

**DEFINING HOMELESSNESS: THE IMPACT OF LEGISLATION ON THE  
DEFINITION OF HOMELESSNESS AND ON RESEARCH INTO HOMELESSNESS  
IN THE UK**

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**A. Introduction and structure of the paper**

**A1.** Whilst some researchers in the UK have argued that there is no one definition of homelessness, definitions used by different providers of homeless services (local authorities, NGOs, government departments) and different research studies have often taken as their 'benchmark' definitions of homelessness found in UK homelessness legislation from 1977. Legislation in 1977, 1985, 1996, 2002, the published guidance to that legislation and 'priority need orders' have all created a national framework for defining homelessness over the past twenty five years. In particular the legislation constructed a division between 'statutory homelessness' – households to whom a legal duty of housing is owed because they are both homeless and in 'priority need' – and 'non-statutory homelessness' – to whom no duty of housing is owed. It has also included within its definition 'hidden homeless' households, and households made homeless through violence (from 1996 domestic violence, and from 2002 all violence).

Each local authority provides information to the English or Scottish or Welsh government on numbers of households accepted as homeless and in priority need (statutory homeless), those judged to be homeless and not in priority need, and those found not to be homeless. (The Housing Executive in Northern Ireland is a single housing agency for the province.)

Definitions of homelessness deriving from legislation are discussed in **Section B**,

**A2.** The voluntary and charitable sector working principally with the non-statutory homeless, mostly with single homeless people or young homeless people, expanded greatly from the 1980s. This sector has provided a more extensive definition of

homelessness that has now been adopted by Homelessness Task forces in England and Scotland. Definitions of homelessness developed by NGOs are discussed in **Section C**

**A3.** From the mid 1980s there was also an extraordinary growth of 'rough-sleeping' or street homelessness in UK cities, particularly London. In 1991 a Rough Sleepers' Initiative was established by the government to work with street homelessness in London, and this initiative was then replicated in cities outside London in 1996 and in Scotland in 1997.

The Rough Sleeping Unit (RSU) established in 1999, carefully defined street homelessness to mean being homeless **on** the street. Therefore the 'literal' homeless definition used in the USA to include both street homeless and shelter homeless is not used in the UK. In the UK 'rough sleepers' are defined and counted differently from those living in shelters although an earlier survey of the Single Homeless undertaken in 1991 surveyed them together. Definitions of rough sleeping are discussed in **Section D**

**A4.** Associated with these different definitions of homelessness are different methods of estimating the number of homeless households/ single persons for the:

**Statutory homeless**

**Non-Statutory homeless**

**Rough sleepers.**

Different types of research activity and methodology have been associated with each. These are discussed in **Section E**

**A5** In relation to the research strategies laid out in Maryse Marpsat's paper the work in the UK is stronger in some than others, and very little has been accomplished in relation to tracking homeless people. This is discussed in **Section F**.

**NOTE** Although the general principles of homelessness legislation have been followed in all parts of the UK since 1977 and the first Homelessness Act, it is important to note that housing and homelessness legislation does not apply to all parts of the UK. Responsibility for homelessness rests with the four nations and their devolved governments (although the Northern Ireland Executive is no longer a devolved government). However, housing and homelessness legislation generally apply to England and Wales together although housing is administered separately in

Wales. The Homelessness Act 2002 was followed by separate legislation in Scotland in 2003, and in Northern Ireland.

The development of legislation and homelessness initiatives in the UK can be followed on the four government websites.

[www.odpm.gov.uk](http://www.odpm.gov.uk) for England

[www.nihe.gov.uk](http://www.nihe.gov.uk) for Northern Ireland

[www.scotland.gov.uk](http://www.scotland.gov.uk) for Scotland

[www.wales.gov.uk](http://www.wales.gov.uk) for Wales.

Just as each country has its own strategic approach, so different research studies are undertaken in each country and one country may be in advance in relation to methods to collect data on homeless applications and homeless persons. Currently Scotland is developing an electronic data collection method that will cover all homeless persons in contact with any agency and give a unique identifier to each homeless person. Further, the Scottish Household Survey will include questions on hidden homelessness in future that are not included in the Survey of English Housing.

## **Section B. Homeless legislation and Government definitions of homelessness**

Although housing and homelessness responsibilities are devolved to four national governments the general principles of homelessness legislation have been followed in all parts of the UK since the first **Homelessness Act of 1977**.

**B1. Pre-1977 Homelessness** in the 1960s and 1970s was understood as a problem of providing adequate and affordable social housing for **families**. Homelessness was believed to be caused by an under provision of social housing and by the particular needs of 'problem families. Therefore homeless households had to apply to Social Work departments for housing support, whilst other households (not homeless) applied directly to the Housing Department for local authority owned social housing. (Homelessness among single people, largely older single men at that time, was seen as a quite different issue and problem; the cause of that type of homelessness was considered to be a life time spent in casual employment (catering trade for example), or employment with accommodation (the army for example), or a divorce that had left the men without a family home, or mental health or alcohol problems. )

The Housing (Homeless Persons) Act 1977 changed the situation for homeless families. From 1977 responsibility for homeless households rested with local **housing** departments of the municipal authorities rather than with social work departments. Therefore the definition of homelessness changed from the problems of the family to the need for housing and to an applicant's housing situation. In particular. Considering Maryse Marpsat's paper, the definition of homelessness in the UK following the 1977 legislation and in the 25 years subsequently, has principally been related to:

**occupancy status** – has the household no right to live in any type of housing,  
**security/insecurity of the tenure** – is the household currently homeless or about to be homeless within 28 days.

In retrospect the 1977 Act was a response to two areas of growing public concern: a) a rise in homeless households with responsibility for children - both single parent and dual parent; b) the right of women and children to leave violent households and find support through being re-housed from a relationship. Two Royal Commissions (government inquiries) into Single Parents and into Domestic Violence were important pre-cursors for the passing of the 1977 Act. However only women with responsibility for children had the right to be re-housed following domestic violence; women without children had no such right.

The 1977 Act was also a response to the consistent lobbying by housing charities on behalf of the homeless over the previous ten years. However these charities were disappointed that single homeless people were not included among the priority need groups.

**B2.** One of the important outcomes of **The Housing (Homeless Persons) Act 1977** was that it placed responsibility for homeless persons on the Housing Departments of the Local Authorities, which, at that time, owned an extensive social housing stock. A statutory (i.e. legal) duty was placed on all local housing authorities to provide accommodation for homeless families with dependent children (either couple parents or lone parents) and homeless older persons aged 60 years or more vulnerable due to their age.

Households accepted as homeless had to, and still have to, pass three tests:

- They are **homeless**, defined as those without any right to access secure accommodation for that night i.e. they are not legal tenants of any property, nor own any property. **Or** they can also be classed as 'potentially homeless' if they are about to lose their dwelling, be evicted, within 28 days.
- They must have a **local connection** (lived or worked in the area, family in the area, have a care responsibility or need care from relatives in the area).
- They are in **priority need** i.e. had dependent children in them (aged under 16 years) or are an older person household, or vulnerable.

There is also a fourth test:

- The homeless household must **not be intentionally homeless** i.e. losing their previous accommodation through their own action such as not paying rent or a mortgage.

All homeless people have to pass the test that they are not **intentionally** homeless. The definition of intentionality caused difficulty in the early years of the 1977 Act - How do you prove to the satisfaction of a local authority housing department that domestic violence had taken place?, or prove that a young pregnant woman had been evicted by her parents? In the 1990s some households were refused following house repossession after they had failed to pay their mortgage

These four tests are laid down in the legislation, although some local housing authorities waive the local test. In practice local housing authorities also enquire as to whether a household can afford accommodation elsewhere and whether their income is low enough to qualify for social housing.

The current legislation requires that **statutory homeless** households (households that pass the four tests) should be added to the list of people who should be given 'reasonable preference' in the allocation of social housing. The phrase '**statutory homeless**' came to refer to all those households accepted by the local authority as their responsibility under the homeless legislation i.e. the statute or law.

By contrast **the 'non-statutory' homeless** were, and are, those to whom no duty is owed either because they are deemed intentionally homeless, or are not in a priority need categories. These include the 'single homeless', many of whom are now young people of both sexes and, in the larger cities, of different ethnic groups, as well as some older white men.

The 1977 legislation was consolidated by an Act of 1985 for England and Wales. The definition of 'priority need' groups given in the 1985 Act was carried over into the 1996 Housing Act and the Homelessness Act 2002. (See Appendix 1).

### **B3. The 1996 Housing Act**

Between the first legislation in 1977 and the passing of the 1996 Housing Act the number of housing units that belonged to local authorities had fallen following 1979 legislation that gave existing tenants the 'right to buy', at a discounted price, the local authority house in which they were living. This policy, part of a Conservative drive to create a nation of 'home-owners', reduced the social housing stock of local authorities – particularly in London boroughs and rural areas. The first houses to be bought were the larger and better positioned houses and apartments particularly those situated in non-estate, non-deprived urban areas, and in rural areas. The Conservative government also switched the capital funding grants for new social housing from local authorities to housing associations. Housing associations built more houses but local housing authorities built very few and the overall result was a large shortfall in new build social housing each year from the late 1980s.

The profile of applicants for social housing also changed from couples and households headed by men to female headed households and young people. Local authority stock, which had been considered an excellent alternative to private renting in the 1950s and 1960s, became to be seen as a 'residual' housing stock from the 1980s.

Changes to the profile of tenants led to a local government and government sponsored debate on whether single parent mothers were using the homelessness legislation to obtain social housing, thus reducing the social housing opportunities of non-homeless couples or couples with children.

Therefore the **1996 Housing Act** reduced the statutory rights of homeless applicants, from being re-housed in secure permanent housing, to being re-housed in temporary accommodation for two years. To secure permanent housing, homeless households had to join a single housing register alongside other non-homeless households. The Act also removed homeless households from the list of 'reasonable preference' categories and proposed that local authorities would only

have a duty to advise, not to house, if there was sufficient private housing stock in the area.

*Despite these changes in the rights of the homeless to permanent re-housing, the definition of homelessness given in the 1996 Act remained similar to all previous legislation and also expanded it in some significant ways. Notably, The 1996 Housing Act specified 'domestic violence' as a reason for homelessness in relation to the right to possess a property, and also specified as homeless those who occupy caravans and boats without a right to a permanent site or mooring. (see **Appendix 1 for the definition of homelessness used in UK legislation**). The definition of homelessness created in 1996 is codified into the latest homelessness legislation - the Homelessness Act 2002.*

Almost immediately following the 1996 Act, there was a change of government in May 1977. One of the first acts of the Labour Government of 1997 was to add homelessness to the 'reasonable preference' list and restore the full statutory duty towards homeless households in relation to housing as well as advice. Therefore the effects of the 1996 Act were limited to particular local authorities with an acute shortage of social housing, which used the two-year temporary accommodation rule before moving households to permanent accommodation.

**B4. The Homelessness Act 2002** is the most extensive legislation since 1977. It

- Amended the 1996 legislation,
- Amended the definition of violence in relation to homelessness, to include all violence that leads to homelessness, not just domestic violence.
- Introduced a new duty for local authorities to carry out homelessness reviews, formulate strategies to combat homelessness, and to work in partnership with other agencies, both voluntary and statutory, to prevent and deal with homelessness.
- The two year limit on the duty to assist was replaced with a duty to assist until a household secured permanent accommodation.
- Local housing authorities were also allowed to offer accommodation to non-priority need homeless households.

Additionally, **Priority Need Orders** in Wales and England included new groups of priority need households. New priority need groups include:

- young people who were at risk (particularly those who were aged 16 through 17 years or with a background in ii. the care of the local authority social services department),
- homeless applicants who were previous members of the armed forces (this followed a finding of the Rough Sleepers Unit, that many roughs sleepers were ex-armed forces),
- applicants recently released from prison or youth custody.

(See *More than a Roof: a report into tackling homelessness*, Office of the Deputy Prime Minister at [www.homelessness.odpm.gov.uk](http://www.homelessness.odpm.gov.uk). See also *The Homelessness Strategy*, Northern Ireland Housing Executive at [www.nihe.gov.uk](http://www.nihe.gov.uk). And also *Homelessness. An Action Plan for Prevention and Effective Response*, [www.scotland.gov.uk](http://www.scotland.gov.uk).)

Overall, reasonable preference for housing is to be given to homeless people, homeless people in temporary accommodation, households living in insanitary or overcrowded or unsatisfactory conditions and those who need to move on medical or welfare grounds. However, for local housing authorities with limited stock, in practice preference is given to those who are homeless in temporary accommodation who have dependent children, or are older persons or are deemed ‘**vulnerable**’ on other medical or social grounds.

**B5. There are, therefore, THREE distinctly different sets of principles within the homelessness legislation in the UK:**

1. First, are the principles that **define homelessness** and these relate to **occupancy status** and **security/insecurity of possession**.  
Issues of ‘domestic violence’, now amended to include all forms of violence including racial, are dealt with under the principle of insecurity of possession.
2. Second, are the principles that define which households are in **priority need** and these relate to issues of ‘**vulnerability**’.  
A household can be homeless without receiving assistance because they do not fall within the **priority need groups**. Priority need groups now include:  
families with children,

older people aged 60 years and above,  
 those vulnerable on account of mental health issues, learning difficulties, physical health  
 young people at risk,  
 ex-members of the armed forces,  
 those who have been in prison.

3. Third are the principles in relation to the **acceptance of a claim** to housing from a homeless household in the priority need categories by the local housing authority to which they have applied, and these relate to **Local connection** and to **Intentionality**.

These two principles have been part of welfare law in the UK since the Vagrancy Acts of four hundred years ago. Poor people had to be supported in the parish (church area) in which they were born and they could not refuse to work.

**B6. There is now further legislation that changes the system of rent support for low income and those on welfare and this too has been influenced by discussions on the 'vulnerability' of social housing tenants.**

Prior to April 2003 unemployed homeless persons living in hostels or in social housing had their rent paid through *Housing Benefit* (a local authority administered benefit which pays the rent of those on low incomes, principally those on welfare or old age pensioners). But an additional grant was made through Housing Benefit to take into account the costs of the support received by those living in hostels and the increased cost of hostel accommodation. After April 2003 a new system called **Supporting People** was introduced. In this system:

The rent of unemployed people on low incomes will be paid by *Housing Benefit*.

The additional costs of Support Accommodation will be paid by the local authority from a government grant for *Supporting People*.

As local housing authorities have implemented **Supporting People** many have increased the number of 'floating support' schemes that help previously homeless people move into a new home. Local authorities have also increased the number of supported housing' schemes that provide bed-spaces for those with mental health problems, physical health problems, learning disabilities, alcohol or drug use problems etc. As well as the positive side of this new legislation – the increased

provision of services – one of the impacts of **Supporting People** may be to re-categorise all homeless people as ‘**vulnerable**’ people.

Part of the reason for these changes in the Homelessness Legislation and in the way that support for homeless people is to be funded is the lobbying, based on research into the needs of homeless people, that has been undertaken in the UK by the voluntary and charity sector (**NGOs**).

*UK NGOs have had a far wider definition of homelessness that incorporates the single homeless and this has now begun to influence the government definition of homelessness.*

### **Section C. NGO/ Voluntary Sector definitions of homelessness**

**C1. Single Homelessness.** The 1977 Act and subsequent legislation became especially important for the housing of young single parents, of impoverished couple parents, and of those homeless through domestic violence. These were the groups who especially benefited from the definition of 'priority need' in the Act as well as older person households who were homeless. One group that the 1977 Act did not make specific provision for was the single homeless (unless of course they were over 60 years old) who were a very large part of the non-statutory homeless.

In 1981 the Department of the Environment published a research report, '*Single and Homeless*' [Drake, 1981], based on a survey of hostels and advice agencies for single homeless people in seven towns. This survey was undertaken at a time when the typical single homeless person was an older man who had lost his family, or had been in casual employment, or had an alcohol problem. However, as the survey demonstrated, and NGOs already knew, young people were appearing more and more at emergency accommodation and referral agencies. Moreover, there were more women in the survey than expected: women comprised one third of all homeless persons in the survey and 40% of those aged under 29 years. Drake also found evidence of widespread geographical mobility in her study.

The Drake survey was extremely important for demonstrating the changing nature of single homelessness and strengthening the development of specific hostel and advice services for young homeless people (generally defined as those aged under 25 years)

As the problem of single homelessness grew in the 1980s among both young men and young women patterns of accommodation and advice provision changed. At first young men were accommodated in hostels or shelters that were originally designed for older single men (such as the Salvation Army Hostels), or hostels for the young employed (such as in YMCAs or YWCAs). But with increased numbers of young homeless people, temporary night shelters that had been set up in a winter were transformed into permanent hostels. YMCAs also increased the proportion of beds reserved for homeless young people; and specialist youth homeless advice agencies were set up by voluntary organisations (NGOs) and funded by local housing authorities. Although many voluntary agencies began as agencies using 'volunteers' to work with the homeless, the funding that was available through Housing Benefit payments and supported housing grants, meant that almost all agencies could move rapidly to hiring paid staff.

## **C2. Single homelessness, youth homelessness and the question of vulnerability.**

Voluntary agencies and welfare advocates also took the view that many young single homeless qualified as priority need under the Homeless Persons' Legislation because they were **vulnerable**. Local Authorities were especially challenged on the issue of young single homeless because such a high proportion of the young single homeless living in hostels were found to have a history of local authority child care.

**The Children's Act 1989** made a strong recommendation that young people leaving local authority care should be housed as a duty, without specifying whether this duty fell on the Housing Department or the Social Services Department of the relevant local authority. Therefore, although some local authorities had already provided accommodation for some young single homeless people, there was now a group of young homeless people who **ought** to have the right to hostel accommodation, supported accommodation or social housing through being previously under the care of a local authority and therefore **vulnerable** to becoming homeless. The current **Homelessness Act 2002** has addressed this issue by determining that young people from care and other young people aged 16-17 years are designated **priority need groups**.

### C3. Definitions of Homelessness from the NGO perspective

In 1996 A Youth Homelessness Action Partnership of NGOs produced its own definition of homelessness that was much wider than the government definition. It was also based on **the housing situation** of the applicant and included the following categories:

1. those *'immediately homeless'* and/or rough sleeping (on streets, derelict buildings, and includes those who spend periods rough sleeping, and other periods on friends floors or hostels);
2. those living short term with friends or in direct access hostels (*'short-term accommodation'*);
3. those 'doubled up' - living with relatives or friends (*'hidden homeless'*);
4. and those who may be asked to leave their accommodation or whose accommodation is temporary including those living under licence agreements (*'insecure accommodation' and 'lodgings'*). (Youth Homeless Action Partnership, 1996).

Hence, a study by Smith and Simister (2001, DETR, UK, unpublished) of methods of estimating youth homelessness considered five types of homeless situations relating to corresponding housing situations as follows:

<i>category</i>	<i>subcategory</i>
<b>Immediately homeless</b>	1a rough sleeping
<b>Short-term accommodation</b>	2a night shelter or 'direct access' hostel
	2b squatting
	2c 'Bed & Breakfast', and similar
	2d Other short-term accommodation
<b>Insecure accommodation</b>	3a hostels, foyers, group homes
	3b non-residential accommodation: caravan/boat
	3c 'young hardship': young people claiming support because estranged from parents. Age 16-17
<b>Hidden Homeless</b>	4a insecure accommodation, rent-free
	4b living with relative/friend, overcrowded
	4c in parental home, overcrowded
	4d experiencing threats / intimidation from landlord

<b>Lodgings</b>	5a	Private rented. Landlord lives there
	5b	Other Lodgings

New research into numbers of non-statutory homeless undertaken by Crisis and the New Policy Institute (2004, forthcoming) uses a different but similar definition of homelessness as the above. Their definition is partially derived from that of the Youth Homeless Action Partnership, partly from Smith and Simister (2002) above, but also from the expanded definition of homelessness now accepted by the Scottish Housing Executive and Scottish Homelessness Task Force:

<b>Roofless</b>	Rough Sleepers
<b>Houseless</b>	Hostels/shelters/Foyers/YMCAs
	Bed and Breakfast accommodation
	Institutions (hospitals, or prisons or care)
<b>Insecure Accommodation</b>	Squats
	Temporary guests
	Facing eviction
<b>'Intolerable or unreasonable housing'</b>	Over-crowded accommodation
	Sub-standard accommodation
	Personal safety or well-being at risk
<b>Involuntary long-term sharing</b>	Long term sharing against will

As can be seen from the above, however, all these definitions of homelessness are based on housing situation. Discussion of the mental health needs or alcohol/drug use of homeless persons relate to the definition of 'priority need' groups. These discussion are particularly important in relation to those living on the streets or 'rough sleepers', which is the UK term.

#### **Section D. 'Rough Sleepers' and the definition of the immediately homeless.**

One of the most important groups of 'non-statutory homeless' are those who are street homeless called 'rough sleepers' in the UK. In the 1990s new government initiatives and a new **government** agency emerged to tackle rough sleeping in London, and then the rest of the UK, and this has also had an impact on the definition of homelessness.

**D1. The definition of street homelessness or the ‘literal’ homeless is quite different in the UK compared with the US.**

In the UK, like the US, there was a long tradition of ‘tramping’ and many agencies provided dormitory type accommodation for single older men who were homeless. In particular the Salvation Army provided beds in dormitories for homeless men. However in the UK there has been a long-term effort to replace night-shelters and dormitory type shelters or to refurbish them as two person rooms or bed-sitters, and to provide other services.

**D2 The rise of ‘rough sleeping in London.**

By 1990 the rise of rough sleeping on the streets of London made visible a rising crisis of homelessness. Whereas it had been estimated there were only 100 people living on the streets of Central London in 1984, by 1990 it was estimated of the numbers of people on the streets in Central London were 1,000 (a government estimate, Social Exclusion Unit, 1998) or 2,000 (NGO estimates, London Research Centre, 1995). Both newspaper and television reports began to focus on rough sleeping among single homeless people in Central London, particularly on young people.

In 1991 the Rough Sleepers’ Initiative (RSI) was established in London to provide emergency accommodation and permanent accommodation for the street homeless. In 1996 the RSI was expanded to other cities in England, and in 1997 to Scottish cities.

A report on rough-sleeping from the Social Exclusion Unit (*Rough Sleeping – Report by the Social Exclusion Unit*, 1998) summarised the situation in London after 7 years of the RSI and reported that London night counts of rough-sleepers have fallen back to 400 people, although approximately 2,400 individuals spent some time sleeping rough during a single year. In June 1998, 453 rough sleepers were found in single night counts in the eight Central London boroughs, half of whom were found in the City of Westminster. A further 168 were found or estimated for Outer London boroughs giving a total count of 621.

Counts are largely based on habitual rough-sleepers staying in central areas of cities and most rough sleepers who are picked up in the counts in central London are white men aged 25-44 (ibid). The most common reason given for their homelessness by older rough sleepers is a relationship breakdown. A disproportionate number have

experienced some kind of institutional life and up to half report mental health problems and/or alcohol misuse. One fifth report drug misuse. Young people included in rough sleeper counts also frequently reported a history of institutional care and/or school exclusion (Social Exclusion Unit, 1998).

### **D3 The formation of the RSU (Rough Sleepers' Unit)**

In 1999 the Rough Sleepers' Unit was formed in order to reduce rough sleeping in London by two thirds; it was attached to the Cabinet Office i.e. the central office of the Government. The RSU transformed contact and assessment work with rough sleepers through the creation of area specific Contact and Assessment Teams, that included specialist workers for those with mental health problems or young homeless people. These teams replaced a host of overlapping agencies. The resettlement of rough sleepers that follows from the initial contact was also transformed and undertaken by area specific Tenancy Support Teams. This model has been adopted in other urban centres in the UK with much improved results; it has avoided problems of overlapping agencies, and also provided multi-agency resettlement pathways.

Whereas the homeless persons legislation included rough-sleeping as part of its definition of homelessness, the establishment of the Rough Sleepers Initiative (RSI) and then the RSU has promoted a view of rough sleeping as the most extreme example of homelessness. In turn this has led to **priority need** being given to homeless rough sleepers who have been 'ticketed' or identified by the Contact and Assessment Teams that now operate in cities outside of London as well as London. Although many rough sleepers do have mental health problems, alcohol use problems, drug use problems and physical ill-health, they are defined as homeless because they are sleeping rough. .

However, it is important to recognise that in the UK there is strong distinction between homeless people living on the street and those living in hostels. Only the former are described as rough sleepers. The UK therefore has a narrower definition of homelessness than the US when the definition of rough sleeping is compared with that of the 'literal homeless'.

### **D4 In relation to Maryse's four classifications of housing situation –**

housing types,

occupancy status,

evaluation of housing quality,

stability/insecurity.

UK homelessness legislation has largely has emphasised two of these for its definition of **homelessness**:

**occupancy status and security**

**insecurity of the tenure.**

Most important, the issue of homelessness due to domestic violence and now all violence has been included in the definition of homelessness through loss of the right to a home.

However in relation to the duty to house homeless persons the UK legislation has emphasised the situation of the household in relation to 'priority need' and underlying the concept of priority need has been definitions of:

**vulnerability**

## **Section E. Definitions of homelessness and research strategies in the UK**

**Homelessness legislation and government rough sleeping initiatives across the UK have fundamentally shaped the definition of homelessness. In turn the distinction between**

- **Statutory homelessness**
- **Non-statutory homelessness** and
- **Rough sleeping**

has had a huge impact on research into homeless issues. Different studies, and different research teams, have concentrated on different aspects of the homeless situation.

### **E1. Research into statutory homelessness**

Numbers of households accepted as homeless and in priority need i.e. **statutory homeless households**, have been recorded by local authorities in an unbroken run of statistics from 1977 to 2002. Whilst over 55000 households were accepted in the first year of the legislation, a peak was reached in 1992, and a new peak in 2002 with 138,000 households accepted as homeless in England and Wales.

The following table from the Office of the Deputy-Prime Minister (OPDM) that has now taken responsibility for homelessness, shows the percentage growth in

homeless acceptances in the five years between 1997 and 2002 with 6% growth overall but a 21% to 25% growth in London. South-East. London has the highest number per 1,000 households.

<b>Region:</b>	<b>Unintentionally homeless and in priority need during 1997/8</b>	<b>Unintentionally homeless and in priority need during 2000/1</b>	<b>% Change</b>	<b>Number per 1,000 households in 2000/1</b>
North East	4,380	5,220	19%	4.8
North West	13,060	13,350	2%	4.7
Yorks & Humber	9,130	9,150	0%	4.3
East Midlands	7,550	7,370	-2%	4.3
West Midlands	14,670	13,860	-6%	6.4
East of England	8,120	9,800	21%	4.3
London	24,570	29,630	21%	9.5
South East	12,170	14,760	21%	4.4
South West	9,000	11,210	25%	5.4
<b>Total</b>	<b>102,650</b>	<b>114,350</b>	<b>11%</b>	<b>5.5</b>

The Homeless Directorate believe that these figures are reliable. However, research by Glen Bramley (1994) into the validity and reliability of local housing authority statistics at the time of the last peak in applications, has argued that these statistics may under-estimate homelessness by 10-15 %. SHELTER, a UK charity in the field since 1965 has also funded research into homelessness and housing need based on secondary investigation of the homeless statistics, and has consistently argued that the figures are an under-estimate. .

From the figures provided by local housing authorities it is also possible to determine homelessness 'triggers' i.e. the immediate cause of homelessness for applicant households, although these are not necessarily the initial or prime cause of homelessness.

	<b>1996/7</b>		<b>1998/9</b>		<b>2000/1</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Parents no longer able to accommodate	18,800	17%	16,530	16%	19,900	17%
Friends no longer able to accommodate	13,580	12%	12,150	12%	15,790	14%
Violent relationship breakdown	19,920	18%	18,040	17%	17,950	16%
Non violent relationship breakdown	7,720	7%	6,910	7%	8,020	7%
Mortgage arrears	7,590	7%	5,890	6%	3,750	3%
Rent arrears	2,310	2%	2,780	3%	3,750	3%
End of assured short hold tenancy	13,380	12%	15,180	15%	16,970	15%
Loss of other rented/ tied accommodation	10,560	9%	8,360	8%	8,910	8%
Other reasons	19,440	17%	18,310	18%	19,310	17%
<b>Total</b>	<b>113,300</b>	<b>100%</b>	<b>104,150</b>	<b>100%</b>	<b>114,350</b>	<b>100%</b>

OPDM Housing statistics

Current concerns are centred on the numbers of homeless households placed in temporary or leased accommodation, bed and breakfast accommodation and hostels (see attached tables in Excel).

<b>Region:</b>	<b>At end Sept 1997</b>	<b>At end Sept 2001</b>	<b>% Change</b>
London	24,920	44,340	78%
Rest of England	20,420	33,600	65%
<b>Total</b>	<b>45,340</b>	<b>77,940</b>	<b>72%</b>
<i>Of which, number in B&amp;B</i>	<i>4,630</i>	<i>12,290</i>	<i>165%</i>

OPDM. Housing statistics.

Research into the needs and aspirations of applicants, and their process through the procedures have been undertaken by a range of University Departments, principally those specialising in Housing, including the University of Cardiff, University of Sheffield, University of Sheffield-Hallam, Heriot-Watt University, University of York, University of Glasgow. These investigations have been large, statistically robust, and funded by the Department responsible for homelessness legislation. In the early 1990s the department responsible for homelessness research was Department of the Environment (DoE), then the Department of the Environment, Transport and Rural Affairs (DETR), and now the Office of the Deputy Prime Minister (ODPM) The current web-site is [www.odpm.gov.uk](http://www.odpm.gov.uk)

One of the most important statistically robust surveys researched homeless applicants in nine areas - following their process through the homeless application and the subsequent decision made on their case. These included re-interviews and enabled comparisons between those households accepted as priority need and those rejected. (*A study of Homeless Applicants*, O'Callaghan and Dominian, 1996).

In many ways the existence of national statistics based on administrative decisions has skewed research into households who are accepted as homeless. The problem of 'repeat' homelessness i.e. households who take a tenancy, lose it, apply for a new tenancy, etc within a six month period has only recently been addressed. The Scottish Executive has collected information on repeat homelessness and all local housing authorities in England and Wales have been asked to. Repeat homelessness is a major reason behind proposals for 'floating support' schemes to help new tenants move into their tenancy.

Under the 2002 Homelessness Act local housing authorities now have responsibility for formulating a homeless strategy every 5 years (the first was due July 2003), and of undertaking homeless reviews including of their partnership working. These strategies and reviews must use a variety of sources including their own data sources of applicants (both accepted and rejected) and user views of their services. During the next year, therefore, there will be comprehensive local documents on homelessness in each area. Prior to this local research was undertaken by Centrepoin, Shelter or one of the University research centres. The Centre for Housing and Community Research undertook several studies in the West Midlands area.

## **E2. Research into non-statutory homeless households and single persons.**

From the early 1980s and the growth of voluntary sector agencies (NGOs) dedicated to working with single homeless people, non-statutory homelessness came to be identified with single homelessness and/or youth homelessness. There are no agreed figures for the numbers of non-statutory homeless and therefore different methods of estimating the size of the single homeless or the size of youth homelessness have been used. These include counts based on administrative data (Smith, CHCR, 1996 amongst others) and manipulation of administrative data collected for other purposes (Evans, 1996).

Research into the needs and aspirations of single homeless people and young homeless people have been undertaken by a range of University Housing Departments including the University of Cardiff, University of Sheffield, University of Sheffield-Hallam, Heriot-Watt University, University of York, University of Glasgow and Staffordshire University.

In 1990 the Department of the Environment produced a report reviewing the work of hostels for single homeless people in different parts of the country [Garside, Grimshaw and Ward. 1990]. It also produced a report of the one large, statistically robust survey of homeless people in hostels and on the street funded by the Department of the Environment and undertaken by the University of York [*Single Homeless People*, Anderson, Kemp, Quilgars, 1993]; this survey was conceived as a ten year follow-up to the Drake report of 1981.

There is also a source of data on *Special Needs Housing* collected from Housing Associations and those that manage hostels. The majority of lettings to hostel bedspaces have been recorded in the Supported Housing Core database, and this provides some information each year on the numbers of bedspaces and types of clients that have been housed during that year.

The **Housing Corporation in England** has responsibility for housing and hostel development undertaken by Housing Associations and it has funded larger scale studies into homelessness.

Otherwise the bulk of studies have been qualitative undertaken by the same University groups or independent researchers and consultants. A range of studies have been funded by research foundations and trusts such as the Joseph Rowntree

Foundation and Nuffield. Research is also funded by the major NGOs working in the field many of whom have their own research departments, namely:

SHELTER - a charity concerned with family homelessness and non-statutory  
CRISIS – a charity concerned with single homelessness particularly older  
persons

CENTREPOINT – a charity concerned with youth homelessness

CRASH – a construction industry charity concerned with single homelessness

FOYER FEDERATION, UK. – a charity concerned with youth homelessness

YMCA (England) – a charity concerned with youth homelessness.

Several of these charities have their own research departments and research managers as well as their own websites.

The Joseph Rowntree Foundation and CRASH have jointly funded an exercise that produces a bibliography and summary of all research in the field of single homelessness.

S. Fitzpatrick, Peter Kemp and Susanne Klinker, 2000, *Single Homelessness. An overview of research in Britain*. JRF and CRASH.

This bibliography is now updated annually and is available on the CRASH website.

### **E3 Research into Rough sleeping**

In the early 1990s a series of studies were undertaken on rough-sleeping by Geoff Randall and Susan Brown (an independent research consultancy) (see Geoff Randall, *Rough Sleeping. A review of the Literature*, 1998, DETR).

With the establishment of the Rough Sleeper's Unit (1999, now incorporated into the Homelessness Directorate) very careful counts of numbers of rough sleepers were made. Local homeless agencies undertook counts of rough sleepers in their areas under stringent conditions – people had to be sleeping rough on the streets not in derelict buildings for example. The Central London count was initially undertaken by Homeless Network who reported, "The figures recorded represent a baseline, a visible minimum, of an often mobile and fluid population. No attempt was made in estimating the number of rough sleepers in parks, basements or any other inaccessible area" (The Street Monitor, August 1999) although government rough sleeping guidelines proposed that unusual places are monitored.

These Rough Sleeper counts have been extended to many cities and have been more accurate than the Census of 1991 (which found no rough sleepers in

Birmingham for example when a subsequent local count found over 60). There is conflict between the numbers recorded as rough sleepers in an area and the numbers of those approaching hostels who say that they are sleeping rough. Some of the difference can be explained by people 'hiding' as rough sleepers i.e. staying awake in all night video shops.

CRISIS, an NGO that specialises in working with the Single Homeless, particularly the older single homeless have produced research. A recent report from the University of Sheffield has summarised knowledge in this field ( Crane, 2002).

#### **E4. Who is missing in the research?**

Research into homelessness has therefore concentrated on:

- either** those who applied for housing as homeless
- or** those who were visibly homeless but not in priority need, the single homeless people living in hostel accommodation, bed and breakfast etc.
- or** those sleeping rough.

The Homeless Directorate believe that they have good figures for the statutory homeless and for rough sleepers but poor figures for the non-statutory homeless (OPDM, *More than a Roof*, 2002). As in France there are no robust figures for those squatting and there has also been a fundamental neglect of the issue of 'Hidden Homelessness' because survey questions in the UK have not been sufficiently specified in order to establish:

- the circumstances of those living 'temporarily' within another household
- the circumstances of those living as 'concealed households' within another household, both family and single person.
- The circumstances of those living 'rent free' in accommodation owned by another person.

The Census of 2001 is also insufficiently specified in relation to who is living temporarily in accommodation.

Major studies have been undertaken in the past on 'concealed households'. The first was undertaken in London in 1988 by the London Research Centre followed by national studies by the Department of the Environment (Green et al, 1994). These surveys sought to estimate how many concealed households were 'potential' households and what proportion of them 'strongly wanted to move'. They did not directly demonstrate what proportion were 'hidden homeless' but instead

demonstrated 'involuntary sharing'. In the UK it is still an important issue to establish a robust definition of hidden homelessness compared with concealed households and involuntary sharing.

## **F. Research strategies**

Maryse Marpsat's paper has laid out several research strategies.

### **F1 Point-in- time surveys.**

- a) experts
- b) homeless people in shelters
- c) Homeless people in shelters and streets

All three methods have been used in the UK and are very common.

### **F2 Panel data**

Specific panel data is difficult to come by because of the costs of undertaking this research. There is no specific homeless panel data although homeless episodes appear in other panel data that is collected in the UK including longitudinal surveys of young people.

Previously the Scottish Executive funded a mark-recapture tracking study for rough sleepers in Scotland, but this proved unsuccessful. The Scottish Executive now intend to give every homeless person a unique identifier so that they can be re-identified in the future and intend to follow-up electronically. However this is more akin to data collected from shelters although it could be used as the basis of tracking.

### **F3 Data collected from shelters and other services**

Again this is common in the UK . One of the most extensive use of this has been by Smith et al (1996). In 1996 concern that single homeless people were nowhere included in estimates led to a National Enquiry into Youth Homelessness that funded two different estimates, one of which was undertaken by Smith and a team at Staffordshire University. This team undertook a count of all young people approaching local housing departments, housing associations, shelters and advice centres in six large cities and four London boroughs to establish prevalence rates of homelessness among young people aged 16-25 years. This research was based on administrative databases.

Most organisations have extensive databases that collect information on their residents. CRISIS collects information on those at London Open Christmas (for rough sleepers and others) whilst CENTREPOINT, the FOYER FEDERATION and large city-wide organisations like St. BASIL'S (Birmingham) collect information on all their clients and use it for their own research reports or commissioned research reports. This information can give useful comparative data over several years.

#### **F4 Questions on homelessness in general surveys**

##### **➤ Questions on previous homeless episodes in general surveys**

There is one question in the Survey of English Housing that asks about episodes in the previous ten years. However it collects little additional data and is not well specified. The new Scottish Household Survey will ask more extensive information about homeless episodes and also about 'hidden homelessness'.

##### **➤ Questions on housing difficulties other than being literally homeless**

It is currently almost impossible to identify the different circumstances of concealed households in English surveys in order to specify the 'hidden homeless'. Specific surveys have attempted to do so, however. Currently the London Research Centre is repeating the 1988 study of concealed households.

The Survey of English Housing and the English Housing Survey can both specify quality of accommodation and also can specify numbers living in overcrowded conditions. But when used to estimate 'hidden homeless' it was found to be a measure of deprivation (Smith and Simister, 2001, unpublished).

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## Appendix 1

**1. Definition of Homelessness from the Housing Act 1996**

“175.- (1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he\_

- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of court
- (b) has an express or implied licence to occupy, or
- (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(2) A person is also homeless if he has accommodation but –

- (a) he cannot secure entry to it, or
- (b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) A person is threatened with homelessness if it is likely that he will become homeless within 28 days.

176. Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with-

- (a) any other person who normally resides with him as a member of his family, or
- (b) any other person who might reasonably be expected to reside with him.

....

177 (1) It is not reasonable for a person to continue to occupy accommodation if it is probably that this will lead to domestic violence against him, or against-

- (a) a person who normally resides with him as a member of his family, or
- (b) any other person who might reasonably be expected to reside with him.

For this purpose “domestic violence”, in relation to a person, means violence from a person with whom he is associated, or threats of violence from such a person which are likely to be carried out. “

Therefore domestic violence is placed within the question of a threat to occupancy and this section has been rewritten for the 2002 Act to include other forms of violence e.g. racial harassment.

However circumstances other than violence are placed within the definition of 'priority need'.

## **2. Classes of 'priority need. Applicants from the Homelessness Act 1996**

189.- (1) The following have a priority need for accommodation –

- (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- (b) a person with whom dependent children reside or might reasonably be expected to reside;
- (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
- (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

(2) The Secretary of State may by order-

- (a) specify further descriptions of persons as having a priority need for accommodation, and
- (b) amend or repeal any part of subsection (1).

## **3. Intentionally homeless from the Homelessness Act 1996**

191 (1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his accommodation and which it would have been reasonable for him to continue to occupy”