

Investigating Intentionality following the Implementation of the Housing (Wales) Act 2014

1) Purpose of this Paper

The purpose of this paper to highlight the changes in legislation, relating to 'intentional homelessness', following the implementation of the Housing (Wales) Act in April 2015. It also highlights to Welsh local authorities the steps they will need to take in the run up to implementation.

2) The Act

The Housing (Wales) Act 2014 states;

“A person is intentionally homeless ifthe person deliberately does or fails to do anything in consequence of which the person ceases to occupy accommodation which is available for the person’s occupation and which it would have been reasonable for the person to continue to occupy”

If an intentional homeless decision is taken the local authorities housing duties to that household are significantly reduced. It is worth noting that intentionality decisions are rare. Over 2014 they represented approximately 5% of all decisions taken.

This definition is no different to that which we work with now. However, some changes have been introduced on how it is applied. From April 2015 Councils will have to decide which households they will apply this definition to.

In the longer term the Welsh Government has pledged to remove the intentionality test for all families. It is envisaged this will be introduced from April 2019. This is for the longer term, but there are steps each authority will need to take over the next few months.

3) Applying the Test

In order to allow local authorities to make the decision on whether to apply intentionality, the Welsh Government has split households into the priority need groups. They expect Councils to notify them and the public which groups each local authority are going to apply the 'intentionality test' to.

These groups are where the household;

- Includes dependent children or a pregnant woman
- Is vulnerable due to old age
- Is vulnerable to physical disabilities or mental illness / learning disability
- Is vulnerable due to being a care leaver / or a young person at particular risk of sexual or financial exploitation (18-20 year olds)
- Is vulnerable due to being a 16 or 17 year old
- Is vulnerable due to fleeing domestic violence / abuse or threatened violence

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- Is vulnerable due to leaving the armed forces
- Is vulnerable due to other reasons

The Council therefore needs to decide which of these groups they intend to continue to apply the test to. This decision will need to involve portfolio holder / Members. Once the decision is made the authority will need to inform the Welsh Government and publicise their decision on their local website and through any other means deemed necessary.

4) Checklist on what LA's will need to do in run up to implementation

The following offers a list of tasks each local authority will need to complete in the run up to the implementation of the Act.

| Task | Timescale |
|--|---------------------------------|
| Inform Members / Cabinet member of changes in the way the intentionality test can be applied | Jan 15 |
| Receive political / portfolio holder agreement on which of the priority need groups the authority will continue to apply the intentionality test | By end of February 15 |
| Agree where this will be publicised, e.g. website, newsletters, literature, local offices, etc. and action | Through Feb & March 2015 |
| Write to Welsh Government to inform them of your intentions | By end of March (at the latest) |
| Make staff and partners aware of intended policy | By end of March (at latest) |

5) Reflections

In discussions with officers it appears that most would favour, (at least in the short term), retaining the 'intentionality test' for all those groups for which they currently apply it. The rationale for this being that there are a lot of changes ahead and they would prefer for these to 'bed in' and develop an understanding of their impact, before changing policy around intentionality.

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As the implications of the Act are better understood, it could well be that they will re-assess the necessity to apply the test for certain groups.

However, it is ultimately a political decision and officers will need to discuss the changes and possible implications with relevant politicians for them decide on the way forward.

6) Conclusions

Due to changes introduced through the Housing (Wales) Act how the intentionally homeless test is to be applied will change from April 2015. This short paper has explained the changes and discussed the steps local authorities will need to take as the implementation of the act approaches.