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The development and implementation of Part 2 of the Housing (Wales) Act 2014: Lessons for Policy and Practice in Wales

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Summary

- This is the report of a policy reunion convened by the PPIW. It highlights a number of important themes about policymaking and implementation in Wales which apply beyond the specific policy episode discussed at the reunion. These include the role of policy networks and relationships, the relative value and interdependence of ‘hard’ and ‘soft’ policy levers, policy learning and the gathering and use of evidence in policymaking, and the part played by Ministers in the policy process.
- Factors which supported the development and implementation of a new homelessness framework in Wales include the quality of networks and relationships within the homelessness sector; substantial agreement about the deficiencies of the existing statutory homelessness framework; generation and use of authoritative evidence to support policy change; and commitment to policy change on the part of Ministers, officials, and other stakeholders.
- Formal networks and informal relationships within the homelessness sector facilitated the generation and diffusion of ideas and practice. Over time a high degree of trust developed between institutions and individual actors in the sector, partly in response to the shared challenges of shaping new policy.
- Some of the rhetoric of co-production appears to have been justified. The Welsh Government developed an inclusive and co-productive approach to homelessness policymaking which enabled different skill sets to be brought to bear on a number of practical tasks, and supported cultural change. The ‘small country’ nature of Wales assisted but would not in itself have guaranteed success.
- The Welsh Government saw robust evidence as an essential underpinning for new primary homelessness legislation. Evidence was generated in collaboration with local homelessness practitioners, who in consequence had some ownership of the recommendations that were developed from it.
- The personal commitment and contributions of relevant Welsh Government Ministers were important in the development of policy. An additional factor was the desire of Ministers and others to leave a legacy, particularly in view of the relatively recent devolution of primary legislative powers to Wales.
- ‘Hard’ instruments such as legislation can achieve much but can be more effective when deployed alongside ‘soft’ instruments which facilitate policy learning and build trust-based relationships.



Introduction

In February 2017 the Public Policy Institute for Wales (PPIW) brought together seven key actors from the public and third sectors, academia, and the wider Welsh housing policy community, to discuss and reflect upon their experiences of developing and implementing the statutory homelessness framework contained in Part 2 of the Housing Wales Act 2014.

This policy reunion formed part of a wider programme of research, funded by the Economic and Social Research Council (ESRC), into the nature and use of the powers and policy levers available to the Welsh Government. This report is an agreed record of the reunion. It forms part of the evidence base for our research and may be drawn upon by other researchers under the terms of the Open Government Licence.

The report highlights a number of important themes about policymaking and implementation in Wales, and elsewhere, which apply beyond the specific policy episode which was the subject of the reunion. These include the importance of developing trust-based policy networks and relationships, the relative value and interdependence of ‘hard’ and ‘soft’ policy levers, policy learning and the gathering and use of evidence in policymaking, and the role of Ministers in the policy process. Other papers that we are producing from our research programme will explore these themes in greater detail and in their wider contexts.

The reunion was conducted under the ‘Chatham House Rule’ of non-attributability. This is a departure from the usual practice of policy reunions, which are commonly designed to produce detailed data upon which scholars can draw, but in this case it was considered necessary and acceptable in order to ensure open and honest discussion. All participants were still active within the Welsh housing policy community, and some had stated that if the reunion were held on the record, they might feel inhibited from speaking. This report therefore does not include a list of participants, and care has been taken to ensure that they cannot be identified from the account of the discussion.

Professor Steve Martin, of the PPIW, introduced and chaired the discussion, and Professor Alex Marsh, of Bristol University, acted as academic discussant. Dr Andrew Connell and Dr Emily St Denny of the PPIW were in attendance.



Context, purposes and conduct of the policy reunion

Context: the PPIW homelessness legislation case study

Part 2 of the Housing (Wales) Act 2014 ('the 2014 legislation') greatly extended the statutory responsibilities of Welsh local authorities towards homeless persons. Since 1977, UK legislation - most recently Part VII of the Housing Act 1996 - has required local authorities in Wales (and England) to secure settled housing for homeless persons who are in priority need, are not intentionally homeless, and have a local connection with the authority. The 2014 legislation retained that requirement but added to it duties to take reasonable steps both to prevent, and to relieve, homelessness in individual cases. Importantly, these duties are owed to all applicants who are homeless or threatened with homelessness, subject only to eligibility for public assistance (a matter of immigration status). The criteria of priority need, intentionality, and local connection do not apply. These new duties are widely seen as giving Wales an innovative and more universal approach to homelessness services. They have attracted considerable interest outside Wales and the Welsh legislation informed the Westminster Parliament's Homelessness (Reduction) Act 2017.

We selected the Welsh homelessness reforms as a case study because we regard them as one of the best examples to date of the Welsh Government using its powers - and importantly, the primary legislative powers granted in 2011- to take policy in a substantially different direction from that followed elsewhere in the UK. In summer 2016 we conducted interviews with informants from the Welsh Government, local government, academia, the National Assembly for Wales, and the third sector, who had been closely engaged in the development and implementation of the policy. The participants in this policy reunion, apart from the academic discussant, were identified from among those informants and were invited to participate in the reunion on the basis of our judgement about the importance of their contribution to the development and implementation of the legislation. We also undertook an analysis of selected documents and policy papers on homelessness produced by the Welsh Government and others, since 2000.

As our research developed, we identified a number of (often inter-related) themes arising from the study. These included:

- The importance of networks and relationships in policymaking and delivery in Wales;
- The challenges and opportunities of making and delivering policy in a small country;
- The challenges and opportunities which arise from working within the institutional, legislative, and resource constraints of devolved subnational governance;



- Changes in Welsh policymaking and delivery over time- specifically, in connection with the development of the devolution settlement since 1999- and the longer-term influence of earlier ways of working on the development of the Welsh Government's 'policy style';
- The generation and use of evidence to inform public policymaking and delivery in Wales; and
- The place of Welsh Government policymaking and delivery in a UK and wider context, including relationships within Wales between devolved and non-devolved arms and areas of government.

Purposes and conduct of the policy reunion

The purposes of the policy reunion were:

1. to allow selected key participants in the development and implementation of the 2014 Welsh homelessness legislation to reflect upon their experiences; and
2. to explore together, in the company of an academic discussant, the lessons that might be drawn from those experiences for the understanding and practice of public policymaking and delivery in Wales- with a particular focus on policymaking and delivery by the Welsh Government.

In advance of the reunion, the PPIW circulated a briefing paper setting out the background to the reunion and to the research of which it formed part. Each participant (in one case, a pair of participants) was invited to prepare a brief informal presentation, of no more than ten minutes in length, giving a personal perspective on a specified aspect of the development and implementation of Welsh homelessness policy. The first three presentations offered perspectives on policymaking in Wales, and the remaining three considered specific aspects of the making and implementation of the 2014 legislation- the use of evidence in developing and implementing the policy, the role of Ministers and the Assembly, and the implementation of the policy with practitioners. It was originally envisaged that the presentations would be delivered in two groups, each group being followed by some 40 minutes of general discussion. In fact, however, the chair took a decision to invite discussion after each presentation, and this did allow discussion to flow freely and relatively spontaneously. The reunion concluded with remarks by the academic discussant which helped identify some of the broader lessons suggested by the discussion.

Introduction to the reunion

In his introduction, Steve Martin placed the reunion within the context of the PPIW's wider programme of research. He identified the broader purpose of the reunion, and of the homelessness case study, as being to help identify lessons about how devolved governments in relatively small countries, whose powers were limited in ways which were not of their own choosing, could make and implement distinctive and effective policies.

Part one: Sectoral perspectives on policymaking

For the first part of the reunion, we had invited a Welsh Government official, officers from the local government sector, and a senior figure from the third sector, to offer perspectives on the making of (homelessness) policy in Wales. Following a theme which had arisen from our interview data, we suggested that they might focus on the role of networks and relationships in this field, but they were free to consider other aspects if they wished. The perspectives offered were the presenters' own: they did not claim, and were not expected, to represent either the organisations or the wider sectors within which they worked.

Making (homelessness) policy in Wales: an overview

Presenter's remarks

In homelessness, as in any policy field, there are some basic questions that policymakers must ask themselves: What is working well? What isn't? What needs to be done differently and by whom? What is the role of government? What can *only* government do? What *should* government do? And what *does* government do? Before the downward pressure on public finances and before Wales was granted primary law making powers, new policy developments by the Welsh Government sometimes emerged as new programmes and spending lines, rather than extending and/or revising existing programmes and steering service providers in new directions. As a result, it has found itself directly managing programmes which deliver local support and services. Some argue this role is better suited to local authorities rather than a national government.

Policymaking draws on a range of resources. Legislation is a key tool but must be effective if it is to address problems identified and can have greater impact if combined with the non-legislative measures. Programme funding (grant and core) is valuable in supporting

developments and change in the field but is part of a suite of resources. Other resources include direction, guidance, influence, power, evidence, and facilitation.

Factors which drive, or should drive, policy formulation include evidence (which was well used, in the case of the 2014 legislation); political commitments, and innovation in other countries such as Scotland. Inevitably, if one part of the UK does something, there can be a tendency to say 'why aren't we following suit?' - which raises questions about the appropriateness of policy transfer.

Challenges to policymaking include budget pressures, which may create a lack of funding; lack of capacity; the political balance of democratic institutions; short-termism (which can hamper investment in preventive measures which deliver results over time); and externally imposed changes such as Welfare Reform, a UK government policy developed independently of the Welsh Government – and outside its control - but with significant negative impacts on people and services in Wales. When, as now, budgets are tight, there will be struggles over priorities: the protection of spending on schools and the NHS means other budgets, including the housing budget, are vulnerable to cuts, even though evidence shows that housing has an effect on people's health and educational attainment. This last point highlights the importance of action which cuts across policy areas: policymaking should not take place in silos.

Whatever the policy, and the measures taken to achieve its objectives and the resources deployed to support its implementation, evaluation is important. The pressures on public finances mean that tough choices and decisions have to be taken. Evidence is increasingly important and generating it must be an integral part of policymaking. Evaluation should always be built into policymaking at the beginning, rather than left as an add-on towards the end of the process.

Discussion

A central theme that emerged from the discussion was the importance of clear, broad and coherent policy direction from the Welsh Government. This was seen as especially important where policies were closely linked to issues or programmes overseen by other departments (for example, health and prisoner release) or were undergoing substantial change at the same time as major developments on other policy areas (for example, the social services and wellbeing legislation which overlapped with homelessness reform). It was suggested that competition for resources and attention between developing policy streams could cause real difficulties for local authorities and others. Similarly, a co-ordinated approach to performance management, data collection and evaluation across policy areas

and institutions could reduce duplication and make policy development and implementation more effective, but it does require the Welsh Government to weave common principles throughout a set of policies. (In a later discussion, it was noted that the Housing (Wales) Act, as a complex and wide-ranging statute, provides an example of co-ordinated legislation. It might have been simpler to legislate separately on the two main sections of the Act, homelessness and private rented sector regulation, but the interaction of the two meant that separate legislation would have been less effective).

A secondary theme was the nature of the appropriate relationship between the Welsh Government and service delivery agencies. It was suggested that while the Welsh Government should trust delivery partners to implement policies, it must ensure that arrangements are put in place to generate evidence of delivery and value of money. It had also to be willing to regulate in some way the delivery where it did not deliver services itself. This is why some actors in the sector regretted the omission of proposals for a homelessness regulator or ombudsman from the 2014 legislation.

A view from the third sector

Presenter's remarks

The trust between sectors and organisations, which emerging work from the case study had identified as a strong theme in the development of the 2014 legislation, is an important element in contemporary Welsh homelessness policymaking. However, the degree of integrity which currently characterises relationships has not always existed. It had to be built and earned. Although disagreements between and within sectors continue to exist, in recent years relationships between third sector homelessness organisations and, in particular, local government have become much more trusting than they were. In earlier days there were also real disagreements within the third sector about the advisability of changing the homelessness legislation. At some point there was a watershed in the homelessness policy world: different organisations and sectors became much closer to each other on some important substantive policy issues, and relations improved, but it is not quite clear what caused this.

Nonetheless, the Welsh Government's inclusive and co-productive approach to policymaking in this case contributed significantly to improving both relationships and policy. There are three reasons for this. First, the third sector and local government can help overcome limitations in the Welsh Government's own capacity by bringing information, evidence and further perspectives to debates. Second, it becomes possible for government to legitimise its

approaches by pointing to the support of important and respected organisations in other sectors. Third, non-Government organisations can facilitate communication between other actors who for political or institutional reasons cannot communicate directly- for example, between officials and AMs, or between Welsh and UK Ministers and shadow Ministers of different parties. This role grows as trust develops. While it is important that third sector organisations should retain their freedom to negotiate and campaign, relationships between sectors in the Welsh homelessness policy community are now often marked by a willingness to compromise where it would be helpful to do so. This, too, comes from trust, which allows actors to consider compromise without worrying too much about each other's motives.

One last factor which has driven policymaking in this case has been the desire of policymakers - including but not only Ministers - to leave a legacy. An 'appropriate level of ego' is a legitimate driver of innovation (and lobbying and campaigning organisations can recognise and play on this).

Discussion

Several themes emerged in this discussion. First, there was general agreement that the degree of trust that currently characterised the wider Welsh homelessness sector had had to be earned. The factors that had made this possible included a common commitment to addressing homelessness which led to a sense of 'shared endeavour' in developing proposals for reform; a shared basic understanding of some of the deficiencies of the existing system, notably its failure to offer much real help to single people; and the presence of a set of influential actors of long standing within in the wider sector. Trust does not, and probably should not, mean universal agreement on every point, but a healthy acceptance of disagreement had been achieved: actors could agree to disagree without corrupting their relationships with each other.

Second, the process of gathering evidence to inform policy development generated a conversation within the wider sector, including, importantly, between policymakers and delivery organisations. This was especially true of the 'Mackie' Review (see 'The role of evidence' below), during which, in the opinion of some participants, a tipping point towards greater trust and co-production occurred. Because there were several iterations of the conversation, participants had to think again and again about their positions. Faced with the prospect of working in different ways, organisations had to think hard about whether and how their culture and their relationships with others would need to change.

Third, the 'small country' effect, and the significance of the relative newness of the devolved institutions, were discussed. The point was made that the smallness of Wales does not

guarantee that actors will co-operate with one another: co-operation has to be fostered. The importance of the advent of primary law-making powers in 2011 should not be underestimated: when the powers were granted, Ministers and others looked for substantial ways to use them. Homelessness had been on the policy agenda in Wales from the very beginning of devolution, in part because of campaigning by organisations like Shelter Cymru, and Ministers did want to do something about it. But, it was argued, the Welsh homelessness reforms, unlike homelessness reforms in Scotland in the early 2000s, were not primarily driven by Ministers: although Ministers saw the potential for the reforms to make a real difference for many vulnerable people, the reforms were driven by officials and the third sector, with support from academics. Local authority sector participants pointed out the contribution made by councils which had developed new local practices, particularly on prevention, over a number of years before 2014. Changes in the working practices and capacity of the Welsh Government civil service since devolution had made significant policy change possible: the Welsh Government now is now much less segmented in its policymaking compared to 1999, although there is still much more that can be done to develop a more integrated approach across policy areas. It is also more aware of and willing to learn from developments outside Wales than either the former Welsh Office or its earlier, newly-devolved, self, had been.

Fourth, while the Welsh homelessness policy community was aware of developments in Scotland, where local authorities' obligations had been extended by effectively considering all homeless persons to be in priority need, there was no wish to adopt the Scottish model wholesale. This was not primarily driven by a wish to have something home-grown in Wales, but by a perception that the Scottish model was not working. It was also judged to be more expensive than Wales could afford, and it lacked a statutory prevention stage, having been developed before the 'preventative turn' in British homelessness policy and practice had really taken root. (By the time of the Welsh reforms, there was a widely-shared recognition in Wales of the importance of preventative action, particularly where it could save money and/or reduce demands on public services.) But the Scottish model did provide an example which showed that reforms were possible, and this encouraged Welsh policymakers.

Overall, then, a number of factors had combined to produce a 'sweet spot' on homelessness policy: a conjunction of primary legislative powers, authoritative evidence, wide agreement that the system was not working as should be, and people who were willing and able to do things. This is not easily replicable but lessons and principles may be identified from it.

A view from the local government sector

Presenters' remarks

An important part of the background to the development of the 2014 legislation was the move towards homelessness prevention by many local authorities from 2004-2005 onwards. This was not the product of legislation, but it was led by the Welsh Government, who brought consultants into Rhondda Cynon Taf and Powys to promote prevention. Once Welsh Ministers and officials had begun to take a lead in developing this policy, one important role of local authorities was to provide a reality-check for the Welsh Government's aspirations, and to identify costs. But they were also important in identifying problems with the existing system, such as the diversion of time and resources from service delivery to regulation and monitoring, and potential solutions to those problems. Structures such as the local authority Homelessness Network, and local authorities' connections outside Wales, allowed them to diffuse practice and policy learning (for example, from Scotland or the wider EU).

There was a series of tipping points in this case: ideas and practices rippled out from a few people to wider and wider circles, and existing networks provided a very significant vehicle for this process. For example, a meeting between Huw Lewis, then the Minister for Housing and Regeneration, and the Welsh Local Government Association (WLGA)'s network of Housing Cabinet members, was crucial in establishing Local Authority support for homelessness reform. This meeting built on extensive networking and preparation beforehand. Support was further facilitated and validated by a political consensus between Welsh Ministers and the Labour-dominated local government sector, and by excellent leadership of the local government sector by the WLGA Spokesperson for Housing, Cllr Dyfed Edwards (who was, incidentally, not a Labour councillor). All this gave local government people a licence and a cover to go away and develop ideas. Overall, existing networks and relationships fed into new, well-functioning, and re-energised groups. By contrast, programmes which had more narrowly task-based approaches and criteria were not always flexible enough to work across the range of needs.

Discussion

Much of the discussion in this section continued to explore the nature and use of networks in Welsh homelessness policy. First, it was noted that within the Welsh homelessness policy community there was a multiplicity of networks, in which largely the same group of members met in different configurations. This produced mixed effects. Some participants suggested that the existence of multiple networks smoothed the path for policy implementation by providing multiple opportunities for actors to learn, and thereby promoted the cultural

changes which allowed the 2014 legislation to be implemented effectively. It was suggested that this had been particularly true in respect of production of the Code of Guidance which supported the legislation, and which service leads had been closely involved in writing. Within the WLGA, the existence of a variety of networks- for example, of service leads or of councillors- had, in the view of some participants, enabled a variety of voices to be heard. As a result, the local government sector had been able to develop a truly plural, deliberative and real-world perspective. The networks had helped build consensus within the local government sector because they provided fora within which potentially controversial positions could be aired in the name of the network rather than of any individual member, and had allowed an overview to be taken, by the WLGA corporately, of what most local government opinion thought could and should be achieved.

Mature and established networks were seen by reunion participants as having a capacity and resilience that allowed them to wrestle with difficult themes. Frequent meetings could facilitate cultural change by a process that was described as being almost like osmosis. The shared experience of developing policy could be empowering, and foster a sense of resilience and intellectual capacity which could be applied to other matters. It could also act as a catalyst for the development of new and improved relationships: in the case of the 2014 legislation, revitalised relationships between Shelter Cymru and individual local authorities, and between local government and the Housing Association sector, are examples of this. Where difficult choices had to be made, particularly about resource allocation, networks could allow more broadly acceptable outcomes to be reached by bringing to the table a wider range of views and knowledge than government would otherwise have access to, and by giving members a share in the decisions taken.

However, a note of caution was sounded by the suggestion that many Welsh networks- not only in homelessness- had come to exist for their own sakes – the “talking shop” effect. The existence of too many networks could be enervating and counter-productive, absorbing time, energy and resources that might be better spent elsewhere. For networks to remain useful, they needed to retain their focus. Networks which periodically re-examined their terms of reference - such as the Homelessness Strategy Working Group, which had existed since the very early 2000s - were considered to be more likely to achieve this.

Second, it was noted that networks were not the only fora in which deals were agreed. A case in point was the removal of automatic priority need for homeless ex-prisoners: this had been a distinctive feature of the homelessness framework in Wales since it was introduced by devolved secondary legislation in 2001 and its removal was highly contentious. Supporters of its retention argued that it did assist resettlement of ex-prisoners and that the

Welsh Government should be moving towards extending priority need so widely as ultimately to abolish the concept in practice, while supporters of its removal argued that in practice it operated against resettlement planning and that it unfairly privileged ex-prisoners over some other needy groups. Some participants believed that the decision to remove priority need for ex-prisoners was strongly influenced by the then Minister (Carl Sargeant)'s own values, constituency experiences, and sense of social justice, and that his predecessor, Huw Lewis, might have decided differently had he still been in post. The decision to remove from the Bill the proposal that local authorities should have to provide interim accommodation for all persons who had no 'safe place to stay' while a housing solution was being sought, which had been in the 2012 Housing White Paper *Homes for Wales*, was influenced by evidence about cost and deliverability which had emerged from the network.

This discussion suggested a more nuanced account of networks than the PPIW had explored in its earlier analysis of the case study. In this account, while evidence, deliberation and co-production are important, they do not tell the whole story. Political commitments, and notably Ministers' ideas, experiences, and opinions, matter (although it is important to emphasise that any opinions expressed in this reunion about the motives of and influences on Ministers could not be corroborated as statements of fact, as we were not able to interview any Ministers for this case study). Huw Lewis was seen by some participants as having been much more favourable to disregarding intentionality for homeless families than Carl Sargeant was, and it was suggested that this may have been influenced by the difference between the two Ministers' experiences of, and relations with, local government. Carl Sargeant had much stronger connections to local government - which generally opposed relaxing intentionality criteria - than his predecessor, and may have been more likely to give a sympathetic hearing to their views on a matter such as this. In short, while connections and relationships matter, they are not the only relevant influence and they are not always mediated through formal or even informal networks. This points us towards a consideration of hierarchies within policy networks and relationship structures, and suggests that some actors - notably Ministers - can be more influential than others. This is in part a function of formal and structural authority: but, like other actors, Ministers carry their own experiences and views into the policy process, and those seeking to influence policy do well to recognise this as they shape their strategies.

Third, the Bill scrutiny process within the National Assembly was identified as a forum in which the final shape of the policy measure – legislation in this case - could be influenced by interested parties by putting their views directly to Assembly Members (AMs) on the Communities, Equality and Local Government Committee (which was one of the three

Committees which conducted scrutiny). Again, policy development was shaped by actors' personal values as well as by research and by the political dynamics of policymaking without a government majority in the Assembly. Participants in the reunion disagreed about the thoroughness of the scrutiny, with some suggesting that AMs were still, at the time of the scrutiny of the 2014 legislation, learning how to operate in a comparatively new system. While some participants argued that the scrutiny process had improved the legislation, they suggested that improvements were to points of detail at the margins: bigger changes were unlikely to be made without a clear political imperative to do so. Once more, the importance of ministerial decisions and positions was emphasised: attempts to influence Ministers' views on major points were also made outside the scrutiny structure. For example, during the development of the 2014 legislation, WLGA officers had frequently met the Minister's special advisers.



Part two: The development and implementation of the legislation

For the second part of the reunion, we had invited three participants to reflect in turn on specific aspects of the development and implementation of the legislation, which they had been able to observe at close quarters. Again, the perspectives offered were solely those of the participants rather than the organisations for which they worked or had worked.

The role of evidence

Presenter's remarks

Evidence was important in the development of the 2014 legislation, but it was one part of a bigger jigsaw: it was not in itself the driver for policy change. That said, the Welsh Government had made a commitment to using evidence in homelessness reform at least as early as 2009, when the Ten Year Homelessness Plan said that the existing legislation would be reviewed. Of course, that could have meant something rather different (and less extensive) than the significant piece of work that actually went ahead. The team that undertook that piece of work - which is sometimes called the Mackie Review - were given two parameters by the Welsh Government. The first was that there was a genuinely blank canvas: nothing was ruled in or out. The second was that there was, however, no more money available. Within those parameters, any recommendation would be considered. The ethos behind commissioning the review was not about saving money (as similar reviews have been in England and the USA), but about a perception that the existing homelessness system needed to be improved in terms of who it helped – or didn't as the case may be – and how. There was a clear indication of inconsistencies in the way in which the legislation in place at that time was being interpreted and/or applied.

The Review cost between £50,000 and £60,000 and delivered four substantial reports, based on an extensive process of meetings and consultations with (mainly local authority) service providers. Many of the Review's evidence-based recommendations were incorporated into the 2012 Housing White Paper *Homes for Wales*, with substantial passages of the White Paper being taken directly from the Reviews' final Options report. (This is unsurprising, as one of the Review team had by then become a ministerial specialist adviser- which makes a point about the role of individuals in the process and about small country policymaking more broadly).

So there was a significant ongoing commitment to evidence during the both the policy planning and the policy development process, which was further demonstrated when the need to cost proposals gave rise to some very interesting discussions, and sharing of papers, between the Welsh Government, the WLGA, and the Review team. But in some areas, there was a lack of evidence: probably the best example of this related to prison leavers, where data about the benefits or otherwise of priority need status simply was not being collected. That may have made it easier to remove priority need from prisoners in the new legislation: data showing that priority need was effective might have strengthened the arguments of those who wished to retain it. Similarly, the proposed ‘no safe place to stay’ provision, which was recommended by the Review report and mentioned in the White Paper, might have survived into the legislation if an evidence-based costing had been undertaken and had shown it to be affordable.

Discussion

Discussion chiefly centred on the Mackie Review. It was suggested that the Welsh Government had seen robust evidence as an essential underpinning for new primary legislation, and had planned for it from the outset of the reform process. Without evidence the legislation would also have been vulnerable to challenge during the scrutiny stage. Several points were made about the process by which evidence was developed.

First, the broad and inclusive nature of the research gathering was emphasised: the review team had travelled around Wales, and despite the initial scepticism of one member of the team had been able to collaborate with local authority staff to develop a substantial evidence base. The strength of this process was that it was both informed by international evidence, and was grounded in and to some extent reflected some of the best of existing local practice. Thus, practitioners had some ownership of the recommendations that were developed from the evidence. The Welsh experience was contrasted with recent developments in England in connection with the Homelessness (Reduction) Bill, where evidence appears to have been generated by an expert commission which had little contact with practitioners. As a result, participants suggested, there is a danger that when English policy is handed to local authorities to implement, they will comply with it rather than embrace it.

Second, and arising from this theme, discussion returned to the ‘deep-seated’ co-production ethos in Welsh (homelessness) policy. This was in turn related to the trust between members of the Welsh homelessness policy community, which allowed them to compromise without fear of being taken advantage of. But it was emphasised, once again, that trust had had to be built, and there was further discussion of the factors that had enabled it to be so. It

was suggested that having a task to achieve together - in this case, the development of homelessness reforms- can focus and stimulate the development of relationships. While research impact and evidence around costs were important, the process of conducting the research had carried people in the homelessness sector along with the reform project. The review team's meetings with practitioners had been well attended and those who attended the meetings would then have returned to their workplaces and talked to colleagues about the process. Ministers' roles, again, were seen as important: participants believed that both Huw Lewis and Carl Sargeant had been well disposed towards collaboration, but that this disposition could not have been taken for granted from all of their ministerial contemporaries.

Finally, the importance of continuing evaluation and evidence-gathering about homelessness services was noted. Some participants considered that the legislation missed an opportunity to require local authorities to adopt more usable methods of data collection, recording, evaluation and monitoring. However, others argued that a requirement of this kind would, to ensure consistency, have had to be very detailed, and that if detailed requirements are included in primary legislation they are very difficult to adapt in light of changed circumstances or as a result of the monitoring and evaluation of the implementation.

Ministers and Assembly politics

Presenter's remarks

The Housing Bill was a multi-faceted and complex piece of legislation and different policies played out within it. An important part of its context is that it was one of the first major pieces of primary legislation which the Assembly passed. Many of those involved, therefore, faced a steep learning curve concerning the process of translating research and policy recommendations into legally-enforceable terms without losing sight of their original intentions, and concerning the politics of taking legislation through.

As we have seen, evidence is really important in policymaking, but so are the personal networks of Ministers. What Ministers hear informally from personal connections, or conclude from personal experiences, can be more powerful than formal advice from any source. The lack of a government majority in the Assembly added an edge to the political dimension, especially when amendments to the Bill were being proposed. The legislation was a crucial development important but importantly, it was accompanied by other activity, such as reviewing grant programmes to ensure they complemented and supported the prevention focus of the legislation, and aligning people to bring about cultural change in

multi-agency working. Formal contacts, such as the local government network which has been mentioned, were also important, although the importance of one such forum, the Assembly Cross Party Housing Group which brought together the various parties' housing spokespersons, was unclear. While there was consensus between spokespersons on key points of the legislation, it may not have been played through the Cross Party Group. But alongside these there was a constant flow of informal contact such as conversations, briefings, and ministerial conversations with individual AMs, or the Labour group, on the Assembly's Communities, Equality and Local Government Committee. And just as personal experiences and convictions influence Ministers, so do they influence individual AMs. Their understanding of the issues could vary considerably, and be shaped by personal, professional, or constituency experiences. It is important for those who are seeking to influence AMs and Ministers to take all this into account, and to be prepared to emphasise and clarify what they think are the most important points.

Just, then, as the personal is political, so the political is personal. The relationships and commitments of senior actors matter. As has been suggested, in this case Dyfed Edwards' leadership, and his good and longstanding relationship with Carl Sargeant in particular, made a great contribution to the local authority sector's participation. While Carl Sargeant and his ministerial predecessor Huw Lewis were very different characters, they shared a commitment to social justice and understood important messages about homelessness. Carl Sargeant was seen as having been particularly skilled in putting across his expectations of the change that he would be able to make, whether in a conference or a political network.

One lesson that may be drawn from the process, for researchers and evidence providers who are seeking to influence policymakers, is that you have to be able to bring people, organisations and networks up to the right 'emotional temperature' to receive research. In this case it was right: there was a strong Welsh Government commitment to tackle homelessness and to change things to deliver better help to people who need help. A theme of this reunion has been the power of ongoing conversations in shaping cultural change - formal conversations, informal conversations, and even the ongoing conversations with ourselves in our heads by which we synthesise what we have heard from different people. So another lesson would be to start having conversations at quite an early stage.

Discussion

The role of Ministers and politicians had arisen several times in previous sections of the reunion, and at this point discussion once again turned to the nature of relationships within the Welsh homelessness policy community, with some focus on their utility as a tool for

influencing political decision makers. The significance of the use of the term ‘community’ rather than ‘profession’ was noted: participants largely agreed that a commitment to the issue of homelessness, rather than a view of their work primarily as a career, had motivated and united members of the community, and had spurred members of the Review team and others to make a contribution beyond what might have been required of them.

In 1997, when it had become likely that there would be devolution in Wales, Shelter Cymru and other actors had established Homes for All Cymru as a lobbying group. Since then there had been comparatively little movement of principal actors in or out of the Welsh homelessness community, and there had been time for relationships, and the community, to grow. It was the view of all participants that the homelessness community in Wales would survive the departure of the current generation of leaders: organisations were seeking to ensure the community’s sustainability. Because Ministers change comparatively frequently, this continuity in the leadership of the policy community can provide stability over time.

Participants placed the process of making the homelessness reforms in the context of wider developments in the Welsh Government’s policy style. Notably, these included a move towards the idea of citizen-centred services, going beyond government and even stakeholders to gain insights from service users, and a ‘whole system’ approach in which the causes and effects of the whole range factors affecting wellbeing- including housing and homelessness - were considered in relation to each other. In this connection, it was noted that at some point during the development of the 2014 legislation the introduction of a corporate public duty to prevent homelessness, against which every policy would be assessed, had been considered. However, this had not been taken forward because, it was suggested, a higher level prevention duty of this kind was seen as being beyond the reach of some key actors.

Working with practitioners

Presenter’s remarks

The main lesson to be drawn from the implementation of this case is that changing the culture of practice is, though achievable, a slower and harder task than developing the legislation.

When it became clear that the new legislation would be enacted, the WLGA Homelessness Network, which brought together homelessness service lead officers from all 22 Welsh local authorities, organised a joint training programme which included staff from the local government sector, Shelter Cymru and the Welsh Government. To the organisers, this

seemed the obvious thing to do, and it was only in retrospect, and in light of comments from colleagues in England, that they recognised how innovative it was. Relationships, especially between Shelter Cymru and local authorities, had been developed at a higher level, but had often not been developed locally. Bringing caseworkers from local authorities and Shelter Cymru, and often Welsh Government staff, to learn together had really helped foster relationships and understanding between people who might previously only have had tangential or adversarial contacts with each other. The training programme was a success, but it probably now needs to be refreshed: an online version is being made available for authorities and their partners to use locally. Shelter Cymru's *Equal Ground* Framework is being used to embed person-centred principles in frontline homelessness services.

Alongside the training, barriers were broken down by establishing local protocols between Shelter Cymru and each local authority which set out how the two bodies would work together, while respecting Shelter Cymru's function as a challenger of decisions on behalf of individual service users. Many disagreements in individual cases are now often resolved locally and less formally. This is immediately helpful for service users, although it may be less helpful in the long run because it means that a body of case law and precedent is not being built up.

Discussion

After the value of much more consistent collection and reporting by local authorities of homelessness statistics, and of a really consistent policy direction on implementation, had been mentioned, much of the discussion in this section related to engagement between the local authority homelessness sector and the prison and probation services. The development of the national Prisoner Pathway has been particularly interesting because the prison and probations services are not devolved and have been subject to substantial change driven by the Westminster government. Many Welsh prisoners serve their sentences in prisons in England and in those cases prison staff administer the Welsh pathway alongside provision for English prisoners. For these reasons, prisoner resettlement might make an interesting study in cross-border policy.

Discussion in earlier sections of the reunion had touched on the removal of automatic priority need from homeless ex-prisoners, and this subject was now returned to. It was suggested that removal of priority need had emphasised the need for a more proactive and clearly defined approach to prisoner resettlement, beginning earlier before their release. During the development of the Pathway, the need to prevent prisoners from losing accommodation that they had had when they entered custody or on short prison sentences was also identified.

In some ways it could, therefore, be seen as having improved the support and help that prisoners had received. As with the implementation of the homelessness reforms more generally, the Prisoner Pathway had benefited by being developed collaboratively: this had ensured commitment by all relevant agencies, devolved and non-devolved.

Participants suggested that the implementation of the homelessness reforms had caused significant changes to the role of local authority homelessness and housing options staff working with clients. Their work had gone from the processing of claims, with an emphasis on accurate recording and making procedurally defensible decisions, to a more open-ended problem-solving role. The new role had generated an unexpectedly large bureaucratic burden, and local authorities and their partners were now looking at whether any of the recording and formal communication requirements might be simplified. The importance of third sector and other agencies in providing support to service users had become increasingly recognised and formally incorporated into service provision. All of these changes had proved challenging and while some staff had embraced them, others had chosen to leave their jobs, causing a considerable turnover in staff teams.

Nevertheless, participants considered that on the whole implementation had been well managed. The Regulations had been made in quick time, and an extensive national training programme conducted, which had allowed a major piece of legislation passed in September 2014 to come into force in April 2015, at a time when budgets were reducing. Training was seen by Welsh Government officials as a fundamental part of the reforms: one of the reasons for the new legislation was to address inconsistencies in the interpretation and application of the original legislation, and training was considered key to avoiding the same thing happening again. Implementation training had enabled staff from all delivery organisations to learn from each other, build connections, and receive the same guidance at same time. However, constant refreshment and renewal were required to maintain standards among both new and existing practitioners; with the passage of time, there was a danger that staff would slip into standard operating procedures that mistranslated what the legislation actually said. It was recognised that passing new primary legislation was the beginning, rather than the end, of a process.

Concluding reflections

We invited Professor Alex Marsh from Bristol University to observe the Policy Reunion and reflect on the wider lessons of the discussion. Noting that it had been an absolutely fascinating discussion for any student of the public policy process, particularly because homelessness is an example of a 'wicked issue' to which there are no 'correct' answers, Alex highlighted a number of themes that had emerged.

First, there is the place of homelessness policy in a wider policy process and subsystem, thinking about the various strands that constitute it, and reanimating existing structures. This leads us to ask how and when change happened: there was a lot of talk about there being a 'tipping point' of change. Perhaps this can be conceptualised as a 'window of opportunity'.

Second, there was a strong theme about the use of 'hard' and 'soft' policy instruments. Laws evidently need to be embedded into a much broader ecology for successful implementation. 'Hard' instruments such as legislation can achieve much but the consensus seems to be that in this case legislation had to be deployed alongside 'soft' instruments such as culture change. Trust is a word that kept recurring: the elusive question of how trust was developed within an existing network and around a particular episode. Public management literature says it takes five or ten years to get cultural change to take hold, and as one participant strikingly suggested, it is necessary to keep emphasising how things are changing so that people do not overlook them: new structures have to be reinforced through action.

Third, a consensus appears to have been reached in the Welsh homelessness policy community that the existing homelessness system could not continue. As practice evolved, it fed into the process of reform. There is a striking contrast here between Wales and England: there was no suspicion of experts here, but the recognised experts included practitioners. So some of the rhetoric of co-production - neither top-down nor bottom-up policymaking, but a dialogue between the two - appears to have been justified in this case. This case also illustrates the different points into which evidence can be introduced, and leads us to questions about which stage is best for which type of evidence.

Finally, the case highlighted intriguing issues about scale. Wales is a small country, but the effect of smallness on policymaking in this case was a little more subtle than simply enabling all key actors to be brought together in one space. There is a multiplicity - perhaps a surfeit - of networks, with substantially but not entirely overlapping memberships. It would be interesting to think about what effect this might have. We might ask how far the system opens up neutral spaces for dialogue in which people have the time and space to think holistically, even if the operation of the system requires them then retreat back into silos.



Annex 1: The Welsh homelessness reforms: some contextual factors

The focus of the case study is chiefly on the period since 2009, when the Welsh Assembly Government, as it was then known, announced in its *Ten Year Homelessness Plan for Wales 2009- 2019* a commitment to reform the statutory homelessness legislation when primary legislative powers became available. However, development of homelessness policy in Wales was shaped by a wider political, institutional, and financial context, which included:

The developing legislative powers of the National Assembly. When it was established in 1999 the National Assembly possessed only secondary legislative powers, which enabled it to modify the operation of statutes passed by the Westminster Parliament insofar as they related to devolved matters in Wales. These powers could be used to pursue distinctive policy approaches to a certain extent - as, for example, in the extension of the homelessness priority need categories in 2001, which went slightly further than equivalent legislation in England - but they could not delivery more fundamental change. The short-lived Legislative Competence Order procedure, which operated during the 2007-2011 Assembly, allowed piecemeal devolution of primary legislative powers, but it was not until 2011 that a general power of primary legislation was granted. By contrast Scotland, whose Parliament had full primary legislative powers from its creation, was able to make more substantial reforms in the early 2000s. Limits to the Assembly's legislative powers in the first decade of devolution steered the Welsh (Assembly) Government towards a policy style based on strategies, co-ordination, and guidance.

The dependence of the Welsh (Assembly) Government throughout this period on a block grant from HM Treasury for almost all its funding. This constrained its policymaking because although it could decide how funds within that grant should be spent, it could not borrow or raise additional taxes to increase its budget. Because the grant was calculated in proportion to equivalent spending in England, it also meant that it was affected by decisions taken by the UK government about overall public spending levels. This became, we suggest, a particularly acute constraint under the Conservative-led Westminster governments after 2010, with their commitment to financial and fiscal austerity. Yet it was at this time that the National Assembly acquired primary legislative powers. Again, there is a contrast with the Scottish homelessness reforms, which were made at a time of increasing public spending.

The political centre of gravity of Welsh government. Since 1999 the Labour Party has been continually in office in Wales, either in coalition (with the Liberal Democrats for part of the

First Assembly, and with Plaid Cymru throughout the Third Assembly) or alone. Labour in Wales has generally retained a commitment to social equality, and a fairly 'high' view of the mission and capacity of the state as a force for wellbeing. Many observers would suggest that this view is broadly shared by a large proportion of the Welsh public (although there will of course be disagreement about the merits or specific aims of any particular government policy). In this particular case, it is arguable that in the absence of devolved responsibility for social security or macro-economic policy, homelessness can be an emblematic policy area, allowing a devolved government to present its credentials as a distinctive and socially progressive administration.

The comparatively small size of Wales and of the Welsh homelessness policy and practice community. The ability, in a small country, to bring people together does not necessarily mean any more than that key actors can be physically assembled in one place: it does not guarantee agreement or even good relations. But our research suggests that in this case there was a constant interplay between the (different permutations of) policy actors, which contributed to the acceptance and success of the policy. This interplay was in part conditioned by the limited resources available to the Welsh Government, which meant that non-government actors' contributions to research, development and implementation of became particularly important at different times. Importantly, the smallness of Wales also made it possible for a full range of actors to be engaged in shaping the planning and delivery of policy.

Annex 2: Select timeline of Welsh homelessness reforms to 2016

1999-2000 Working groups established by National Assembly to inform first National Housing Strategy. Task Group 4 includes homelessness. Recommendations include:

- existing statutory definitions of homelessness and local authority duty showed little interest in prevention and longer-term outcomes, offered little to single homeless people, and inattentive to the wishes of individual applicants.
- In shorter term, local authorities should promote prevention and pilot personal housing plans, and Assembly should pass secondary legislation to extend priority need categories.
- In the medium to long term Assembly should lobby Parliament to legislate for National Homelessness Strategy for Wales and devolve as much power as possible.

2000-01 National Assembly establishes Homelessness Commission: report recommends a national homelessness strategy

2001 Assembly passes *Homeless Persons (Priority Need) (Wales) Order 2001* to extend priority need groups in Wales

2001 *Better Homes for People in Wales*- first national housing strategy. Mentions ending need for rough sleeping, local strategies, and housing advice

2003 Welsh Assembly Government publishes first National Homelessness Strategy

2005 *Tackling Homelessness- key issues* (the Tarki report- commissioned to inform Second National Homelessness Strategy 2006-08) calls for statutory prevention duty and diversion of resources from rigid assessment procedures to addressing wider needs.

2007 Labour/Plaid Cymru coalition. Jocelyn Davies (PC) is Deputy Minister for Housing

2009 Welsh Assembly Government *Ten year Homelessness Plan for Wales* includes desire to change statutory framework when powers available, prevention/ universal access.

2011 Labour government. Huw Lewis is Minister for Housing and Regeneration

2011-12 'Mackie Review' commissioned by Welsh Government: research on implementation of existing legislation, international comparisons, and possible alternatives. Proposes shift to prevention-focussed 'Housing Solutions' model, including 'safe place to stay' temporary accommodation and homelessness services inspectorate.

2012 Welsh Government White Paper *Homes for Wales* endorses 'Housing Solutions' model, but no homelessness services inspectorate.

2013 Carl Sargeant becomes Minister for Housing and Regeneration

2013-14 Housing (Wales) Bill considered and passed by National Assembly

2014 Lesley Griffiths becomes Minister for Communities and Tackling Poverty

April 2015 Pt 2 of Housing (Wales) Act 2014 comes into force: Code of Guidance published (revised April 2016).

