

'UNACCEPTABLE BEHAVIOUR'

or a failure to understand?

An exploration of how existing powers to end homelessness duties impact people in Wales and the opportunity that the Homelessness and Social Housing Allocations Bill brings.

by Jonathan Clode



INTRO

The new Homelessness and Social Housing Allocation bill currently under consideration in the Senedd includes a measure whereby duties to applicants can be ended. These circumstances will include “violence, threatening behaviour and causing serious damage to accommodation.”

The Welsh Government have been clear the bill is a crucial part of achieving their ambition ‘to ensure homelessness services are trauma informed’ across Wales, but the inclusion of the unacceptable behaviour test in its current form, which would see all local authority support withdrawn from someone’s case, runs directly counter to this ambition.

Efforts across the housing and homelessness sector to teach and train staff in what it truly means to be trauma informed have fallen short, with too few services properly adapting this knowledge into meaningful support for people. It appears some homelessness services have reduced the concept of being trauma informed to a label, easily applied to anything and thusly making it so. The acknowledgement, more often found on paper, that people experiencing homelessness will have suffered some kind of trauma does not follow through into practice. It is not a guarantee of empathy or kindness toward individuals in unique circumstances who may well be enduring the worst time of their lives.

The inclusion of a broad unacceptable behaviour test in the bill fails to understand that going through homelessness in the here and now is in itself, an ongoing trauma that will inevitably impact how someone behaves. An experience that can bring uncertainty and fear, in part due to a lack of familiarity with a system that can be difficult to navigate.

Of course it is difficult for local authorities to manage these circumstances, they work through numerous cases while under-resourced and often overwhelmed. But how does homelessness feel? Pretty overwhelming too, one would imagine, and on occasion, this might lead to the type of behaviour the new bill deems to be ‘unacceptable.’ It is on such occasions as these that we need to have even more compassion and look beyond the behaviour.

Does this mean putting staff at risk? No, and it never should, but too often responses to such behaviour become a convenient means to withdraw support.

To an extent, the Welsh Government has recognised this and has made clear that where there are special circumstances that can explain behaviour then the ending of duty should not happen. But at Shelter Cymru we don’t think that will go far enough.

If the Welsh Government is unwilling to remove the unacceptable behaviour clause, then they should at a minimum:

- Remove the ability to end duty on the basis of property damage.
- Ensure protections from discharge of duty in cases of abuse.
- Ensure that discharge of duty due to behaviour is a last resort to be taken where a local authority cannot deliver services while ensuring staff safety.

The following stories come from the real experiences of people supported by Shelter Cymru and the Welsh Refugee Council. Names have been changed but quotes are the direct words of the people affected. Each story features an example where alleged ‘unacceptable behaviour’ has resulted in the threat of or removal of a current homelessness duty.

**I FELT LIKE
NOTHING I SAID
WAS GOOD
ENOUGH, LIKE
NOBODY AT THE
LOCAL AUTHORITY
BELIEVED ME.**



HANNAH

Hannah was placed in temporary accommodation with her five-year-old daughter for two years.

It was a two-bedroom flat that had issues with damp and mould. Over time the condition of the flat deteriorated, and Hannah stated that she had to sleep on her sofa as the mould had completely ruined her mattress.

Fearing for her daughter's health, she went to stay with her ex-partner and contacted social services who in turn, got in touch with the local authority to try and address the issues with the temporary accommodation and the health risk it posed to Hannah and her daughter.

The local authority advised that they were looking for a permanent home for them, but they would need to remain in the temporary accommodation, as by not occupying it, Hannah risked losing her duty.

Things got too much for Hannah, and she attempted to take her own life so was admitted to hospital.

Social services advised the local authority housing team who requested proof that Hannah had attended hospital. They stated that without this there was a potential that her homelessness duty would be ended due to lack of communication and engagement with the housing team.

Eventually, with the support of Shelter Cymru and social services, Hannah was able to resolve the issues with the local authority and has since been placed in a permanent home.

TAREQ

Tareq is a refugee from Syria whose first language is Arabic. He has mental health issues including a diagnosis of Post-Traumatic Stress Disorder. He has expressed that this can mean he struggles with impulse control.

He was living in temporary accommodation and went to visit a friend outside of his local authority area, not realising he was supposed to inform the council if he left the city. Consequently, his duty was withdrawn when they could not contact him at his temporary accommodation.

When he returned and found out he had lost his space in temporary accommodation, Tareq went to housing options, very upset that he had nowhere to stay. He was worried and confused. This was reflected in how he spoke to the staff at housing options and ultimately the police were called and he was escorted from the building.

His support staff got involved in trying to help and observed the same behaviour as reported by the housing options staff. **They took the time to ask him why he was shouting, and he seemed genuinely unaware that he was. He explained that he was frustrated and trying to communicate in a second language, which made it difficult.**

Welsh Government guidance suggests it is best practice to offer support in multiple languages by securing interpretation and translation services. Organisations like the Welsh Refugee Council can offer support to understand emails and letters.

Partnership working can help to ensure teams communicate with people in the way that works for them and that they approach people's actions with the understanding needed to embed a trauma-informed approach.



TOM

Tom was previously living with his mother and became homeless after their relationship broke down. He had nowhere else to go and ended up sleeping in his car.

He made a homeless application with his local council, but had his duty discharged due to lack of communication.

He had previously been in contact with an outreach team who had agreed to come and meet him at the car park where he was staying. **Tom was moved on by the authorities and was unable to contact the outreach team to tell them. As a result, his duty was withdrawn due to lack of communication.**

Tom came to Shelter Cymru requesting a review of the decision. He explained that the outreach team were unable to locate him because he had been moved on from the carpark where he'd been staying.

As was the case for Tom, communication can easily be influenced by circumstances, and this type of verification process is an example of how an inflexible process can lead to an unfair discharge of duty.



BEING HOMELESS IS A VERY DEHUMANISING EXPERIENCE, BUT I WAS MADE TO FEEL LESS THAN HUMAN BY THE PEOPLE WHO WERE SUPPOSED TO BE HELPING ME.



Credit: Centre for Homelessness Impact / Jeff Hubbard

CHARLOTTE

Charlotte was using a pod in emergency overnight accommodation. She has a history of severe mental health issues and had spent a long time waiting to be placed in more settled accommodation.

Over the period that she spent in emergency accommodation, her mental health deteriorated and she became suicidal.

Staff at the hostel where Charlotte was staying reported that she wrote a suicide note on the inside wall of the pod she was using and later went to her local housing options building where she threatened to set herself on fire and burn the building down.

Charlotte was referred to Shelter Cymru after having her duty discharged due to threatening behaviour and damage to property.

The local authority team felt that the suicide note Charlotte wrote on the pod wall could be considered willful damage, and the threat made at housing options could be considered a direct threat to staff.

When the question was asked about the impact Charlotte's mental health could have had on these circumstances, the local authority stated they were satisfied that there were no serious mental health concerns as Charlotte was in receipt of prescribed medication and had not been deemed as needing the support of a community psychiatric nurse.

Shelter Cymru supported Charlotte to make a new homelessness application, and she was eventually offered supported accommodation.

Each of these stories highlights that the unacceptable behaviour test within our current homelessness legislation does little more than empower subjective judgements that withdraw essential support from people experiencing homelessness. In each of these real-life uses of the current test, it has been used in a way that is the very antithesis of what it means to be trauma informed.

Shelter Cymru would prefer the unacceptable behaviour test be withdrawn in its entirety, or, at a minimum amended to ensure that duty being brought to an end is a last resort. The only reason for ending someone's duty should be in circumstances where the local authority is not able to provide support while ensuring staff safety.

It cannot be the remit of local authorities to declare guilt, particularly where the outcome is the potential loss of access to support needed to secure or maintain a home – something we passionately believe is a human right. Too often people are reduced to statistics or case studies, but their lives are shaped by the decisions that services make.

We must be better at learning from the people who have been through it, and to that end, this document will close with an untitled poem by Johnny Giles.

Johnny is a spoken word artist from South Wales and author of "Chalk Outlines". He is a three-time Swansea Slam finalist, and lead the Cardiff "Poetry, Protest and Place" walking tour as part of the Wallich's Invisible Cities project. His poetry draws on issues such as social justice, mental health, and his own experiences of homelessness.



**We need to be supported
Not outcast, not thwarted.
We need to feel as if we fit
Not a problem to be fixed
A corner cut, our value nixed.
We may be muddled, or a mix
Of emotions, traumatized,
The twist of life can play its tricks.
We all need somewhere nice to live
We aren't all take, take, take.
We give
As good as we get.
We appreciate it,
When we are helped not further hit
With labels until we further slip.
We need a hand that we can grip
To pull us up from out the pit.**

