

Housing rights, homelessness prevention and a paradox of bureaucracy?



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Presentation overview

1. Context

- Housing rights and homelessness prevention
- Introducing the case study: The Welsh homelessness system
- Bureaucratic systems: paperwork, faceless tyrants + street level bureaucrats

2. Methodology

3. Findings 1 - Homelessness administrative data findings: successes and challenges

4. Findings 2 - The mundane power of paperwork: a missed opportunity to empower

5. Findings 3 - Far from a bureaucracy: on the importance of street-level bureaucrats

6. Conclusions

Context

Housing rights and homelessness prevention

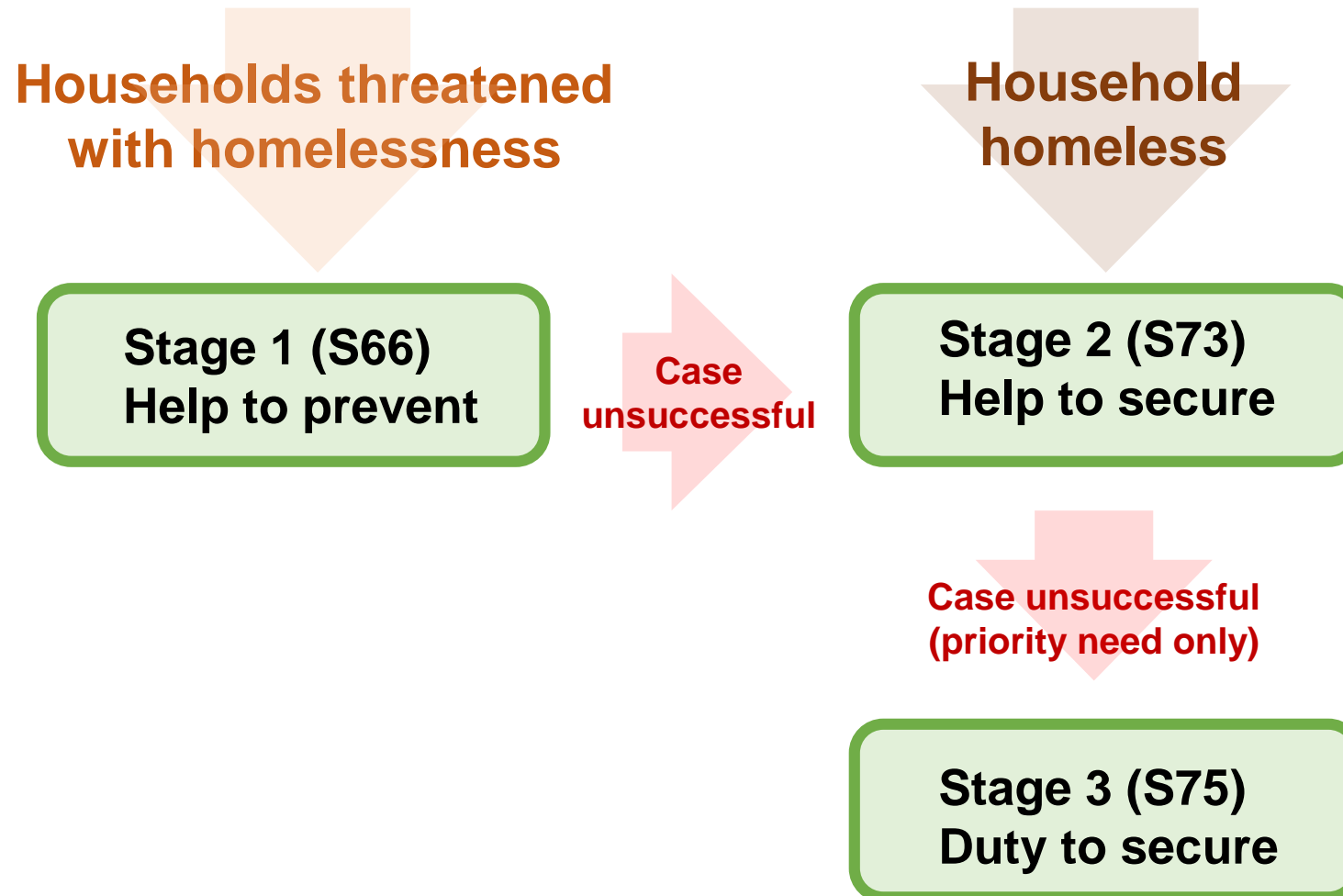
- **A right** = a moral or legal entitlement to **have** / do something
- Programmatic rights VS legal rights (**Fitzpatrick and Watts, 2010; Fitzpatrick et al., 2014**)
- Legally enforceable rights for those experiencing homelessness have significant strengths when compared with other systems. (**Anderson, 2004; Loison-Leuste and Quilgars, 2009; Fitzpatrick and Pleace, 2012; Watts, 2013**)
- The UK is unique in having legally enforceable rights for homeless people (**Loison-Leuste and Quilgars, 2009; Mackie et al. 2017**)

Housing rights and homelessness prevention

- After gaining powers over housing in 2011, the Welsh government wanted to create universal services (**Mackie et al., 2017**)
- Previously the homelessness system was the same as England, with a focus on housing certain ‘vulnerable’ groups and no statutory prevention duties (**Mackie et al., 2017**)
- Wales is the first country to bring the ‘prevention agenda’ into a national statutory system (**Mackie et al., 2017**)
- Research on the newly created rights based system in Wales has been largely positive about its impacts (**Mackie, 2014; Mackie, 2015; Mackie et al., 2017**)

Introducing the case study: The Welsh homelessness system

(based on Mackie *et al.*, 2017)



Bureaucratic systems: Paperwork, faceless tyrants and street level bureaucrats



Defining bureaucracy: *the systems and practices associated with implementing law and policy* – in this instance, homelessness law

The mundane power of paperwork

- There is a hierarchy of legal knowledges and skills (Chouinard, 1994; Finley, 1989; White, 2002; Merry, 2003; Lens, 2007)
- Barriers arise through people's lack of ability to engage with texts (Taylor, 1996; Jones, 2014; Whittle *et al.* 2017)
- Conversely, the ability to use bureaucratic systems can be enabling (Scott and Doughty, 2012; Quilliam *et al.*, 2015; Hansen *et al.*, 2018)

Bureaucratic systems: Paperwork, faceless tyrants and street level bureaucrats

Disempowering bureaucracies

- Bureaucratic systems can result in distancing – the result of the routinization of tasks for those working in a bureaucracy (Weber, 1930; Arendt, 1970; Bauman, 1989).
- Bureaucratic systems can be ruled by a “faceless tyrant” – a system which disempowers both the workers within it and those forced to rely on it (Weber, 1930; Arendt, 1970; Bauman, 1989).
- Bureaucratic systems disempower people experiencing homelessness in multiple ways (Hoffman and Coffey, 2008; Carr and Hunter, 2008)

The role played by street level bureaucrats (SLBs)

- SLBs are able to exercise the ultimate discretion on policy delivery through manipulating the systems that they work within (Lipsky, 1980)
- Many street level bureaucrats in homelessness departments are practicing unlawful discretion (Alden, 2015a; Alden, 2015b; Alden, 2015c; van den Berk-Clark, 2016).
- Some SLBs are also practicing ethics of care (Baviskar and Winter, 2017)

Methodology

- Mixed methods
- Administrative data analysis
- Supra analysis of interview transcripts from people who had used the Welsh homelessness system
- In depth interviews with key informants

Findings

The Housing (Wales) Act 2014: successes and challenges in 2016/17

Stage 1: preventing homelessness

- **62%** of households had their homelessness successfully prevented
- **11%** of households withdrew from the system
- **5%** of households had their duty ended due to non-cooperation

Stage 2: relieving homelessness

- **41%** of households had their homelessness successfully relieved
- **37%** of cases were unsuccessful
- **13%** withdrawal
- **6%** non-cooperation

Stage 3: priority need cases only

- **81%** of households were positively discharged from the system
- Only **7%** of households left due to withdrawal or non-cooperation

The mundane power of paperwork: a missed opportunity to empower

- Throughout the interviews the service users mention two main issues with the paperwork:
- Difficulties engaging with paperwork due to the way it was written and formatted
 - The lack of humanity in the official letters

We've had some award-winning stuff, but people don't read them and why would they ... most people, in a very respectful way, don't have a clue. You can talk to me sometimes assured tenancies etc. and I would be going what?! It's just complex isn't it' (Key informant, Local Authority Homelessness Service)

The letters and things they send me are a waste of time. I think they're sent automatically, written out by a computer, there's no human contact there. I can't make sense of them and I'm not a thick person.' (Homelessness service user, male)

The mundane power of paperwork: a missed opportunity to empower

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- The competing priorities of legality and clarity in the paperwork associated with homelessness system in Wales was where most of barriers arose.

I didn't have a clue what they could do ... I wasn't really aware of how the system worked. (Homelessness service user, female)

'Our experience is no, people don't. They don't understand the new system.' (Key informant, Local Authority Homelessness Service)

- Several studies have highlighted how holding housing rights empowers (Fitzpatrick et al, 2014; Watts, 2013; 2014)
- The positive features of the Welsh system, such as the successful prevention of homelessness for 62% of households, would not be possible without the paperwork and system created by the Housing (Wales) Act 2014.

Far from a faceless bureaucracy: on the important of street level bureaucrats

- There were many instances where the homelessness bureaucracy seemed ‘faceless’ – distancing service users.

‘I have been out of the loop and feeling quite helpless’ (Homelessness service user, male)

I don’t expect them to phone me every day but even if they phoned or emailed me once every two, three weeks, just to let me know what is happening, you know, that they are there to help support me, etc. I think it would make a person feel a bit less anxious.’ (Homelessness service user, female)

Far from a faceless bureaucracy: on the important of street level bureaucrats

- Frontline staff appeared to mitigating some of the negative impacts of the bureaucracy.

They have been brilliant. The people up the council have been great. They put me in here and by being friendly they have really helped me. (Homelessness service user, female)

'She made sure I understood what was going on, she made it her business to make sure I knew what was going on because she could see I was extremely panicked.' (Homelessness service user, female)

- However, similarly to other research, these was evidence of less effective support for single people (Pawson, 2007; Alden, 2015; Hunter *et al.*, 2016)

*'I think they did the bare minimum. They didn't really care a s*** about me. Just wanted me out and off their books.'* (Homelessness service user, male)

Far from a faceless bureaucracy: on the important of street level bureaucrats

- Structural pressures, such as a lack of resources and housing stock were perceived as constraining the actions of frontline staff

‘They’ve been completely overwhelmed this year by the number of people who are applying and some of that is to do with people having more rights and coming forward, but I think a lot of it is to do with welfare reform agenda and austerity and levels of poverty and the rising of living and the rising cost of housing in Wales. So, they’ve got huge, huge challenges.’ (Key informant, third sector policy expert)

Conclusions: A paradox of bureaucracy?

- The research reiterates findings that justiciable rights accompanied by a bureaucracy have positive impacts on prevention and relief (**Fitzpatrick and Watts, 2010; Watts, 2014; Loison-Leruste and Quilgars, 2009**).
- In this research, also unearthed key challenges relating to the exclusionary power of language within paperwork, a need for specialised knowledge to understand homelessness systems
- We found that the role of street level bureaucrats was complex - in some cases they acted to mitigate the challenges within the system and in some case reinforced them.

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