Title: Rights, responsibilities and refusals: homelessness policy and the exclusion of single homeless people with complex needs

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Abstract

This paper presents evidence from a study undertaken in Nottingham and London and considers the impact of homelessness policy and practice on the lives of single homeless people with complex needs. Since 1977 homelessness legislation in England has offered statutory accommodation rights that have been limited to unintentionally homeless people who are judged to be in priority need and able to demonstrate a local connection. Drawing on qualitative data generated in interviews with homeless people and staff working to support them, the paper explores how decisions about intentionality, priority need and local connection serve to exacerbate the social exclusion experienced by single homeless people with multiple support needs. Using the insights of Carlen (1994) and Adlam and Scanlon (2008) the paper explores why little has been done to tackle the longstanding systemic exclusion of single homeless people with complex needs. It is concluded that a more genuinely inclusive welfare state will only emerge when, and if, policymakers and wider society are able to abandon their current fixation with using welfare policy to punish 'irresponsible' behaviour and re focus instead on providing services to adequately meet the basic needs of marginalised people.

Key words: multiple exclusion homelessness, rights, responsibilities

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Introduction

For some, homelessness is one facet of a wider experience of deep social exclusion. In the USA, Kuhn and Culhane (1998) have long identified 'chronically homeless people' and, more recently, the term 'multiple exclusion homelessness' (Carter, 2007) has been used to characterise the lived experiences of a similar multiply, disadvantaged group of homeless people in the UK. The Making Every Adult Matter (MEAM) alliance has also identified people "with multiple needs and exclusions…who experience a combination of issues that impact adversely on their lives [and who] are routinely excluded from effective contact with services they need" (MEAM, 2009: 8). MEAM's definition is useful because it highlights key factors that in combination often lead to homeless people with multiple needs being unable to access the support they need.

This paper considers the experiences of single homeless people with complex needs and the barriers and issues they often face when applying for accommodation to English Local Authorities (hereby abbreviated to LAs), under the present homelessness legislation. It is argued that two factors are significant in understanding why many vulnerable, individuals with multiple needs remain homeless. The first is Carlen's notion of 'agency maintained homelessness' i.e.

> *The bureaucratic or professional procedures for the governance of homelessness which:* <u>*deter*</u> *people from defining themselves as homeless;* <u>*deny*</u> *that homelessness claims are justifiable under the legislation ; or* <u>*discipline*</u> *the officially defined homeless into rapidly withdrawing their claims to homeless status" (1994: 19).*

In one sense this paper updates Carlen's influential piece in which she argued that whether or not someone who presents themselves as homeless is able to secure support and accommodation depends largely on how "local housing authorities, their agents or delegates" (1994: 18) interpret

their duties as set out in (English) homelessness legislation. Although legislation sets out legally enforceable rights to suitable accommodation for certain eligible, vulnerable, 'priority need' and 'unintentionally homeless' applicants, the accompanying official Homelessness Code of Guidance for Local Authorities (DCLG, 2006) and the discretionary powers embedded within it enable local authority practitioners to exercise considerable flexibility in how they judge individual applicants against such criteria (Lidstone, 1994). The second is what Scanlon and Adlam (2008, 2011) refer to as an "essentially stubborn and dangerous societal refusal" (2011: 131) to face up to the complex social causes underpinning the problems of many marginalised people and the ways in which this 'systematic refusal' routinely perpetuates the problems that policymakers and service providers are ostensibly trying to alleviate. Within the wider context of public expenditure cuts, systemic welfare retrenchment and the promotion of a populist 'politics of resentment' by the UK Coalition government (Hoggett et al. 2013) it should perhaps not be too surprising to find that those whose homelessness is judged to be due to their 'irresponsible' and/or anti-social behaviour routinely find their applications rejected and themselves often, quite literally, left out in the cold.

Part one of the paper outlines homelessness policy in England and the eligibility criteria that inform LAs' practice. In part two the methods used in the study to generate the data that informs subsequent discussions are summarised. Analysis of data generated in interviews with multiply excluded, single homeless people and also managers and frontline workers in agencies who routinely engage with them is presented in part three. Subsequent discussions in part 4 builds on the insights offered by Carlen (1994), Scanlon and Adlam (2008, 2011), and others, to consider why tackling the structured exclusion of single homeless people with complex needs, although long acknowledged, does not appear to be a primary concern for policymakers or wider society.

The statutory homelessness system in England

The Housing (Homeless Persons) Act 1977 established a number of statutory duties owed by LAs to those who present themselves as homeless. Today these duties are primarily laid out in part 7 of the England and Wales, Housing Act 1996 as amended in the Homelessness Act 2002. Under this legislation LAs must offer advice and assistance to all homeless households[i]. However, the main duty placed upon local authorities, is to provide those whom they judge to be 'statutorily homeless' with temporary accommodation until more settled housing becomes available. To be owed a duty, statutorily homeless households must meet a number of criteria. First, they must be eligible for support (asylum seekers and other migrants whose immigration status denies them recourse to public funds have, for example, been ineligible since the Housing Act 1996) and also deemed to be homeless or threatened with impending homelessness. Importantly, having passed this test, LAs are "only obliged to re-house households who are unintentionally homeless, in priority need of accommodation" (Cloke et al. 2000: 743) and who, additionally, meet local connection requirements.

The notion of intentionality is, in part, designed to limit the duty owed by LAs to homeless people who are regarded as deserving of public support (Fitzpatrick and Stephens, 1999). People whose homelessness is seen as being caused by their individual (mis)behaviour or failings (for example, eviction due to antisocial behaviour or purposefully accruing large rent arrears), are seen as undeserving and effectively excluded from the right to accommodation. Priority need decisions are linked to particular types of recognised vulnerability acknowledged within the legislation. Identified groups originally included; households with dependent children, pregnant women and vulnerable adults with mental illness or mental or physical disability. In 2002 priority need categories were expanded to encompass young people aged 16 and 17, care leavers aged 18-20,

vulnerable care leavers up to the age of 24 and individuals considered vulnerable as a result of being in the armed forces or prison or fleeing violence (DCLG, 2006). Local connection rules are also significant and state that councils should routinely accept that people have a local connection if individuals have lived in a location for six of the last twelve months, or have close family ties and/or an established work history in the relevant area. If a LA decides that no local connection can be established a council may choose to refer an applicant's case to another LA where it believes a local connection exists, provided the applicant did not originally leave due to violence or fear of violence (Shelter, 2012).

The Homelessness Code of Guidance for Local Authorities (DCLG, 2006) specifies the principles underpinning legislation, identifies priority need groups and sets out other important terms, such as 'homelessness', 'intentional homelessness' and 'local connection'. Within local contexts where demand routinely outstrips supply, LA housing officers are often faced with the unenviable task of adjudicating between the differing claims of highly vulnerable people whilst knowing that all needs cannot be met (Cowan et al. 2006). Their discretionary decisions based on how the Code is locally interpreted and implemented remains significant (Anderson, 2008; Crisis, 2009). Homelessness policy has effectively created two distinct categories of homeless people: those who meet the eligibility requirements (i.e. priority need, intentionality and local connection) and thus have rights to accommodation, and those who are largely expected to support themselves because they are deemed not to be particularly vulnerable (Pleace and Quiglars, 2003). As Somerville (1998) notes a system has long been established to legitimate the claims of certain 'vulnerable' groups whilst simultaneously excluding others. Rather than clarifying the responsibilities of LAs towards single homeless people with multiple needs, national legislation and accompanying the Code of Guidance provide a rationale and bureaucratic apparatus, (i.e. the discretionary powers of local officials) for the continuation of 'agency maintained homelessness' (Carlen, 1994) in local settings.

The Act and the Code of Guidance allow a wide degree of discretionary decision-making that will continue to compound the disadvantage of being homeless as long as there is a shortage of affordable housing… Interpretations of the meaning of concepts such as 'vulnerable' and 'intentionality' will ensure that rationing by discretion remains a dominant force within LA response to homelessness and that the homeless receive unequal treatment (Lidstone, 1994: 469).

Failure to "detect and respond effectively to manifest vulnerability" (Warnes and Crane, 2006: 417) by social housing providers remains a significant cause of homelessness in old age for some. Similarly, among younger people (regardless of categories of vulnerability specified in the legislation), the absence of further compounding vulnerabilities makes it is highly unlikely that single, homeless 16/17 year olds will be awarded 'priority need' status solely on grounds of their age. The inclusive rights based rhetoric, routinely used when referring to national homelessness legislation and local strategies, is often at odds with its discretionary implementation (Anderson, 2008).

The adequacy and fairness of the current English system is subject to much debate. In a study of national data, Fitzpatrick and Pleace conclude that the "most striking overall finding to emerge from this survey was that the provision of statutory homelessness assistance appeared to have secured a substantial (net) improvement in the overall quality of life for those families" (2011: 15); the significant word here being *families*. Many, including Fitzpatrick and Pleace, have long argued that the present system fails to meet the needs of single homeless people who are disqualified from the duty to provide accommodation because they routinely fall foul of the various eligibility tests and/or the discretionary decisions taken by local authority practitioners (Pleace, 1998; Somerville, 1998; Fitzpatrick and Stephens, 1999; Warnes et al. 2003).

Several studies have explored social housing allocations and homelessness provision from the point of view of housing experts (e.g. Pleace et al. 2011) and also the implementation of homelessness law from the standpoint of local authority housing officers (Cloke et al. 2000; Bretherton and Pleace, 2011). In line with the aims of the research which informs this paper, subsequent discussions offer an analysis of the problems inherent within current English homelessness policy and practice grounded in the accounts of single homeless people with complex needs who failed to secure accommodation from LAs. Alongside multiply excluded homeless peoples' own accounts, further evidence from key informants working with homeless people is presented. Given the shortcomings they highlight it is hard to avoid the conclusion that the current system of homelessness support routinely fails to meet the basic needs of many highly vulnerable homeless individuals.

Methods

A key aim of the project on which this paper draws was to compare and contrast the priorities and agendas of homeless people with complex needs with those of service providers. Underpinning this approach was a desire to better understand the relationship between personal biography/life events and policy and practice in resolving or exacerbating homelessness. The research, therefore, utilised an abductive, user-participatory research strategy. Central to this was a commitment to working alongside peer researchers who had recent, previous experience of multiple exclusion homelessness. Ten volunteers were recruited to participate in all stages of the research including; the design of interview schedules, taking the lead (supported by an academic member of the team) in interviews with homeless people, participation in analysis and dissemination activities and membership of the project advisory panel. Working with peer researchers strengthened the project in a number of important ways. First, their grounded experiences and expertise about the realities

of multiple exclusion homelessness and personal knowledge of a range support services were able to inform the team's thinking. Second, their 'insider knowledge' helped ensure that the right questions were formulated and asked in an appropriately sensitive way. Third, they helped ensure that the accounts outlined by homeless respondents were properly understood and interpreted by the wider research team. Finally, the presence of a peer researcher engendered an atmosphere of trust in rationale underpinning the project and the interview with homeless people as there were several instances when respondents told us that this was the case.

Undertaking participatory research (rf. Barnes, 2004) and more specifically working with peer researchers (see e. g. SOVA, 2004) opens up a number of practical and ethical issues for all involved. Although the majority saw their participation as a positive experience, for some, revisiting aspects of their former homelessness was not without problems and we were keen to ensure appropriate support was available. For example, one person specifically stated that he did not want to conduct fieldwork in locations where he had previously experienced street homelessness. Debriefing sessions, with suitably qualified staff were also made available to peer researchers throughout the fieldwork. An awareness that individual peer researchers were at differing stages in their own personal journeys also underpinned the project. For example two people chose to leave the project for personal reasons quite early in the fieldwork and certain others needed more support when conducting interviews. Throughout, we attempted to meet the requirements of individual peer researchers and respect their decisions.

Data were generated in two parallel sets of semi-structured interviews conducted with 108 multiply excluded, single homeless people (74 men and 34 women) and 44 key informants (i.e. representatives of 40 statutory and voluntary sector agencies which support, or routinely come into contact with homeless people with multiple needs). Homeless participants were purposely sampled to include only single people with multiple needs and exclusions. In line with recent research

(Jones and Pleace, 2010; Fitzpatrick et al. 2011; McDonagh, 2011) long-term unemployment, relationship breakdown and past experiences of violence or abuse were common features in the biographies of many. Such issues were regularly compounded by longstanding substance abuse and/or serious mental or physical impairment. A significant minority also had experience of long-term institutionalisation through variously having spent time in local authority care as children, in prison or the armed forces. 85% of homeless participants reported previous experience of rough sleeping. The fieldwork took place in the London Boroughs of Southwark, Lambeth and Lewisham and in the City of Nottingham in 2009/2010.

Homeless participants received a £20 voucher of their choice on completion of an interview. Peer researchers were paid £50 per day for undertaking training and research tasks. Written informed consent was gained prior to interview and all transcripts were anonymised and assigned an identifying code number (e.g. N45 denotes data from homeless participant number 45 interviewed in Nottingham, LKI10 data from a London key informant). Interviews were audio-recorded and transcribed. An abductive approach to analysis was adopted with between-group comparisons to explore similarities and differences in the accounts offered by homeless participants and key informants undertaken. Thematic code-and-retrieve methods (Mason, 2002) were then used (rf. Bowpitt et al., 2012 for fuller discussions).

Homelessness legislation: exclusion in action?

In spite of their noted vulnerabilities twenty-six of thirty-five people who spoke of declaring themselves homeless to a local authority, were refused access to accommodation and deemed not

to be owed a duty under the homelessness legislation. Five were considered not to be homeless, another five judged to have made themselves intentionally homeless, seven assessed as

not being in priority need and twelve were viewed as having no local connection. Trips to the housing office were seen by many as a frustrating waste of time. People felt that they were not being listened to and were merely being processed by uncaring and disinterested officials.

> *'You've got no local connection, blah, blah, blah, goodbye'. 'Thanks a lot, you fucking twat'... I were tanked up an' all - I were drunk - probably didn't help. I didn't swear at them or anything like that - I felt like it - and rather than question it any further... I thought fuck it, I went and had a drink (N49 male[ii]).*

> *I tried to explain to the person that I am homeless at that time, right now. But they didn't really care... 'You're not pregnant, you don't have any like mental issues so we can't help you'. The only thing they can do is give me a number...They didn't even tell me where to go to get help. I asked and they said, 'no we don't know' (L35 female).*

Going to the 'homeless office' was viewed as a last resort rather than a positive first step to getting off the streets and securing accommodation. Complaints that, *'The council didn't want to know' (L48 male)* were routine. One homeless woman with schizophrenia *(N22)*, reported being upset by a housing officer's dismissive attitude and refusal to shake hands. Likewise a homeless man aired his frustrations about what he viewed as bureaucratic indifference.

> *I went to [Council] as a last resort because I knew they were completely useless... He doesn't have a clue. He's busy fiddling with his pencil. Red tape. They make the rules. When you make the rules they look brilliant, but you bring them to the ground it doesn't happen (L16, male).*

A significant number of homeless participants reported inadequate levels of service and/or a lack of respect from individual officials which acted, on occasions, the powerful deterrents to those looking for accommodation. Such findings are not unique: similar very poor levels of service interactions with homelessness services that left those seeking accommodation and advice 'depressed and disheartened' are noted elsewhere (Crisis, 2009).

Duties and denials: being statutorily homeless

Those whose applications were dismissed on the grounds that they were not homeless due to an existing tenancy typically reported that officials were unwilling to act without evidence to corroborate their accounts of how and why they had become homeless, evidence that often could not be provided due to the circumstances that had initially triggered led homelessness in the first instance.

> *You go to [Council], explain the situation and they are like, 'We can't do anything without proof. You need to go back to your family and get a letter from them saying you have got kicked out.' They don't want anything to do with me so how am I expected to get a letter? (L40, male).*

Others were caught in similar 'catch 22' situations. One homeless woman explained how she was deemed not to be homeless even though she was subject to domestic violence and her abusive partner had changed the locks on the family home.

> *[Council] turned me away because I'd got my own house. [I said] 'I can't get in!', and she said, 'Well you'll have to get your keys off your ex-husband… sorry but you've got your own house there's nothing we can do.' Eight or nine months before I got anywhere with the Council, going into the homeless section every day and still getting turned away, still saying go back to you own house, so I basically said, 'Look if I go back to my own*

house I'll either hit him or he'll hit me', so because I've mentioned domestic violence

they turned round and said, 'OK we'll help; you've said the magic word'... If you mention

domestic violence they'll help you; if you mention anything else they don't want to know

(N45, female).

Persistence paid off for this woman and ultimately she was accepted as homeless because of domestic violence. The woman also spoke of receiving a much more supportive response to her situation from the Police who believed her account of domestic abuse and quickly secured emergency accommodation for the woman and her children.[iii] On entering a refuge support workers decided she was 'extremely high risk' and almost immediately transferred the family to a safe house. This woman's case is indicative of the wider problems that many homeless people with complex needs face when trying to secure support and accommodation. First, it evidences how different agencies may serve to either resolve or re-enforce multiple exclusion homelessness according to their specific priorities (Bowpitt et al., 2012). The Police and the refuge prioritised the issue of domestic violence and acted by securing appropriate emergency accommodation to try to protect the woman from further violence. In contrast, against a backdrop of limited resources, the LA's initial concern appears to have been to limit the number of people to whom a duty was owed, and thus found that the woman was not technically homeless and, therefore, not owed a duty under the homelessness legislation. This leads on to a second more general point about the systemic failings that homeless people with complex needs often face when seeking support from a range of different agencies. Evidence points to a lack of 'joined up' working between the various agencies that become involved in supporting homeless people with multiple needs. A lack of communication and poor coordination between agencies, which are routinely working to different priorities, often leads to inappropriate and inconsistent service delivery that leaves many at serious risk of falling through the cracks in provision (Warnes and Crane, 2006; Cornes, et al. 2011; McDonagh, 2011).

The cases noted above also run counter to the intention of the legislation which states that homelessness may be found to occur where continued use of existing accommodation is unreasonable due to physical violence or insecurity. Additionally, several key informants noted, the difficulties many women face when leaving their homes due to domestic violence are "often compounded by failure of homelessness services to recognise their specific circumstances" (Netto et. al 2009: 725). For example,

> *Women flee and the housing associations or the local authority look at them as having abandoned the property rather than getting rid of him because he's the perpetrator of violence and of course a lot of women don't want to go to court. (LKI10, CEO, women's housing organisation)*

If women are judged to be abandoning a property for reasons other than domestic violence, then housing officers may decide that a person has made themselves intentionally homeless in which case (as discussions below indicate), a LA can find that they have no statutory duty to accommodate. Little appears to have changed since Carlen (1994 :23) first noted "homeless people are dammed (and deterred) by the law and local authorities if they haven't got other problems – and equally dammed (and denied) if they have".

Intentionality

The Code of Guidance states,

> *A person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person (unless this was made in good faith in ignorance of a relevant fact). A deliberate act might be a decision to leave the previous accommodation even though it would have been reasonable for the person (and everyone*

in the person's household) to continue to live there. A deliberate omission might be non-

payment of rent that led to rent arrears and eviction (DCLG, 2006:10).

Housing officers' interpretations of how and why an individual's homelessness occurred are central to decisions about whether or not a duty is owed by a LA. Where intentionality is found to occur and an individual is considered to be responsible for their own homelessness they effectively lose any entitlement to long-term re-housing (Watts, 2007). A homeless man, fearing for his life, spoke of fleeing his previous home and subsequently being refused housing because he had abandoned his tenancy.

I was dealing for the wrong type of people and I got into a lot of debt over it and it was

either leave my flat or get shot. It was really that steep… because I came out of it myself,

instead of getting kicked out or getting moved, [Council] wouldn't actually move me

straight away. They turned round and said, 'Look there's nothing we can do because

nothing has happened'. My windows had been through and everything, a couple of

bullets going through them as well. (N39, male)

Another disabled man relayed how he and his wife had been declared intentionally homeless on the word of their landlord who personally went to the council to say that the couple had *'voluntarily made ourselves homeless' (L3)*, despite the fact that the landlord had wanted them out so that she could sell the property; a decision the couple attempted to challenge in the courts.

The council wouldn't give us a flat. They wouldn't even put us up in a halfway house.

Nothing. For seven and a half years I lived under a bush in a graveyard. (L3, male)

The profoundly negative outcome of the LA's refusal to re-house the couple - the breakup of their relationship and an extended period of rough sleeping for the man - offers an extreme example of the impact that intentionality decisions can trigger. More generally it was recognised that intentionality decisions inhibit homeless peoples' chances of tackling other problems. The clinical lead of a drugs/alcohol team in London *(LKI3)* recognised that many clients could not secure

accommodation because of previous intentionality decisions based on outstanding rent arrears due to any available money being used to fund substance addictions. However, he also emphasised the importance of getting people off the streets in order to effectively treat ongoing substance addiction. Likewise, a housing support manager *(LKI14)* outlined spending a good deal of his time challenging LAs' intentionally homeless rulings that had been made against those seen as 'abandoning' a previous tenancy and/or running up rent arrears whilst serving a custodial sentence.

Discussions about intentionality and homelessness are linked to wider debates about desert and whether or not it is reasonable to link access to basic welfare provisions to responsible behaviour on the part of those in receipt of publicly funded benefits and services. Such sentiments were clearly expressed by a housing manager who was keen to emphasise that the law did not stop LAs from housing people who had previously fallen foul of intentionally homeless decisions made by housing officers.

> *We can say, 'You are intentionally homeless and you are very wanton and wasteful individual for doing that and we are not going to let you get away with it, so we're going to find you intentionally homeless. However, if you engage with support and if you behave in the way that we are recommending, you behave etc. we will allow you to be re-housed'.*
> *(NKI9, Local authority housing manager)*

Such comments are illustrative of a approach that locates responsibility for homelessness firmly at the door of 'irresponsible' individuals, whilst simultaneously downplaying the importance of structural factors in causing homelessness. Ultimately this highly conditional approach is more to do with disciplining errant individuals rather than meeting the basic needs of multiply excluded homeless people (see Scanlon and Adlam, 2008 and further discussion below).

Whose priority?

Seven homeless participants were refused accommodation on grounds that they were not considered to be in priority need. This may seem contradictory given that their homelessness was routinely compounded by the ongoing interaction of a diverse range of complex issues including mental illness, substance dependency and past experience of trauma and abuse; precisely the kind of issues that might signal the personal vulnerabilities that enable housing officers to identify 'priority need'. Nonetheless, several participants spoke of vulnerabilities specified in the Code of Guidance (DCLG, 2006) being overlooked.

> *I wasn't pregnant, I wasn't priority. That's what [Council] came out with. If I was pregnant, obviously I would have been a priority and I would have had a bed for the night. Unfortunately, I was on the streets ... They don't consider you've had mental health problems. (N3, female)*

Another woman with mental and physical health problems was initially refused priority need status despite producing a doctor's note for depression and arthritis and only managed to secure a hostel place after an outreach worker intervened. In London *L35* was found not to be in priority need, even though she was fleeing an abusive familial relationship. Similarly, a homeless man noted *"if you're not beat up or anything like that" (N37)* you were not going to be considered in priority need and laughed when the interviewer suggested that maybe he should have been due to previous imprisonment and discharge directly on to the streets. Although specific categories of priory need groups are identified in the legislation, judgements about whether or not an individual is particularly vulnerable (and so owed a duty to accommodation) again rest with the local authority officer who has to make a decision based on whether an individual's specific circumstances indicate that "the applicant would be less able to fend for him/herself than an ordinary homeless person" (paragraph 10.13 DCLG, 2009: 85). Leaving aside discussions about how an 'ordinary

homeless person' might be defined, the current process for defining vulnerability clearly consigns some homeless people with complex needs to the streets.

Local connection: pushing people away?

For homeless people who manage to meet the various eligibility criteria, establishing a local connection becomes a final barrier to overcome to secure accommodation. One key informant was adamant that the law did not allow LAs to tell those found to be in priority need, but from outside a particular area to simply state that, *"this isn't your local connection area, so clear off" (LKI13, National Homelessness Organisation).* This, interpretation, however, did not reflect the experiences of homeless participants who were denied accommodation after failing to convince a LA of a local connection. A key problem for many homeless people is that the ways in which housing legislation is commonly interpreted and implemented is routinely at odds with LKI13's more optimistic and perhaps technically correct view of how it *should* be applied. Evidence suggests that local connection rules are being used to deny or deter homeless people from accessing accommodation and support.

> *I have a chronic illness and am at high risk of pneumonia, and it's, 'Find somewhere until you can sort out your local connection'. That's what they say. I didn't fit their criteria for local connections so they wouldn't help. I didn't have anywhere else to go. (N50, male)*

Others told similar stories of being caught in the middle of discussions about which, if any, LA authority owed a duty to accommodate them. N48, managed to get her local connection to Nottingham recognised after five months following the intervention of a key worker and on agreeing to drop her appeal against a negative priority need decision. Although she had been sleeping rough and reported daily to the council, a housing officer initially refused to accept her

story that she had been abused by her father, even though police evidence to the contrary existed. Homeless participants' assertions that local connection rules are being used by LAs to effectively exclude them from services were strongly supported by many key informants

> *Local connection is another big issue. The LAs are closing ranks. Their largesse is shrinking with their budgets... They are employing statutes to limit the availability of housing to people outside their locality. So we frequently challenge that decision. (NKI7, Probation officer)*

Thirteen key informants (in both London and Nottingham) similarly highlighted the need to constantly challenge negative local connection decisions taken by LAs in order to (sometimes) successfully secure accommodation for single homeless people.

Judgements about whether someone is homeless or not, intentionally homeless, if they are to be regarded as sufficiently vulnerable and/or in priority need and whether they have a local connection are routinely discretionary decisions made by local authority housing officers. These 'street level bureaucrats' (Lipsky, 1980) are engaged in an administrative process that involves them interpreting the existing rules and prioritising the needs of certain 'deserving' homeless people above others. The evidence presented suggests that policy continues to be interpreted and implemented by housing officers in ways that are inherently problematic for many homeless people with complex needs. Where applications for accommodation were considered and rejected, the outcome in many cases was a period of rough sleeping for anything up to six months, though repeated applications and the interventions and advocacy of support workers often yielded positive results sooner.

Analysis of the data clearly identifies that in both of our study sites the local interpretations of policy by housing officials on the ground regularly resulted in the exclusion of single homeless

people with complex needs from accommodation and support. The common occurrence of this outcome across both Nottingham and the London sites is indicative of a more widespread problem across England. Local shortages of available accommodation and appropriate support services exacerbate the issues highlighted above in certain locations, but the problem of exclusive local interpretations of the homelessness legislation is a longstanding and widespread national problem. A series of reports highlight wider concerns about the inconsistent and unfair application of priority need and intentionality tests, LAs using gate-keeping practices to refuse homelessness applications for non-legitimate reasons and staff feeling pressurised into reducing the number of people accepted as homeless to keep official statistics on levels of homelessness low (ODPM, 2005; Crisis 2009; LGO, 2011; LCN, 2013).

Discussion: punishing irresponsible behaviour?

Sixteen years ago Pleace stated,

> *The hurdles a homeless applicant must get over, a local connection, proof of homelessness, proof of the presence or imminent presence of children, or proof of a debilitating vulnerability, make access to other state welfare such as benefits or the NHS seem almost trivial (1998: 53).*

The problems faced by single homeless people who fail the various eligibility tests have long been acknowledged and it is now two decades since Carlen (1994) identified the exclusionary interpretation of law and disciplinary categorisation of homeless people by certain staff as fundamental to agency maintained homelessness. Our evidence also suggests that a significant proportion of vulnerable single homeless people with complex needs remain unable to access accommodation and support when presenting to LAs. Given this state of affairs a key question needs to be addressed; why has this situation been allowed to continue?

The interaction of both structural and individual factors in causing and sustaining homelessness is well known. Exploring the dynamics of personal, policy and service delivery issues in homelessness among older people, Warnes and Crane (2006) highlight how anti-social behaviour legislation, in making rights to social housing conditional on tenants behaving responsibly, helps create 'policy gaps' i.e. situations in which certain homeless peoples' entitlements to housing are restricted or removed due to problematic behaviour which often has its roots in personal problems such as relationship breakdown, substance abuse and/or mental health problems. They also note that key workers tend to emphasise individual and endogenous factors when explaining homelessness among their service users. In contrast, homeless people themselves are more likely to stress external factors and disputes with others. This dissonance in prioritisation is interesting as it perhaps provides some initial insight into why the plight of single homeless people who are unable to access accommodation and support remains an enduring issue but also one which appears to be of limited concern.

Further understanding emerges with a consideration of Scanlon and Adlam's work (2008, 2011) who, drawing on Lévi-Strauss (1961), note,

> *two fundamental types of response, the 'anthropoemic', meaning the vomiting out of difference, washing our hands of the excluded; and the 'anthropophagic', the abolition of difference through ingesting, devouring and coercively assimilating" (Scanlon and Adlam, 2008: 537),*

at work as society attempts to 'deal with' troubled and 'irresponsible/anti-social' people such as homeless people with complex needs who evidently refuse to be included on our terms. Those who are scarred by poverty, abuse and neglect and social inequality are habitually deemed to be 'delinquent, deviant or offensive' and personally responsible for the dire situations, of the their

own making, in which they find themselves. Scanlon and Adlam argue that the response of policymakers, practitioners and wider society to such apparent intransigence on the part of the excluded to face up to *their* troubles "oscillates between the opposing and irreconcilable anthropophagic and anthropoemic impulses" (Scanlon 2011: 143) as *we* seek to alleviate our alternate feelings of fear and loathing towards those who cannot or will not be like *us*. Such responses are clearly illustrated in the previously noted reply of LA housing manager *NKI9* on appropriate ways to respond to intentionality among clients. Individuals who are deemed to be guilty of irresponsible actions that have led to them becoming homeless are not going to be allowed to simply *"get away with it"*. Those who bow to anthropophagic, coercive assimilation (i.e. *"engage in support"* and behave in *"recommended ways"*) may, potentially, be accepted back into the fold and accommodated. The 'anthropoemic' alternative option of continued exclusion and homelessness awaits those *"wanton and wasteful"* people who continue to offend and refuse to accept the conditions attached to the any future support on offer.

The view that multiple exclusion homelessness is largely due to individual failings, particularly among those whose behaviour is considered to be anti-social and irresponsible, has a longstanding populist appeal, one that was previously exploited by the Conservative administrations of the 1980s and 1990s who were happy to promote the idea of individual 'deliberate deviance' to deflect attention away from the structural causes of homelessness and the part social inequalities and particular policies may play in increasing it (Pleace and Quilgars, 2003). Although New Labour committed substantial funds via the Supporting People programme to tackling homelessness, in line with their conditional approach to welfare (Dwyer, 2008) they also demanded more of homeless people themselves in return for public support. Consequently, homeless people with complex needs who were unable to help themselves came to be viewed as increasingly responsible for their circumstances (Whiteford, 2008). As Phelan and Norris note,

[the]overemphasis on the individual causes of homelessness and consequently on controlling the behaviour of service users has excluded a minority of challenging clients from access to services thus contributes to what Carlen (1996) terms agency maintained homelessness" (2008: 53).

Against this backdrop it is unsurprising that a high proportion of the single homeless people in our study who discussed presenting themselves as homeless to LAs faced problems in accessing accommodation. The eligibility criteria that are written into the homelessness legislation form formidable structural barriers which single homeless people are unlikely to be able to overcome. The prevailing 'individualist orientation' that underpins much policy and practice in statutorily funded services is also likely to lead to homeless people who fail to accept service providers' terms of engagement, or who commit acts of anti-social behaviour, being excluded from accommodation and support. Exclusion from temporary accommodation such as hostels, or the revoking of social housing tenancies due to problematic behaviour is likely to seriously curtail future opportunities to access more permanent accommodation (Phelan and Norris, 2008).

Conclusions

Many social landlords continue to perceive single homeless people, particularly those with complex needs, as a 'problematic,' high risk, high cost group and a potential threat to neighbourhood cohesion (Bretherton and Pleace, 2011). Acknowledgment by policymakers and service providers of the ways in which national homelessness legislation in England dovetails with established local policy and practice (much of which has long drawn upon individualist understandings on the causes of homelessness), to structure and maintain 'agency maintained homelessness' (Carlen, 1994) has to be the first step in challenging the entrenched homelessness of many single people with complex needs. As Scanlon and Adlam (2008) have previously strongly argued, the next step requires all of us to confront head-on Declerk's (2006) assertion that

ultimately we are comfortable with the ongoing exclusion of homeless people and welfare systems that manifestly fail to meet their basic needs precisely because this satisfies mainstream society's desire to punish them for continuing to engage in deviant and irresponsible behaviour and refusing to be like the rest of us.

Since Carlen's original piece, the behavioural exclusions she noted in relation to hostels have become embedded in social housing legislation. For example, the Housing Act 1996 granted social landlords powers to repossess properties when tenants or their visitors engage in anti-social behaviour and the Anti-Social Behaviour Act 2003 introduced Demotion Orders which removed the right to a secure tenancy for up to one year and made it easier for landlords to evict tenants for repeat or persistent anti-social behaviour. The "routines of deterrence, denial and discipline" (1994: 19) identified by Carlen, two decades ago now operate in a new era of welfare retrenchment and intensified ubiquitous conditionality (Dwyer and Wright, 2014), in which policy debates have become preoccupied with both the financial costs of welfare and punishing the 'irresponsible' behaviour of those reliant upon social welfare to meet their basic needs. This state of affairs has enabled policymakers to deflect their gaze away from the long-term, systemic failings of much accepted policy and practice. Simultaneously, it provides the ideal platform for wider society to use homelessness policy to punish perceived irresponsibility by either abandoning homeless people to the fate they 'deserve', or by demanding they 'get with the programme' and coercively assimilate into mainstream society as a non-negotiable condition for receiving statutorily funded support. Securing sufficient resources remains a key element in any future struggle for policies to more effectively meet the needs of multiply excluded homeless people. That said, a more genuinely inclusive welfare state that adequately meets the needs of marginalised people will only come about when, and if, policymakers, practitioners and, indeed, all of us start to exhibit "a greater tolerance and interest in the lives of those, who as a result of fearful refusal, have found themselves

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on the borderlines and liminal spaces of our deeply troubled society" (Scanlon and Adlam, 2011: 145).

Bibliography

Anderson, I. (2008) 'The impact of legislative change for young homeless people: comparing Scotland and England', pp. 49-70 in J. Doherty and B. Edgar [eds] *In my caravan I feel like a superman: essays in honour of Henk Meert 1963-2006,* St. Andrews : FEANTSA : Centre for Housing Research, St. Andrew, available at: http://eohw.horus.be/files/freshstart/pictures%20and%20images/henks_book_web_pdf.pdf

Bowpitt, G., Dwyer, P., Sundin, E. and Weinstein. M. (2012) **'**The support priorities of multiply excluded homeless people and their compatibility with support agency agendas', *Extended research report* available at: http://www.esrc.ac.uk/my-esrc/grants/RES-188-25-0001/outputs/Read/300529c6-c078-4275-831b-693b0793562f

Bowpitt, G., Dwyer, P., Sundin, E. and Weinstein. M. (2011) 'Comparing men's and women's experiences of multiple exclusion homelessness', *Social Policy and Society* 10(4):537-546.

Barnes, M. (2004) 'User participatory research', in: Becker, S. and Bryman, A. [eds] *Understanding Research for Social Policy and Social Work*, Bristol, The Policy Press.

Bretherton, J. and Pleace, N. (2011) 'A difficult mix: issues in achieving socio-economic diversity in deprived UK neighbourhoods' *Urban Studies,* 48(16): 3433-3447.

Carlen, P. (1996) *Jigsaw: a political criminology of youth homelessness*, Bristol PA, Open University Press.

Carlen, P. (1994) 'The governance of homelessness: legality, lore and lexicon in the agency maintenance of youth homelessness', *Critical Social Policy,* 14(1): 18-35.

Carter, M. (2007) *Towards an ESRC research programme on multiple exclusion homelessness,* London: Homeless Link/Department for Communities and Local Government.

Cloke, P., Milbourne. P, and Widdowfield, R. (2000) 'Change but no change: dealing with homelessness under the 1996 Housing Acts', *Housing Studies,* 15(5): 739-756.

Cornes, M., Joly, L., Manthorpe, J., O'Halloran, S. and Smyth, R. (2011) 'Working together to address multiple exclusion homelessness', *Social Policy and Society,* 10(4): 513-522.

Cowan, D., Halliday, S. and Hunter, C. (2006) 'Adjudicating the implementation of homelessness law: the promise of socio legal studies', *Housing Studies,* 21(3): 381-400.

Crisis (2009) *No one's priority: the treatment of single homeless people by local authority homelessness services,* London, Crisis.

DCLG (2006) *The Homelessness Code of Guidance for Local Authorities,* London, Department for Communities and Local Government.

Declerk, P. (2006) 'On the necessary suffering of the homeless' in P. Scholar (Ed.), *Divided Cities: The Oxford Amnesty Lectures 2003*. Oxford, Oxford University Press.

Dolan, P., Hallsworth, M., Halpern, D., King, D. and Vlaev, I. (2010) *MINDSPACE: Influencing behaviour through public policy*, London: Cabinet Office/Institute for Government.

Dwyer, P. (2008) 'The conditional welfare state', pp. 199-218 in Powell, M. [ed.] *Modernising the welfare state: the Blair legacy*, Bristol, Policy Press.

Dwyer, P. and Wright, S. (2014) 'Universal Credit, ubiquitous conditionality and its implications for social citizenship', *Journal of Poverty and Social Justice,* 22(1): 27-35.

Fitzpatrick, S., Johnsen, S. and White, M. (2011) 'Multiple exclusion homelessness in the UK: key patterns and intersections', *Social Policy and Society,* 10(4) :501-512.

Fitzpatrick, S. and Pleace, N. (2011) 'The statutory homelessness system in England: a fair and effective rights based model?' *Housing Studies,* 27,(2): 232-25.

Fitzpatrick, S., Kemp, P., and Klinker, S. (2000) *Single homelessness: an overview of research on Britain,* Bristol, The Policy Press.

Fitzpatrick, S. and Stephens, M. (1999) 'Homelessness, need and desert in the allocation of council housing', *Housing Studies,* 14(4): 413-431.

Hoggett, P., Wilkinson, H. and Beedell, P. (2013) 'Fairness and the politics of resentment' *Journal of Social Policy,* 42(3): 567-585.

Jones, A. and Pleace, N. (2010) *A review of single homelessness in the UK 2000-2010,* London Crisis.

Kuhn, R. and Culhane, D. P. (1998) 'Applying cluster analysis to test a typology of homelessness by pattern of shelter utilization: results from the analysis of administrative data, *American Journal of Community Psychology,* 26(2): 207-232.

Lévi-Strauss, C. T. (1961) *Tristes Tropiques,* New York, Criterion Books.

Lidstone, P. (1994) 'Rationing housing to the homeless applicant', *Housing Studies,* 9(4): 459-472.

Lipsky, M. (1980) *Street level bureaucracy: dilemmas of the individual in public services*, New York, Russell Sage Foundation.

LCN (2013) *Supporting homeless 16 and 17 year olds*, London, Law Centres Network available at: http://www.lawcentres.org.uk/policy/papers-and-publications

LGO (2011) *Homelessness: how councils can ensure justice for homeless people,* Coventry, Local Government Ombudsman available at: http://www.lgo.org.uk/news/2011/jul/lgo-highlights-councils-failings-legal-duties-homeless-people/

Mason, J. (2002) *Qualitative researching,* London, Sage.

McDonagh, T. (2011) *Tackling homelessness and exclusion: understanding complex lives*, Round up: reviewing the evidence, York, Joseph Rowntree Foundation.

MEAM (2009) *A four-point manifesto for tackling multiple needs and exclusions*, London, Making Every Adult Matter.

Netto, G., Pawson, H. and Sharp C. (2009) 'Preventing homelessness due to domestic violence: providing a safe space or closing the door to new possibilities?', *Social Policy and Administration,* 43, 7 :719-735.

ODPM (2005) *Government response to the ODPM Select Committee's Report: homeless enquiry,* CM 6490, London, Office of the Deputy Prime Minister.

Phelan, E. and Norris, M. (2008)'Neo-corporatist governance of homeless services in Dublin: reconceptualization, incorporation and exclusion', *Critical Social Policy,* 28(1): 58-72.

Pleace, N. (1998) 'Single homelessness as social exclusion: the unique and the extreme', *Social Policy and Administration,* 32(1): 46-59.

Pleace, N. and Quilgars, D. (2003) 'Led rather than leading? Research on homelessness in Britain' *Journal of Applied Social Psychology,* 13: 197-196.

Pleace, N., Teller, N. and Quilgars, D. (2011) *Social housing allocation and homelessness*, EOH Comparative Studies on Homelessness, Brussels, FEANTSA.

Scanlon, C. and Adlam, J. (2008) 'Refusal, social exclusion and the cycle of rejection: a cynical analysis?', *Critical Social Policy,* 28(4): 529-549.

Scanlon, C. and Adlam, J. (2011) 'Defacing the currency?'. A group-analytic appreciation of homelessness, dangerousness, disorder and other inarticulate speech of the heart', *Group Analysis,* 44(2): 131-148.

Shelter, (2012) *Homeless? Read this. The rules on how and when the council has to help you,* London, Shelter.

Somerville, P. (1998) 'Explanations of social exclusion: where does housing fit in?' *Housing Studies,* 13, 6: 761-780.

SOVA (2004) 'Peer Research Methodology', Sheffield, *Women into Work Project Leaflet* Supporting Others through Volunteer Action/Sheffield Hallam University available at: http://www.shu.ac.uk/_assets/pdf/hccj-ResearchMethodology.pdf

Warnes, A. M., Crane, M., Whitehead, N. and Fu, R. (2003) *Homelessness Factfile,* London Crisis.

Warnes, A. M. and Crane, M. (2006) 'The causes of homelessness among older people in England' *Housing Studies,* 21(3): 401-421.

Watts, B. (2007) *Intentional homelessness: the ethics and implementation of the test of intentionality under homelessness legislation*, York: MRes dissertation, University of York.

Whiteford, M. (2008) 'Street homelessness and the architecture of citizenship', *People, Place and Policy Online*, 2(2): 88-100.

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[i] A household may consist of a family, couple or single person.
[ii] We note the gender of research participants to illustrate that homeless men and women with complex needs face many common problems when declaring themselves homeless to a Local Authority. For further discussions of gender and multiple exclusion homelessness please see Bowpitt et al. (2011).

[iii] In line with our sampling criteria the woman was single at the time of interview. She had previously been the primary carer for her children who were subsequently taken into care when she became become homeless.