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Homelessness Reviewed: Revisited

A follow-up report on the progress made in homelessness services in Welsh local authorities since PSOW's 'Own Initiative' investigation in 2021



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This document is also available in Welsh.

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Foreword

The Public Services Ombudsman (Wales) Act 2019 empowers me to undertake 'Own Initiative' investigations where evidence suggests that there may be systemic service failure or maladministration. This means I can investigate a matter beyond its impact on an individual and without having to wait for a complaint.

In October 2021, my predecessor published the first such investigation report, [Homelessness Reviewed: an open door to positive change](#).

The investigation identified systemic maladministration and service failure relating to the administration of homelessness services at the Investigated Authorities: Cardiff Council, Carmarthenshire County Council and Wrexham County Borough Council.

Several recommendations were made as a result of the investigation and the Investigated Authorities agreed to implement them. The remaining 19 non-investigated authorities in Wales were also invited to act and

to consider how the findings of the report and its recommendations impacted on their own homelessness services. Also, Welsh Government was invited to act upon the findings of the investigation report and to utilise its findings in improving homelessness services in Wales.¹ The investigation also identified examples of good practice which were shared with a view to driving improvement across local authority homelessness services across Wales.

Two years on, it is appropriate to publish a follow-up report to share the progress I have noted in the homelessness sector in Wales. Since the publication of the investigation report, my office has monitored the Investigated Authorities' compliance with the recommendations made and gathered information in relation to the impact of the investigation

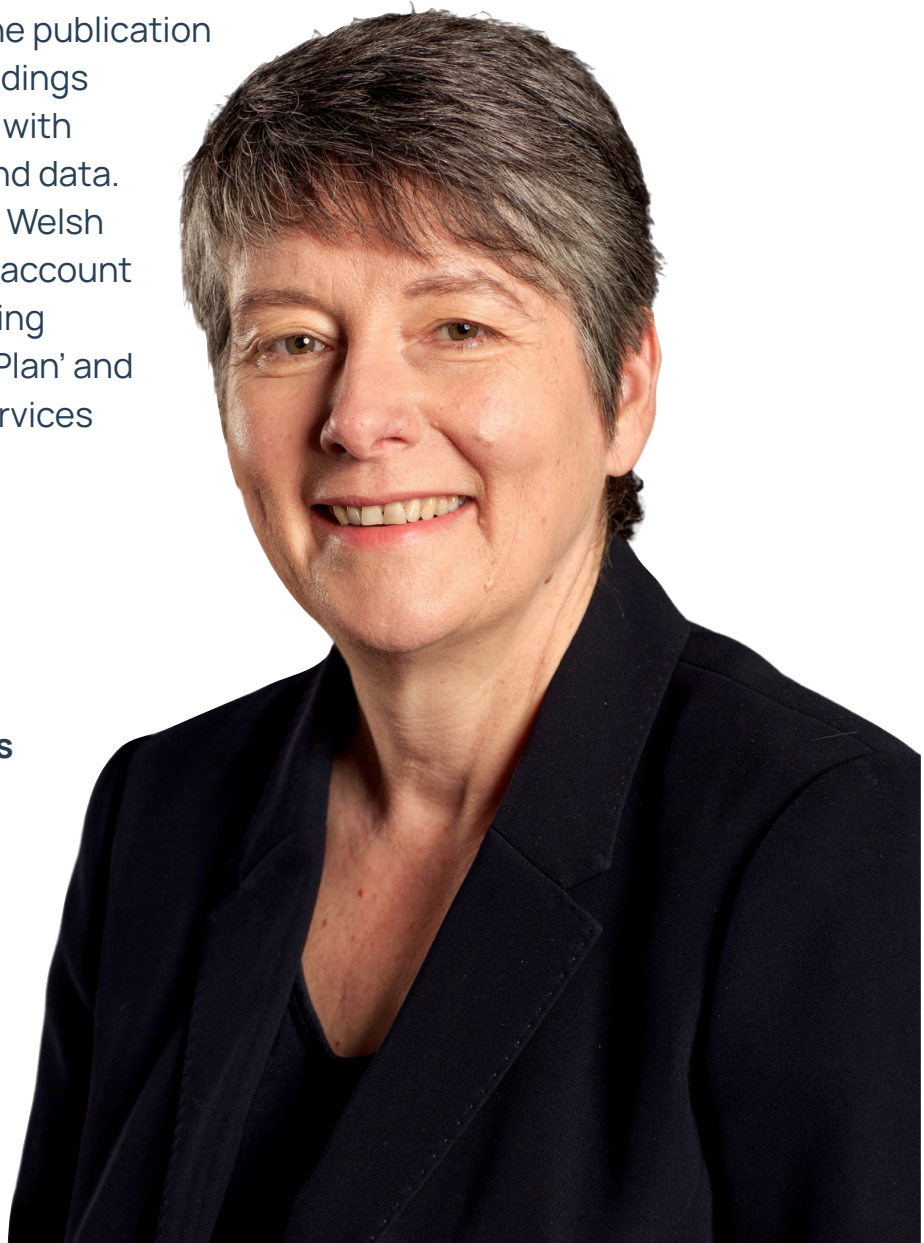
¹ The invitations made to the 19 non-investigated local authorities and the Welsh Government were not formal recommendations made in accordance with the Act because those bodies were not formally investigated.

across local authorities in Wales and the Welsh Government. While some positive action has been taken by the local authorities, there are some areas in which further action could be taken to improve homelessness services across Wales.

That said, I wish to thank the Investigated Authorities for complying with the recommendations made in a timely manner. I also wish to thank the non investigated authorities who have acted following the publication of the report and its findings and provided my office with updated information and data. I also wish to thank the Welsh Government for taking account of the report in its 'Ending Homelessness Action Plan' and in its homelessness services reform.

Michelle Morris

**Public Services
Ombudsman for Wales**
November 2023



Homelessness Reviewed: an open door to positive change

The purpose of the [Homelessness Reviewed: an open door to positive change report](#) was to share the findings of our first 'Own Initiative' investigation which examined whether local authorities in Wales were meeting their statutory duties under the Housing (Wales) Act 2014 ("the HWA") and associated guidance to ensure that homelessness assessments were carried out appropriately. Section 62 of the HWA places a duty on local authorities to assess a person who presents themselves as homeless to see if the person is eligible for help. The investigation also examined whether those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, were aware and understood their right to request a review of those decisions under Section 85 of the HWA. Where reviews were undertaken, we considered whether they were being properly administered in accordance with Section 85 of the HWA.

We found that, in general, the Investigated Authorities met their statutory duties under the HWA and the associated guidance, to ensure that homelessness assessments were carried out properly. We 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 using factsheets, it was not evident that they were always aware and understood their right to request a review. We concluded that improvements could be made in the administration of reviews in terms of the independence and timeliness of reviews. Several recommendations were made to the Investigated Authorities and, in view of the potential for wider learning, the other 19 non-investigated authorities were invited to consider the impact of the report and its findings on homelessness services locally. In addition, the Welsh Government was invited to take some action to improve homelessness services across Wales.

The data

Shelter Cymru reported in its June 2020 report that, in 2017/2018, 406 Review requests were made across 20 local authorities in Wales,² with 38% resulting in the original decision being overturned.

To help with our review of the impact of the Homelessness Reviewed report, updated data relating to homelessness Assessments and Reviews was requested from each of the 22 Welsh local authorities for 2021/2022 and 2022/2023.

² Carmarthenshire County Council and Isle of Anglesey County Council failed to provide data to Shelter Cymru.

The data shows that local authorities in Wales completed 28,877³ homelessness Assessments in 2021/2022 and 31,692 in 2022/2023, showing a year-on-year increase of 10% in homelessness Assessments being completed by Welsh local authorities.

The table below shows, for all local authorities where available, the percentages of homelessness Assessments leading to a Review and the percentage of Assessment decisions being overturned on Review:

³ Does not include data from Gwynedd for October and November 2021 due to technical difficulties experienced.

	% of Homelessness Assessments leading to Review	% of Assessment decision being overturned on Review
2017/2018*	1.4%	38%
2021/2022**	1.5%	27%
2022/2023***	2.2%	27%

* Not including Carmarthenshire and Isle of Anglesey as they failed to provide data to Shelter Cymru.

** Not including Ceredigion and Gwynedd due to incomplete/no data.

*** Not including Bridgend, Caerphilly, Gwynedd, Newport and Pembrokeshire due to incomplete/no data.

We also looked specifically at the Investigated Authorities. The table below shows the percentages of homelessness Assessments leading to a Review and the percentage of Assessment decisions being overturned on Review at the Investigated Authorities. This data is considered in the analysis overleaf.

	Year	% of Homelessness Assessments leading to Review	% of Assessment decision being overturned on Review
Cardiff Council	2017/2018	Unavailable	50%
	2021/2022	3.34%	31%
	2022/2023	4.09%	30%
Carmarthenshire County Council	2017/2018	Unavailable	Unavailable
	2021/2022	1.25%	30%
	2022/2023	1.98%	55%
Wrexham County Borough Council	2017/2018	Unavailable	14%
	2021/2022	10.00%	25%
	2022/2023	12.92%	18%

Analysis

A Benefits Realisation Plan was drafted following the publication of the Homelessness Reviewed report in October 2021. It outlined various anticipated benefits of the Own Initiative investigation and ways in which the outcomes could be demonstrated if each benefit was realised. Below is a summary of the current position relating to the areas in which it was anticipated that the findings and recommendations of the investigation report could impact:

Improved and consistent decision making

It was anticipated that improved decision making by homelessness officers in Wales would lead to a decrease in both the percentage of Assessments leading to a Review and in Assessment decisions being overturned on Review. The available data gathered from across Wales shows an increase in the percentage of Assessments leading to a Review, including at all 3 of the Investigated Authorities.

While this was unexpected, as it was anticipated that applying the learning from the investigation would improve decision making at Assessment, it could indicate an increased awareness by service users of the right to request a Review. Whilst there has been an increase across Wales in the number of Assessments leading to a Review, the data overall shows a significant decrease in the number of Assessment decisions being overturned on Review.

Turning specifically to the Investigated Authorities, **Cardiff Council** has shown a slight decrease in line with the trend seen across Wales. However, **Carmarthenshire County Council** has seen a significant increase in the number of Assessment decisions being overturned on Review between 2021/2022 and 2022/2023. Carmarthenshire County Council said that the main reasons for Assessment Decisions being overturned on Review in 2021/2022 were a change in circumstances, the property offered not meeting needs and instances

where more investigation was required. It said that, in 2022/2023, these continued to be 3 of the main reasons for overturning an Assessment decision at Review. It said that letters containing insufficient detail to justify a decision was a further reason for overturning the original decision.

This could indicate improved awareness amongst Review Officers, following training arranged in line with our recommendations, of the requirements for thorough consideration of Review requests, to include human rights and equality matters.

Wrexham County Borough Council saw an increase in the percentage of Assessment decisions being overturned on Review between 2017/2018 and 2021/2022, but a decrease between 2021/2022 and 2022/2023. However, the figures for both 2021/2022 and 2022/2023 remain higher than in 2017/2018.

It was expected that improved consistency across Wales in Review decisions would lead to a decrease in both the percentage of Assessments leading to a Review and in the percentage of Assessment decisions being overturned on Review. While the percentage of Assessment decisions being overturned on Review saw a significant decrease across Wales between 2017/2018 and 2021 – 2023, it has remained at a static level in recent years and, particularly, since the publication of the investigation report.

The mixed trends seen in the data across Wales and, specifically, at the Investigated Authorities, may reflect wider changes affecting homelessness in Wales since the report was published which have outweighed some of the changes made as a result of the report. The recommendations made to improve decision making remain relevant.

Training

The investigation report recommended that each Investigated Authority ensured it had a plan to provide regular training on equality and human rights to all decision makers and Review officers. It also recommended that Reviewing officers should be included in the development of future homelessness training.

Cardiff Council informed us that, whilst all staff were enrolled in mandatory equality training, it had also engaged with Shelter Cymru to source a bespoke training package to cover equality and human rights training for Assessment and Review officers. Similarly, **Wrexham County Borough Council** sourced training from Shelter Cymru, with Housing Options staff attending 'Homelessness Law in Wales – An essential introduction Level 2' training course. **Carmarthenshire County Council** told us that it had included equality and human rights training in its Learning and Development Plan for 2022/2023.

Information received from the non-investigated authorities indicated that homelessness officers across Wales had received training in a range of relevant subject matters. The training provided included equal opportunity and unconscious bias training, Psychologically Informed Environment (“PIE”) training and Equality Act training. The information indicated that some local authorities had become members of Tai Pawb, a third sector organisation working to advance equality and social justice in housing in Wales, enabling access to relevant equality and human rights training.

Empowering homelessness officers

It was anticipated that, if officers were empowered to identify mistakes and rectify decisions made without the need for a Review, a decrease would be seen in the percentage of Assessments leading to a Review and in the number of Assessment decisions being overturned at Review. While a decrease is evident in the proportion of Assessment decisions being overturned at Review, it is not possible to determine for certain that the empowerment of officers has contributed to this decrease.

Good practice example

Swansea Council informed us that, where possible, when Reviews are requested, it re-looks at the case and considers any new information resulting, on some occasions, in the original decision being withdrawn before reaching a formal Review request. This is commended.

Accessibility and communication with service users

The investigation report made several recommendations to improve communication with service users, including the creation of 'Easy Read' documentation and the use of alternative communication methods. Compliance evidence submitted by the Investigated Authorities showed an increased use of alternative communication methods e.g., WhatsApp, text and email to improve communication with service users. Evidence has been provided to my office to demonstrate that the Investigated Authorities have reviewed factsheets and correspondence to ensure they are available in an accessible format.

Information received from the non-investigated authorities indicated that some of them had taken time to create Easy Read homelessness factsheets and correspondence. Some of the other non-investigated authorities told us that they are exploring the use of video calls and chatbots to improve accessibility and communication with service users.

While local authorities need to continue to ensure that their written correspondence meets the legal requirements of the Housing Wales Act 2014, I am confident that the use of these additional methods of communication improves accessibility for service users and engagement with service users.

Overt consideration of equality and human rights

It was anticipated that, if homelessness officers overtly considered human rights and equality factors by using an equalities and human rights framework in their decision making, a decrease in the percentage of Review requests made in relation to the suitability of accommodation would be seen. However, the available data from across Wales indicated a general increase in the percentage of Assessments leading to a Review. Information received from the 22 local authorities indicated that, in many local authorities across Wales, the suitability of the accommodation offered remained one of the key factors in Assessment decisions being overturned on Review.

A [Tai Pawb report](#) published in March 2023, commissioned by Welsh Government to ensure the voices and experiences of people with protected characteristics are included in Welsh Government's review of housing and homelessness laws, identified key themes experienced by disabled people, Gypsies and Travellers, older people, asylum seekers and refugees,

black and minoritised communities and the LGBTQ+ community. It found that, across all groups, the system or local authority staff were not listening or understanding, with a need for advocacy to positively resolve the situation and a lack of flexibility in the law and/or services to manage nuances identified with some of the circumstances.

It is acknowledged that there has been an increase in the number of people presenting themselves as homeless and that there are limitations in the housing available, meaning that suitable accommodation may not always be available. The suitability of accommodation often has multiple factors to be taken into consideration. The impact of these factors will be specific to each service user's individual circumstances and characteristics. It is imperative that equality and human rights of each service user are explicitly considered when officers are making homelessness decisions. This should be documented to support the rationale for decision making and to assist the review officer if a review is requested.

Collaboration

Funding for the All-Wales Housing Support Network was withdrawn, which impacted on the ability of local authorities to work collaboratively. Whilst this is disappointing, it is acknowledged that financial pressures are impacting the delivery of many public services in Wales. Given that funding for the All-Wales Housing Support Network was withdrawn, no progress has been made in terms of standardising Review documentation throughout all 22 local authorities. Standardisation would go some way to ensuring that service users receive a fair and equitable Review service, regardless of where they live in Wales.

Compliance evidence submitted by the Investigated Authorities demonstrated further collaboration with Shelter Cymru. Information from several of the non-investigated authorities identified collaboration with Take Notice, a project funded by Welsh Government to improve housing and homelessness services across Wales. Rhondda Cynon Taf County Borough Council told us that it is working with the Crisis Improvement Service to improve its service delivery. The Welsh Government said that Relationship Managers appointed to each local authority during the pandemic continue to work with the local

authorities to strengthen partnership working and improve service delivery. This is welcome.

A number of local authorities, but not all, have access to training resources and valuable information through membership of Tai Pawb. All local authorities in Wales are encouraged to ensure they have access to appropriate information and training, such as that provided through membership of Tai Pawb.

Information received from local authorities in Wales indicated that they are working with third sector organisations such as Shelter Cymru, Tai Pawb, Crisis Falling Out Project, Take Notice and Cymorth Cymru. Local authorities indicated that doing so had identified some areas for improvement and that proactively working with partner agencies had led to applying a common sense and customer led approach to Assessment. Those local authorities not currently engaging with third sector organisations are encouraged to consider doing so. Such organisations offer help and assistance and are an invaluable source of information relating to homelessness and the problems encountered by those facing homelessness.

Review and update of the HWA and accompanying Code of Guidance

It was anticipated that a review and update of the HWA and its accompanying Code of Guidance would lead to improved legislation and guidance. The Welsh Government informed us that it had built the findings of Homelessness Reviewed into its thinking when delivering the Ending Homelessness Action Plan and the reform of homelessness services.

The Homelessness (Priority Need and Intentionality) (Wales) Regulations 2022 came into force on 24 October 2022. It had the effect of adding an 11th priority need category to the pre-existing 10 categories identified within section 70 of the HWA. This 11th category is 'street homeless'.

More recently, the Welsh Government said that the initial findings and recommendations from the Homelessness Reviewed report continued to shape ongoing work in homelessness service provision

including in its updated [Ending Homelessness High Level Action Plan](#) published on 23 August 2023. It said that this sets out the progress to date and the steps being taken to ensure that homelessness in Wales is rare, brief and unrepeated.

The Welsh Government explained that it had published a [White Paper on Ending Homelessness in Wales](#) which sets out a range of proposals for changes to policy and the law, to end homelessness in Wales. The Welsh Government said that this demonstrated its commitment to review the HWA and it was confident that the White Paper was well aligned to the findings of the Homelessness Reviewed report setting the framework through which local authorities will deliver homelessness services.

Housing Regulator

One of our suggestions for systemic improvement and consistency in homelessness services across Wales was that the Welsh Government should consider the creation of a Housing/Homelessness regulator role. In response to our report, the Welsh Government told us in September 2022 that it was not considering appointing a Housing Regulator as it believed such a move would risk increasing the complexities of governance and administrative costs and it would not necessarily improve housing supply or the casual factors of homelessness in current crisis.

However, as social housing providers in Wales are now generally facing greater risks and challenges, the case for the creation of a Housing/Homelessness regulator to provide strategic oversight and assurance for tenants and those in housing need, appears to remain.

Comments on the draft report

The Investigated Authorities were given the opportunity to see and comment on a draft of this report before the final version was published.

Cardiff Council said that it remained committed to addressing the issues highlighted in the Homelessness Reviewed report and that it will serve as a cornerstone for its ongoing efforts to enhance the service and provide better support to the individuals and families facing homelessness in its community.

Wrexham County Borough Council said that the implementation of the recommendations made in the Homelessness Reviewed report had a positive effect for its staff and had improved the service provided for those who approach its Housing Options Service for assistance.

Carmarthenshire County Council confirmed that it had no comments to make in response to the draft report shared.

Conclusions

Homelessness affects every member of society in some way; however, the greatest impact is on the people, and their families, who are facing homelessness. Many homeless people are vulnerable because of their age, race, sexuality or physical or mental health difficulties. Homelessness can aggravate those vulnerabilities further and restrict their ability to access the support and assistance available to them.

The Investigated Authorities complied with the recommendations made in the report and we thank them for their cooperation both during the investigation and in accepting and complying with the recommendations. Action taken by the Investigated Authorities will have improved homelessness service provision in the Investigated Authority areas and the accessibility of, and communication with, homelessness service users.

The action taken will also have ensured that relevant staff in the Investigated Authorities have received training in equality and human rights, which is central to homelessness decision making.

Many non-investigated local authorities have also taken action to improve accessibility and to improve communication with service users; this I welcome. It is evident that many local authorities are collaborating with third sector organisations, thus benefiting from the specialised knowledge and skills of those organisations and their people.

It is positive that the Welsh Government's Relationship Managers appointed to each local authority during the pandemic continue to work with local authorities to strengthen partnership working.

The Welsh Government has also built the findings of Homelessness Reviewed into its thinking when delivering the Ending Homelessness Action Plan and the reform of homelessness services.

That said, from the updates provided this year by the 19 non-investigated authorities, it is evident, and disappointing to some extent, that many of the 19 non-investigated authorities have yet to consider potential service improvements in light of the report's findings.

We acknowledge that homelessness services across Wales continue to operate under significant pressure with unprecedented and sustained demand on housing and homelessness services.

However, the publication of [Homelessness Reviewed: an open door to positive change](#) post-pandemic was an opportunity for the non-investigated authorities to consider the findings of the report and reflect on their own homelessness service provision. It was also an opportunity to take forward any learning points that would improve their own homelessness services.

In summary, there continue to be opportunities for many local authorities to improve their provision of homelessness services in Wales in the following areas:

- Equality and human rights training for all homelessness service decision makers and Review officers.
- Overt consideration of equality and human rights in decision making.
- Empowering officers to identify mistakes and rectify decisions without the need for a Review, where appropriate.
- Collaboration between local authorities to drive consistency across Wales.
- Engagement and collaboration by local authorities with stakeholders and partners.

We are concluding the Own Initiative follow-up work into the administration of homelessness services through the publication of this follow-up report.

We are pleased to note the comments from Cardiff Council and Wrexham County Borough Council about the impact the Homelessness Reviewed report had on its homelessness services and staff.

We further welcome the developments being progressed by Welsh Government to end homelessness in Wales. We encourage all 22 local authorities and the Welsh Government to continue to strive to improve, and drive improvement with a focus on the points outlined above, to ensure that those facing homelessness are provided with a fair and accessible service when they are often at their most vulnerable and in need of assistance and support.

As the resources we are able to devote to Own Initiative investigations are limited, we focussed our investigation on the Investigated Authorities in a proportionate way. We have taken the same approach in our 'sector wide' Own Initiative investigation into the administration of Carers' Needs Assessments which is ongoing. We are always mindful of the pressure an Own Initiative investigation may have on public bodies when services are already under pressure. However, experience from this investigation suggests that public bodies who were not directly investigated have not taken up the opportunity to learn from our findings and recommendations. This is a matter that may need further consideration, to ensure that good practice and improvement can be achieved across whole sectors rather than being limited to a small number of organisations selected for inclusion in an Own Initiative investigation.



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