



Homelessness Reviewed: an open door to positive change

Executive summary

The Public Services Ombudsman for Wales

Introduction

The [Public Services Ombudsman \(Wales\) Act 2019](#) empowers me to undertake an investigation on my own initiative. That means I can investigate a matter beyond its impact on an individual and without having to wait for a complaint. I am proud to introduce this report; my first report of an investigation undertaken on my own initiative.

The challenges of increasing homelessness have been widely recognised by bodies in Wales, including the Welsh Government and third sector organisations. Despite the introduction of the Housing (Wales) Act 2014, Welsh Government statistics show a consistent increase in demand for accommodation for those classed as homeless and in priority need. Preliminary evidence indicated that a high proportion of homelessness assessment decisions were being overturned on review, in some local authorities, year on year. This suggested there might be systemic maladministration and/or a failure to identify and learn lessons.

In response to the COVID-19 pandemic, local authorities had to make significant and impactful changes to meet the demands placed on them to ensure that everyone had the security of a front door. It was, therefore, relevant for me to consider how good practice during the pandemic could drive further change or wider learning.

The Investigation

I considered whether:

- a) Homelessness assessments were being carried out appropriately.
- b) Those told that the local authority's homelessness duty to them had ended were also told that they could request a review of that decision.
- c) The reasons for overturning assessment decisions were understood and whether any lessons were being learned and shared.
- d) Those whose reviews were unsuccessful were told of the remaining remedies available to them.

- e) The actions taken during the COVID-19 pandemic to assess, address and review the needs of homeless people could provide opportunities for longer term or wider improvements.

The investigation focused on 3 local authorities: Cardiff Council, Carmarthenshire County Council and Wexham County Borough Council. It considered evidence provided by the 'Investigated Authorities' (both documentary and from officers), the Welsh Government and third sector organisations.

Findings

A review of homelessness cases from each Investigated Authority identified some concerns, including:

- Human Rights and Equality Act 2010 duties were not explicitly taken into account in assessments and reviews.
- Delays throughout the Assessment and Review Process.
- Significant matters being missed during the assessment process.
- Unclear and insufficient communication that was not always understood by clients.
- Failures to appropriately consider suitability of accommodation.
- Failures to provide support to vulnerable clients and those with complex needs.

The investigation also identified examples of good practice, including:

- 'Psychologically Informed Environment'¹ and 'trauma informed'² training for homelessness officers.

¹ A 'psychologically informed environment' should improve the development, delivery and evaluation of a service by taking the client's psychological and emotional needs into account. This will ultimately improve the client's experience and allow them to feel that they are in a safe environment.

² A 'trauma informed' process recognises the signs and symptoms of trauma in clients. It recognises and understands the widespread impact of trauma and that many behaviours and symptoms are the result of adapting to traumatic experiences.

- Participation in the 'Take Notice' project³ which provided feedback on homelessness template letters.
- Production of a factsheet about the assessment process and its duties.
- Use of 'minded to' letters to give an indication of what decision is likely to be made, allowing clients time to provide additional information or seek further legal advice before the decision is made.
- Partnership working with other homelessness services to ensure early intervention whenever possible and provide on-the-spot support and advice on matters relating to housing, homelessness and debt.
- Creation of a Mental Wellbeing Support Service, devised to support individuals whose needs were not critical enough to qualify for care/support following a Social Services and Wellbeing Act assessment, but who have mental wellbeing issues that need to be resolved.

Conclusions

The investigation found that all Investigated Authorities had difficulties collating the information requested. The quality of the records provided varied. It was concerning that essential information was not easily accessible to officers and, potentially, advocates and clients, especially given the time sensitive nature of some homelessness applications and reviews.

The investigation also found that each Investigated Authority applied a different approach to the Homelessness Review Process. This has prompted me to consider whether a Housing Regulator role in Wales would add value to the homelessness processes, by acting in support of local authorities, providing guidance to ensure consistency and to address concerns.

³ A Wales-wide service user involvement project funded by the Welsh Government.

The investigation concluded that, in general, the Investigated Authorities met their statutory duties under the Housing (Wales) Act and the associated guidance, to ensure that homelessness assessments are carried out properly. It found that, whilst those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, were being informed in letters and by the use of factsheets, it was not evident that they were always aware and understood their right to request a review.

Improvements could be made in the administration of reviews requested under section 85 of the HWA, in terms of the independence of the review and the timeliness of reviews. It is my view that the principal reasons for assessment decisions being overturned on review are:

- A failure to undertake additional enquiries.
- A failure to take relevant information into account.
- A failure to adequately consider the suitability of accommodation.

Addressing these points would reduce the number of poorly made decisions and reduce the number of reviews and, in particular, the number of decisions overturned on review.

The investigation has demonstrated that, whilst clients are informed of the remaining remedies available to them, the additional step in the process is inaccessible and ineffective, making it of little value to those affected.

What has become clear during my investigation is that the work undertaken by the Homelessness Teams in Wales during the COVID-19 pandemic has been exemplary. They have worked tirelessly to ensure that those people who have presented as homeless have been accommodated so that they can keep themselves safe. Significant changes were made to processes when face-to-face interviews ceased, people were sent home to work and a greater dependence was placed on technology. It is clear that many of the barriers the Investigated Authorities encountered at the start of the pandemic were quickly overcome, due to the flexibility and resilience of their officers, so that services successfully continued to what has been often described as a "new normal".

Recommendations

As a result of the investigation, the Investigated Authorities have agreed to a number of measures, including:

- Creating Easy Read⁴ versions of homelessness factsheets and standard homelessness correspondence, for clients with learning difficulties or whose first language is not Welsh or English.
- Reviewing the use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which could be then followed up with a letter.
- Implementing a Psychologically Informed Environment approach to correspondence.
- Reminding officers of their duty to properly investigate and verify information received, by seeking information from third parties and taking account of all relevant information.
- Ensuring there is a plan to provide regular training on equality and human rights to all decision makers and to reviewing officers.
- Including the reviewing officers in the development of future homelessness training.

In view of the potential for wider learning, I am inviting the other 19 local authorities in Wales to:

- Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.
- Create working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services.

⁴ 'Easy Read' refers to the presentation of text in an accessible, easy to understand format. It is often useful to help people with learning disabilities and may also be beneficial for people with other conditions that affect how they process information.

- Formulate a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review.
- Consider the recommendations made to the 3 Investigated Authorities and to take forward any learning points that would improve their service provision.

I am also inviting the Welsh Government to:

- Review the HWA and the associated Code of Guidance to ensure a more consistent approach to homelessness – particularly post COVID-19.
- Review the Code of Guidance to ensure that it is explicit that human rights and equality must be taken into account when assessing homelessness applications, reviewing decisions and when allocating housing.
- Standardise review documentation across Wales.
- Review the effectiveness of the post-review appeal process, given the difficulties clients have accessing Legal Aid.
- Improve and standardise the homelessness service across Wales by considering the creation of a Housing/Homelessness Regulator role to support and provide information and guidance to local authorities.

Note

The invitations made to the other 19 local authorities and the Welsh Government are not formal recommendations made in accordance with the Act because I did not formally investigate those bodies. They are included to assist with driving improvements in public service delivery across Wales. This was the purpose and intention of the Senedd when my new power of own initiative investigation was enacted and I trust that all local authorities will embrace the opportunity to learn from this investigation. I will

be liaising with the local authorities, the Welsh Local Government Association and the Welsh Government on improvements made following the publication of this report.

Thank you

I am grateful for the co-operation of all those involved in this investigation. I am confident that sharing the learning points it has identified will improve homelessness service provision across Wales.

A handwritten signature in black ink, appearing to read 'Nick Bennett', written in a cursive style.

Nick Bennett
Ombudsman