

Lone Parents and Housing

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This paper looks at how lone parents are treated by local housing authorities in the allocation process and whether there is any evidence of 'queue jumping' under the homelessness legislation.

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A. Introduction

Much recent media attention has focused on lone parents' access to local authority housing. It has been suggested that the current homelessness legislation enables pregnant young women to 'jump the housing queue' and that this in itself is a major motive behind lone parenthood.

During his speech to the Conservative Party Conference on 7 October 1993¹ the Minister for Housing and Planning, Sir George Young, announced the Government's intention to reform the homelessness legislation (Part III of the *Housing Act 1985*) in order to "safeguard the safety net; reduce the waiting list, and cut out the short cut".

Sir George stated that the law governing homelessness "rewards those who come under it, and penalises those who don't", he used the following example to illustrate this point: "How do we explain to the young couple ... who want to wait for a home before they start a family ... that they cannot be rehoused ahead of the unmarried teenager expecting her first, probably unplanned child? How do we explain to parents that if their children stay at home, they may have a long wait before they are rehoused. But if they evict their children they may go to the top of the queue, and get secure accommodation. What signal about family responsibility does that send out?"

It is the aim of this paper to look at how lone parents are treated by local housing authorities in the allocation process and whether there is any evidence of queue jumping under the homelessness legislation. The Paper goes on to discuss the possible options for reform which have been mentioned and the resulting responses from housing organisations and those representing lone parents.

¹ *Conservative Party News* 7.10.93 Rt Hon Sir George Young Bt MP

B. Lone parents and the allocation of council housing

The two main routes to obtaining council housing involve:

- 1) registering on an authority's housing waiting list;
- 2) applying for assistance as a homeless person under Part III of the *Housing Act* 1985.

The housing needs of lone parent families who apply for housing via either of these two routes are generally assessed in the same way as for any other household unit.

1. Applying on the waiting list

Local authorities have a great deal of discretion over the allocation of their housing stock; section 22 of the 1985 *Housing Act* merely requires that certain categories of people be given 'reasonable preference' in the allocation process, i.e:

- persons occupying insanitary or overcrowded houses;
- persons with large families;
- persons living in unsatisfactory housing conditions; and
- persons to whom a duty is owed by virtue of Part III of the 1985 Act (Housing the Homeless).

It is left up to each local authority to devise its own system to ensure that these groups are given 'reasonable preference' in the allocation process. The most commonly used system involves awarding applicants points for certain aspects of housing need, e.g. disrepair and overcrowding. Applicants with the highest points levels then receive priority for housing. Authorities differ widely in the factors they are prepared to consider as reflecting housing need, however, the household composition of people registered on a housing waiting list is generally not taken into account. A recent Institute of Housing survey of 40 local housing authorities² concluded from 30 responses that "As applicants on the general waiting list, lone parents were treated no differently to dual parent families".

² *Institute of Housing Survey 'One Parent Families - Are They Jumping the Housing Queue?' 1993*

2. Applying as homeless

In recent years an increasing percentage of local authority stock has been allocated to homeless households to whom a duty is owed under Part III of the 1985 *Housing Act*. Under this legislation local authorities must arrange permanent accommodation for individuals and households who are unintentionally homeless and who fall into a priority need category. The categories of priority need are set out in section 59 of the Act and include:

- pregnant women;
- people with dependent children;
- people who are vulnerable owing to old age, physical or mental ill health or some other special reason; and
- people made homeless in an emergency, e.g. a fire or flood.

Whether a household is headed by one or two parents has no bearing on local authorities' housing duties under this Act.

The fact that homeless pregnant women are classed as a priority need category has led to the suggestion that this acts as an incentive to young women to become pregnant. Looked at in this way one could say that all homeless people who can establish that they fall into a priority need category will jump the housing queue as, by virtue of their homelessness, they are deemed to be in greater housing need than waiting list applicants. In principle single pregnant women and lone parents receive no more priority than any other individual or household who is classed as unintentionally homeless and in priority need in accordance with the 1985 Act.

C. Evidence of queue jumping

Local authority housing investment programme (HIP) returns reveals that out of a total of 204,069 secure local authority lets in 1992/93, 39 per cent were allocated to homeless households while 61 per cent were allocated to waiting list or transfer applicants³. Although these figures indicate that homeless people are not taking all the available social housing away from waiting list applicants it could be argued that in certain pressure areas, such as London and the south-east, the homelessness legislation provides a 'fast-track' to obtaining council housing.

³ Department of the Environment, Local Authority HIP returns 1992/93

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Media commentators who subscribe to this fast-track view of the legislation have gone on to suggest that it acts as a direct incentive to young unmarried women to become pregnant and claim homelessness in order to gain social rented housing⁴. One possible response to this proposition is to point out that if the legislation is open to abuse in this way by single pregnant women and lone parents, then it must be equally open to abuse by couples who have, or are expecting, children.

The most recent Department of the Environment (DoE) statistical information bulletin on households for whom accommodation was found under Part III of the 1985 Act⁵ reveals that during the third quarter of 1993 English local authorities accepted responsibility for 33,690 homeless households. Of these households 32,730 were deemed to belong to one of the priority need categories; 61 per cent had dependent children, 12 per cent contained a pregnant household member and 27 per cent contained a vulnerable household member or became homeless due to an emergency.

Around 40 per cent of these households became homeless as a result of their parents, or relatives or friends being no longer able or willing to accommodate them. The breakdown of a relationship with a partner accounted for 20 per cent of the households becoming homeless, of which 14 per cent had experienced a violent relationship breakdown.

These quarterly statistics from the DoE are not broken down into household composition and therefore do not show the proportion of lone parents who are accepted as homeless compared with the number of couples. The statistics do reveal that a consistently higher proportion of homeless people are housed as a result of their vulnerability rather than as a result of pregnancy; the first, second and third quarters of 1993 saw 25 per cent, 27 per cent and 27 per cent respectively of homeless acceptances housed owing to their vulnerability, compared with 13 per cent, 14 per cent 12 per cent housed as a result of pregnancy in each of these quarters.

Information from the 1991 Census does reveal a concentration of lone parent households in the housing association and local authority sectors. The Census data is confined to lone parent households living in a household in their own right and, therefore, excludes all, 'concealed lone parent families'. It is also not possible from standard Census analyses to break down lone parents into those who have never been married and those divorced and

⁴ *The Times*, 29.11.93 'Tories to abolish housing privilege of single parents'

⁵ *DoE Information Bulletin*, 10.12.93 'Households Found Accommodation under the Homeless Provisions of the 1985 Housing Act : England Statistics for the Third Quarter of 1993'

widowed. The following table summarises the Census data:⁶

Households with one family with dependent children
1991 Census - England & Wales

	Married couple	Cohabiting couple	Lone parent
Owner occupied	80%	52%	37%
Rented privately	3%	8%	8%
Housing Assoc	1%	4%	6%
LA/new town	12%	36%	48%

Within the public housing sector in England in 1991 lone parents formed 12 per cent of all households renting from a local authority and 10 per cent of all households renting from a housing association⁷.

The high incidence of lone parent families living in local authority accommodation is generally attributed by housing organisations to their poor economic position as one income families rather than any preferential treatment given in the allocation process.

A study of lone parents in the UK commissioned by the Department of Social Security (DSS) in October 1988⁸ confirmed previous research in finding that lone parent families are likely to have lower incomes than two parent families and that they tend to be concentrated in the lowest part of the income distribution. The Bradshaw/Millar study found 72 per cent of the lone parents in their sample were in receipt of income support. Only 40 per cent in the sample had any income from earnings⁹.

Of the estimated 1.3 million lone parents in Britain, over 50 per cent became lone parents as a result of divorce, separation or death. Single women account for 29 per cent of lone parents

⁶ *Census 1991* LBS Table 87

⁷ HC Deb 22.10.93 348W

⁸ Johnathon Bradshaw/Jane Millar 'Lone Parents Families in the UK' *DSS Research Report No 6 1991* p.18

⁹ *Ibid*, p.20

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and a further 10 per cent are single men¹⁰. In terms of housing tenure, the Bradshaw/Millar survey found that there was a tendency for lone parents to shift down-market following a relationship breakdown; they concluded that this phenomenon was directly linked to reduced financial circumstances¹¹. The survey compared the housing of lone parents in the sample before they became lone parents with their current tenure and found that the largest movement was into local authority housing. Of those who had owned a property outright 28 per cent had moved into council housing, as had 42 per cent of private renters, 22 per cent who had lived in housing association properties and 56 per cent of those residing in other types of tenure. Of those who were local authority tenants before becoming a lone parent 91 per cent remained within this sector¹².

Given that the majority of lone parent households in Britain became such as a result of relationship breakdown or death, the claims that single women become pregnant in order to gain local authority housing seem to be based on somewhat limited evidence. The Bradshaw/Millar study found that only 12 per cent of the parents in their sample had planned to have a baby before they become pregnant. Their report states:

"There was a tendency for the proportion who planned to have a baby as a single person to increase with age at childbirth. Despite the anxieties that are often expressed, that many young women are getting pregnant deliberately for one reason or another, ... we found little evidence that this was the case"¹³.

During his speech to the Party Conference Sir George Young referred specifically to unmarried pregnant teenagers who obtain housing before young childless couples¹⁴.

Lone parents between the ages of 16-24 represented only 6 per cent of all families with dependent children in 1991¹⁵. Figures submitted to the DoE by local authorities show that in the second quarter of 1993 only 2 per cent of households housed as homeless under the 1985 Act were headed by a young person (usually taken to mean people between the ages of 16-19). This figure includes young people housed owing to their vulnerability who do not

¹⁰ *OPCS Population Trends No 71 Spring 1993 pp 26-33*

¹¹ Bradshaw/Millar 'Lone Parent Families in the UK' *DSS Research Paper No 6 1991 pp 93-94*

¹² *Ibid pp 90-91*

¹³ *Ibid p.9*

¹⁴ *Conservative Party News 7.10.93 Rt Hon Sir George Young Bt MP*

¹⁵ *OPCS Population Trends No 71 Spring 1993 p.32*

have children. In addition, the 1991 Labour Force Survey found that 13,000 single mothers under the age of 20 were heads of council homes, consisting 0.3 per cent of the total.

These statistics seem to suggest that few teenage mothers are housed under the homelessness legislation.

In direct response to the debate over lone parents and the allocation of local authority housing stock, the Institute of Housing (IOH) carried out a survey of housing directors in a sample of 40 representative authorities. The survey aimed to discover whether local authority housing policies give a higher priority to single parent families and whether there is any distinction in treatment between families being rehoused via different access routes. Responses were received from 30 authorities and the results of the survey were published in October 1993¹⁶.

On the basis of these responses the IOH concluded:

"The findings give no evidence that young single parents are being rehoused at the expense of two parent families".

In detail the survey found:

No authority in the survey differentiated between applicants on the basis of marital status. All applicants were assessed on the basis of housing need.

Authorities made reference to their statutory duty, to rehouse those in priority need. The primary concern was for the welfare of dependent children, and women escaping from domestic violence. Authorities are under a specific duty to give primacy to the child's needs, as a result of the Children Act.

The high incidence of lone parent families living in local authority accommodation is explained by their reliance on one income and a reduction in their housing choices after the break up of relationships.

Only two authorities made reference to a significant

number of teenage mothers applying to be rehoused. Twenty-eight authorities (90%) commented that it was rare for unmarried teenage mothers or pregnant girls to present themselves for rehousing and that the correlation between having a child and seeking a local authority home was, at best, tenuous.

An examination of lone parent households accepted for rehousing under the homelessness legislation reveals that Pregnant teenagers are not over represented as a proportion of all acceptances. Lone parent households in total made up 41% of acceptances within our sample. Lone parents rehoused in this way were certainly not given a permanent home immediately but were most likely to be placed in temporary accommodation. This can last for anything up to a year.

¹⁶ *Institute of Housing Survey 'One Parent Families - Are They Jumping the Housing Queue?' 1993*

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As applicants on the general waiting list, lone parents were treated no differently to dual parent families. There was some evidence, however, to suggest that lone parent families fared less well in the type of properties they received.

The majority of authorities placed lone parent households in adequate accommodation. In certain circumstances authorities in the survey were placing lone parent households in smaller accommodation than two parent families with the same number of children.

In their comments, housing directors in general did not acknowledge any link between marital status and housing need. They felt that the reasons for the rise in the numbers of lone parents required a more detailed assessment of the complex cultural factors at work, rather than singling out specific groups for 'blame'.

In order to establish that the homeless legislation encourages single women to have children it would be necessary to establish both that the main motivation behind these pregnancies is to obtain council housing and that their homelessness is not genuine.

When single women make a homeless application to a local authority information on why they decided to have children is not requested, just as it is not requested from couples. This point was made in the following PQ:

Ms. Glenda Jackson: To ask the Secretary of State for the Environment how his Department plans to distinguish between genuine pregnancies and pregnancies conceived purely for purposes of gaining access to priority housing waiting lists.

Mr. Baldry: The homelessness legislation, which can confer priority need for accommodation on pregnant women, makes no such distinction.

[HC Deb 19.10.92 c 215W]

The majority of homeless households become homeless as a result of their families or friends being no longer willing or able to accommodate them. This type of homelessness is arguably the easiest to contrive as it can only be verified by confirming with the appropriate friend/relative that the applicant(s) have been asked to leave.

Commenting on this point, the Association of Metropolitan Authorities (AMA) stated in a recent letter to Sir George Young: "A significant number of young single parents become homeless because they can no longer remain in the parental home, but our member authorities do not accept them as homeless unless they are convinced that it is not possible to require them to go back to their parents".¹⁷

After being accepted as homeless and in priority need by a local authority evidence suggests that immediate rehousing for lone parents is not a likely option. In the IOH survey less than half the authorities contacted were able to offer access to the general housing stock in the first instance. The use of temporary accommodation such as bed and breakfast establishments, hostels and leased private sector properties was noted. The IOH concluded:

"It is clear that amongst survey authorities temporary accommodation was the likely housing option for single parent households accepted for rehousing, which can be anything but temporary. Families may be required to remain in such accommodation for over a year"¹⁸.

The effects on families of living in temporary accommodation for long periods of time have been well documented¹⁹.

Research carried out on behalf of the DoE into the nature of council housing waiting lists in 1986 found that 75 per cent of people housed owing to homelessness in a 4 month period by the 23 survey authorities had been registered on the waiting list prior to receiving a home²⁰. In a 1989 DoE study of homeless people the researchers concluded that, 'in many local authorities, those who are homeless are simply people on the waiting list with nowhere to wait'²¹.

One may conclude from this that the view of homeless and waiting list applicants as two very distinct groups, one category of which is able to jump the queue for housing, is misplaced. Evidence seems to suggest that these groups are largely made up of the same people who, as time passes, experience different levels of housing need.

¹⁷ AMA Letter from Councillor Margret Moran (Chair of the Housing Committee) to Sir George Young 1.10.93

¹⁸ IOH Survey 'One Parent Families - Are they jumping the housing queue?' 1993

¹⁹ See for example DoE 'Living in Temporary Accommodation : A Survey of Homeless People' 1989

²⁰ DoE 'Queuing for Housing : A study of council housing waiting lists' 1988 p.98

²¹ DoE 'Living in Temporary Accommodation : A Survey of Homeless People 1989 p.159

D. Options for reform and reactions

The Government has stated that consultation will take place over proposals to reform the homelessness provisions in Part III of the 1985 Housing Act²². While the Minister for Housing has made a commitment to safeguarding the safety net provided by this legislation²³ there has been much speculation in the press over what the implications for lone parents will be.

The option which has received the most attention is that of reducing lone parents' housing rights by using an age bar. It has been suggested that the law could be reformed so that local authorities would no longer be obliged to house homeless lone parents under a certain age. The ages of 21 and 25 have been widely referred to in the press. Instead, local authorities may be given discretion to decide whether these people could be adequately housed with their parents or in hostels.

This suggestion has prompted a strong response from housing commentators and organisations representing lone parents. In a letter to the Minister, AMA housing committee Chair Margret Moran states:

"The suggestion that homeless lone parents under 25 should automatically be sent back to the parental home is both totally unacceptable and quite impractical. Going beyond the present arrangements would mean returning women with young children to conditions which are nearly always overcrowded and stressful, and where there is often a serious risk of violence. Further, many have no parental home, in the usual sense, to return to²⁴."

In an article written for Housing Magazine Sue Slipman, the director of the National Council for One Parent Families, states:

"All the public debate has been about one not two parent homeless families, and much if it has been about teenagers. There has been much speculation about the need for mother and baby hostels but we know there is no money to supply well supported

²² HC Deb 21.10.93 c.281W

²³ *DoE* Press Release 11.11.93 'Housing Minister Sir George Young responds to Jack Straw's letter on single parents'

²⁴ *AMA* Letter from Councillor Margret Moran (Chair of the Housing Committee) to Sir George Young 1.10.93

accommodation. While properly supported hostels might be alright for the 17 year old with a baby they are not appropriate for the 24 year old with a seven year old child. They will never be appropriate for the already mature²⁵."

A number of references have been made to how the removal of the duty to secure permanent accommodation for young lone parents would interact with local authorities' duties under the *Children Act* 1989. Section 20(1) of this Act places a duty on social service departments to provide accommodation for children in need within their areas who require accommodation as a result of there being no person who has parental responsibility for them; who are lost or abandoned; or where the person caring for them is prevented from providing them with suitable accommodation or care. While section 20(1) only refers to the accommodation of children it should be read in conjunction with sections 23 and 17 of the same Act.

Section 23 defines the various ways in which accommodation may be provided by social services and states that "unless it is not reasonably practicable and consistent with the child's welfare the local authority shall make arrangements to enable the child to live with a parent or someone who has parental responsibility for him/her." Section 17(1) makes it the general duty of every local authority to safeguard and promote the welfare of 'children in need' in their area and to promote the upbringing of such children by their families where this is consistent with their welfare. This can be done by providing a range of appropriate services which includes "assistance in kind or in exceptional circumstances cash" and thus may involve the provision of, or payment for, accommodation.

It has been pointed out that a reform of the homeless legislation resulting in reduced housing rights for lone parents could be in direct contradiction with authorities' duties under the 1989 *Children Act*²⁶.

Both the AMA and Shelter have argued that the debate over lone parents and queue jumping merely masks the wider issue of the lack of affordable social housing. Margret Moran of the AMA writes:

"It may appear attractive to increase the priority given to families who would otherwise have become homeless, and encourage others to put up with intolerable housing conditions for a little longer in the hope of housing from the waiting list. The flaw in this proposal is that, in order to pre-empt each potential homeless application, several families will have to be housed from the waiting list. The scenario will only

²⁵ *Housing* December 1993/January 1994 'Young, single and not so free' p.13

²⁶ *Guardian* 'Teenagers 'scape goats' 7.10.93

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work where there are enough homes available. The acute shortage of social housing is the reason for homeless families getting priority over other applicants - and the solution is in your Government's hands²⁷."

The inter-relation between homeless and waiting list policies and how these can best be balanced by local authorities was discussed in research commissioned by the DoE in 1989, an extract from which is reproduced below²⁸:

Local authorities face demands for housing from many applicants other than the homeless. In seeking to balance the claims of homeless people and applicants on the waiting list many difficult issues must be confronted. Fundamental is the issue of fairness between applicants in roughly comparable circumstances, one of whom (as a result of knowing the system or of genuine necessity) becomes homeless, and one of whom does not. The latter will never be housed if all vacancies go to the homeless. If there is no movement on the waiting list, the incidence of homelessness is likely to increase. Some people will lose their home while waiting, and some will be tempted to 'contrive' homelessness because they see no hope of being housed in any other way.

The difficulty of the decisions to be made by local authorities are a direct consequence of the shortage of accommodation, particularly for families. Competing demands may not be capable of satisfactory resolution, but decisions can be made in a more coherent way. If homelessness is to become the main or only route to council housing in some areas, local authorities will have to adapt their attitudes and policies. The homeless persons unit and its staff should not be seen as separate from mainstream housing management. Indeed, for some authorities it is the mainstream activity.

Where homeless cases represent a small minority of all allocations, they can have absolute priority. Where there are greater competing demands one approach would be to organize the waiting list on a comprehensive and carefully defined priority basis. Such a scheme recognizes that homelessness is not an absolute priority, and that there are certain people on the waiting list with at least an equal claim to rehousing.

A prioritized waiting list may help to balance the competing demands of those who are homeless and those in equivalent circumstances on the waiting list; it can achieve some movement on the waiting list, and thereby decrease the tendency of those on the waiting list to redefine themselves as homeless. It can also resolve the treatment of the homeless at home (giving equal treatment for those living at home in equivalent circumstances but not 'homeless'). However, the implication of giving homeless people anything less than absolute priority for rehousing is that, unless the supply of accommodation is expanded, they will spend more time in temporary accommodation.

²⁷ AMA Letter from Councillor Margret Moran (Chair of the Housing Committee) to Sir George Young 1.10.93

²⁸ DoE 'Living in Temporary Accommodation: A survey of homeless people' 1989 p.153

E. Conclusions

At the time of writing there appears to be little evidence on which to base claims that lone parents are able to 'jump the queue' for social rented housing. Representatives of lone parents and housing bodies have condemned what they see as possible reforms, although it is as yet unclear exactly what the Government's intentions are in regard to the homeless legislation.

Part III of the *1985 Act* was last reviewed by the DoE in 1989, this review concluded that:

"the legislation has worked reasonably well and should remain in place as a long-stop to help those who through no fault of their own have become homeless" and;

"the definitions of 'homeless' and the 'priority need' categories laid down in the legislation continue to be adequate and appropriate to cover the homeless in genuine need".

There is concern amongst some housing groups that after having received a clear endorsement from this relatively recent review that the homelessness legislation should once again be subject to scrutiny and possible reform. Alternatively, a few local authorities have actively campaigned for a change in the law to reduce the number of lone parents which they are obliged to house as homeless²⁹.

²⁹ *Inside Housing* 'Single parents in the firing line' 1.10.93 p.2