

Caerphilly County Borough Council

Cyngor Bwrdeistref Sirol Caerffili

Intentionality Statement Housing (Wales) Act 2014 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"

The new Housing Act Wales 2014 dictates that Councils choose to opt in or opt out of finding households "intentionally homeless" including deciding to which households they will apply the "intentionality test".

Caerphilly County Borough Council has chosen to keep the intentionality test and apply it to the following categories of applicant that reflect priority need categories:

- A pregnant woman
- A person with whom a dependent child resides
- A person who is vulnerable as a result of some special reason(for example: old age, physical or mental illness or physical or mental disability)
- A person who is homeless or threatened with homelessness as a result of an emergency such as fire, flood or other disaster
- A person who is aged 16 or 17
- A person who has attained the age of 18, but not the age of 21, who is at particular risk of sexual or financial exploitation
- A person who has attained the age of 18, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18
- Is vulnerable due to leaving the armed forces
- Is vulnerable having served a custodial sentence or remanded in custody by the order of the court.

The number of people Caerphilly Council declare intentionally homeless is very low in that it has been less than 9% of all homeless applications made over the past three years .The Council will continue to ensure that intentionality decisions are kept to a minimum and that all reasonable steps are taken with all households to help prevent homelessness and/or help to secure accommodation.

The decision to retain intentionality for the above priority need categories has been made as consequence of needing to fully understand the impact of the new legislation, before changing policy around intentionality. This will be kept under review.

Datganiad Bwriadoldeb Deddf Tai (Cymru) 2014 Y Ddeddf

Mae Deddf Tai (Cymru) 2014 yn datgan:

Mae person yn fwriadol ddigartref os ... mae'r person yn fwriadol yn gwneud neu'n methu â gwneud rhywbeth, a'r canlyniad o hynny felly yw bod y person yn peidio â byw mewn llety sydd ar gael i'w feddianu gan y person, ac y byddai wedi bod yn rhesymol i'r person i barhau i fyw yno."

Mae Deddf Tai Cymru 2014 newydd yn mynnu bod Cynghorau yn dewis i gydnabod, neu beidio â chydnabod aelwydydd yn "fwriadol ddigartref" gan gynnwys penderfynu ar ba gartref byddant yn cymhwys o'r "prawf bwriadoldeb".

Mae Cyngor Bwrdeistref Sirol Caerffili wedi dewis cadw'r prawf bwriadoldeb a'i gymhwys o i'r categoriâu canlynol o ymgeiswyr sy'n adlewyrchu categoriâu angen blaenoriaethol:

- Menyw feichiog
- Unigolyn sydd â phlentyn dibynnol yn byw gyda nhw
- Person sydd yn agored i niwed o ganlyniad i ryw reswm arbennig (er enghraifft: henaint, salwch corfforol neu feddyliol neu anabledd corfforol neu feddyliol)
- Unigolyn sy'n ddigartref neu mewn perygl o fod yn ddigartref o ganlyniad i argyfwng megis Tân, llifogydd neu drychinez arall
- Person sy'n 16 neu 17 oed
- Mae person sydd wedi cyrraedd 18 oed, ond nid 21 oed, sydd mewn perygl arbennig o ecsbloetio rhywiol neu ariannol
- Person sydd wedi troi'n 18 oed, ond nid 21 oed, a oedd yn derbyn gofal, llety neu a gafodd ei maethu/ei faethu ar unrhyw adeg pan oeddent o dan 18 oed
- Rhywun sy'n agored i niwed oherwydd gadael y lluoedd arfog
- Rhywun sy'n agored i niwed ar ôl treulio amser mewn carchar neu ar ôl cael eu cadw yn y ddalfa gan orchymyn y llys.

Mae nifer y bobl mae Cyngor Caerffili yn datgan yn fwriadol ddigartref yn isel iawn gan ei fod wedi bod yn llai na 9% o'r holl geisiadau digartrefedd a wnaed dros y tair blynedd diwethaf. Bydd Cyngor yn parhau i sicrhau bod penderfyniadau bwriadoldeb yn cael eu cadw at isafswm a bod yr holl gamau rhesymol yn cael eu cymryd gyda phob cartref er mwyn helpu atal digartrefedd a/neu helpu sicrhau llety.

Mae angen i'r penderfyniad i gadw bwriadoldeb ar gyfer y categoriâu blaenoriaeth uchod wedi cael ei wneud yn sgil yr angen i ddeall yn llawn effaith y ddeddfwriaeth newydd, cyn newid y polisi o amgylch bwriadoldeb. Bydd hyn yn Mae'r ddogfen hon ar gael yn Gymraeg, ac mewn ieithoedd a ffomaau eraill ar gais. This document is available in Welsh, and in other languages and formats on request.