have worked hard to ensure that the complex nature of supported housing is reflected in the Bill. We particularly recognise the increase from the 4-month limit to 6 months, with a potential for increasing the duration through request to the local authority. This will make a considerable difference to the provision of support in Wales (we have provided evidence for this, in terms of case studies, in Appendix 1).

There are some specific points we would want to mention with regards to this section.

Excluded licences and temporary exclusions

Our conversations as part of the stakeholder group with this Bill have made it clear that we would want to see the very short term, shared accommodation, being able to use an excluded licence for the duration of a person's stay. Our concern here was that if this type of accommodation were to use a tenancy it is likely they may be forced to turn away individuals with a more chaotic lifestyle for fear that they could not protect residents due to being unable to quickly remove a person who could be endangering others.

Whilst we would still maintain our preference for the licence approach, we do acknowledge that the proposals (Part 8) as they are have heard the concerns of providers in this matter, and go some way towards addressing the issue.

This is an area where we had to ask our members, and ourselves, some very difficult questions. Cymorth Cymru is not often in a position where we are advocating any reduction in the rights of individuals. In this particular instance, however, we have had to take a very clear view. Given the nature of this form of accommodation, and the often chaotic lives led by individuals who reside there, the ability to temporarily exclude residents is vital for the continued safety and progress of other residents.

In order to consider our position here, we should consider the individuals who use these services. Often they might only just be starting their journey towards independence. They may be recovering from alcohol or drug addictions (or still battling them); they may be rebuilding after a mental health condition or taking the first steps back into society after being in prison. They may all be vulnerable in some way, and sometimes a shock or stress could send them spiralling back into a worse situation. For that reason it is absolutely essential for the health, well-being and eventual independence of other residents that if one resident is putting others at risk, they can be removed at least temporarily.

Please note: we can provide examples of where this could be an issue from our members, on request.

Definition of supported accommodation

We would suggest a small addition to the definition of supported accommodation. At times, the local authority might 'commission in' support services for an individual, and we would not want that element of support to be left out. Therefore, in Part 8, 143, 2(c), we would suggest that the text change to read: "the landlord or charity (or a person acting on behalf of the landlord or charity, or where the support has been commissioned by the local authority using Supporting People Programme Grant)".

Definition of "support services"

Finally, we would query the definition of support services, found in Part 8, 143, 4(c), which suggests that support services include "supporting someone who finds it difficult to live independently because of age, illness, disability or any other reason." We find this particularly problematic, as many in this group should be encouraged to live independently regardless of their support, in secure contracts. Examples of this include individuals with learning disabilities, who may require support, but who should not be given the same sort of contract held by those in short-term, shared accommodation. Either this definition should be amended, or a separate point inserted elsewhere into the Bill, which makes it clear that those in longer-term supported housing should have secure tenancies and not standard contracts (with or without the extra management provisions for supported housing).

Conclusion

Cymorth Cymru welcomes this Bill and believes it represents a significant opportunity to simplify and clarify an area that has until now been overly complex and difficult to grasp, as long as the particular needs and requirements of support providers are met so that they are able to continue supporting the most marginalised and excluded individuals in Wales. We also await the eventual Guidance around the Bill eagerly, and we hope it will address more of the details around how specific areas of the Bill would work in practice.

This is a singular opportunity to get this right for Wales, and we have been grateful for the opportunity to respond, and to be involved.

Appendix 1

These case studies serve to provide evidence as to why it is important that there is an option to extend the duration of a standard supported contract. We are pleased that this point has been recognised.

Case Study: Service User A

7 month stay in 'very short term supported accommodation'

Service User A had a disability which limited the housing options available to her. Her disability included sight problems with an assistance dog.

Service User A felt safe in refuge and understood her entire surroundings. She was supported through every element of the building initially, shown where each door/ item/ service was and how to navigate around the facility. It took her a few support sessions to take this in and had regular support from the other residents as the communal setting of a refuge lends itself to this type of support.

She was offered temporary accommodation but this was not suited to her disability and was intended as a short term measure before suitable accommodation was found.

The provider agreed with the local authority that her need was such that to make her live in a temporary accommodation unit for an undefined time, only to move to a more suitable long term property would be unsuitable and would unfairly impact upon her due to her support needs. They felt that it was a matter of upholding good practice on equality and diversity issues that she was not forced to move more times than was necessary as she would be more disadvantaged than most by this.

Service User A stayed with the provider until a suitable property was found and, having had acute awareness of her needs, they were able to support her into her new home and local services very effectively. Had she had left their service and gone into temporary accommodation, there would not have been the same level of support provided to ensure she understood her surroundings when moving into more permanent accommodation.

The service user exited the service feeling confident and well supported.

Case Study: Service User B

6 month stay in 'very short term supported accommodation'

Service User B is a young mother with young child, with a history of domestic abuse. Initially she presented as lower needs than most and was moved from a 24hr staffed unit to a self-contained unit.

Service User B began being evasive with her support worker which culminated in the provider discovering she had abandoned her child one day in the unit. They immediately informed Children's Services who accommodated the child. Service User B presented as non-concerned that this was an issue, resulting in Children's Services reluctance to return the child.

Service User B had resumed relationship with the perpetrator temporarily and had left the accommodation. After offers of support and agreement of Children's Services it was agreed that Service User B could return to the 24hr staffed unit. After continued engagement with the provider and Social Services, the child was allowed back into her care, on the understanding that she would remain within the 24hr unit and be monitored by them.

This continued for several months. Because of the seriousness of the child protection issue, the child would have not been able to remain in her care without the provider's 24hr staffed unit.

Working with Service User B, the risks to the child reduced and the provider was able to satisfy Children's Services that she was no longer a risk to her child. She was then able to access accommodation, which they had delayed due to the circumstances. She was re-housed approximately 6 months from entry into the service, and was able to keep her child.

Case study: Service User C

Service User C came to the UK in 2002 on spousal Visa. She was living at the family home with her mother-in-law, father-in-law, her husband, his brother and his wife.

During the first year of her coming to the UK the relationship between her and husband was fine, but after two years their relationship started to deteriorate due to the husband's family not accepting her. Service User C's Visa was never renewed and she was therefore living in the country illegally for 10 years, unknowingly. She also had no English language skills.

Service User C was subjected to physical, verbal, financial and emotional abuse. She was forced to live in the house as a maid and was made to do all the house chores for everyone including her brother in law and their children. Her movements were restricted; she was not allowed to go out of the house unaccompanied and was not left alone for any appointments or meetings so she had no opportunity to express her situation or anxieties to any professionals.

Service User C was not registered with a GP or Dental Surgery. On one occasion when she required dental treatment she pulled the tooth out herself to get rid of the pain. Contact with her immediate family in the UK and at home was minimal and controlled. She was not allowed to make contact with her family, when they contacted her she was not left alone at any time during the conversation. She lived in these conditions for 12 years.

Her husband's family made her life unbearable for her to live and they started to put pressure on her constantly to leave the house, knowing very well she had nowhere to go. The pressure became so much that she took courage to call her uncle in Birmingham to ask him for help when the family were out one day. She had no awareness of how to access help or how to get out of her situation.

Service User C's uncle made contact with the support provider to ask for help as he was unable to accommodate or support her.

They assessed the situation and offered her support by admitting her into the refuge. She was supported initially with food and essentials as she had no recourse to public funds. It was established that she would qualify for the DDV Concession Grant through the Home Office and was assisted to apply. She was successful in receiving this grant on the 31st July, 2012 which enabled her to access public funds for 3 months.

During this time she was assisted to access an immigration solicitor who helped to apply for Indefinite Leave to Remain (ILR). The decision granting Service User C ILR was received from the UKBA after three more months.

It took approximately 2 months for her to be able to access other services fully after she was granted ILR in the UK. Service User C had to remain in the refuge for further 3 months whilst her benefits and housing were being processed. During her time in the refuge she accessed ESOL and numeracy classes and also engaged in other community activities.

Service User C re-built her confidence and self-esteem and was enabled to live independently out in the community. However, she was unable to access social housing and found it difficult to find accommodation in the private sector due to her limited income for deposit and bond.