



Welfare Conditionality

SANCTIONS, SUPPORT AND
BEHAVIOUR CHANGE

Social housing and conduct conditionality in England and Scotland

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The project

- Five year study on ‘Welfare Conditionality’ being conducted by 6 UK universities (mid point in study)
- The efficacy (does it in fact bring about the behaviour change sought) and the ethicality (from a range of normative perspectives) of intensifying ‘conduct conditionality’ in UK welfare
- 8 groups of ‘welfare service users’: unemployed people, lone parents, disabled people, homeless people, individuals/families subject to antisocial behaviour interventions, offenders, migrants and social tenants

Social housing and conditionality

- Are we seeing increased levels of conditionality in the social housing sphere? How is this manifesting?
- To what extent is intensifying conditionality intended to bring about behavioural change on the part of tenants?
- What are the prime motivating factors lying behind any such behavioural change agenda?
- Is there a difference emerging between

The data

- 12 national-level key informant interviews with social housing policy-makers/ other senior stakeholders (England=8, Scotland=4); [to be repeated twice more on an annual basis]
- 4 focus groups with 33 social housing managers/practitioners: 3 in England (p=23), 1 in Scotland (p=10) [3 more focus groups planned]
- 214 qualitative interviews with social tenants [to be repeated twice more on an annual basis] :
 - > 6 locations in England (London, Sheffield, Bristol, Peterborough, Bath, Manchester)
 - > 3 locations in Scotland (Glasgow, Edinburgh, Inverness)

Conditionality and tenure security...

“...the whole move away from lifetime tenancies is, to me, one of the most obvious examples of conditionality. I think that takes two forms. One is, there's just a sense of you get this house while you get yourself stable and on your feet [and] once you take away lifetime tenancy there must be an unspoken degree of conditionality that creeps in, that I've only got this for five years and if I don't keep my nose clean it might not be for as long as that.”

(National stakeholder)

Probationary and fixed-term tenancies

- Introduction of probationary tenancies in Housing Act 1996; Housing Act 2004 enabled extension of probationary period
 - > c.67% of HA and 64% of LA tenancies offered with probationary period in 2014/15 (CORE)
- Localism Act 2011 introduced fixed term tenancies, advised minimum period of 5 years, 2 in 'exceptional circumstances'
 - > Estimated 30% housing associations using FTTs, further 20% considering it (HACT, 2014)
 - > Around 1/6 new HA tenancies were fixed term in 2014/15 (CORE)
 - > Length of fixed-term: 61% social and 69% AR tenancies 3-5 years, 18% social and 3% AR =2 years in 2014/15 (CORE)

1. The ‘Interventionists’

- Well-publicised examples – Yarlington, Bromford, etc.
- FTTs part of broader attempt to recalibrate relationship between landlord and tenant
- Carving out broader role in incentivising/’nudging’ tenants towards healthier, more socially engaged and economically independent lives:

“you're probably seeing ourselves and a small number of organisations occupying a ground... beyond the traditional landlord tenant relationship... that have revisited and recognised that, as part of their responsibilities for providing housing and... enabling sustaining of communities, that there are examples of where that hasn't worked by simply providing more housing and better housing” (Senior housing manager, South of England)

Motivated by paternalism?

- Or responsabilisation...

“We're not having an adult-to-adult relationship with people; it's more of a parent/child relationship.” (Senior housing manager, South of England)

- Or contractualism...

“...it's harder nosed than paternalism... [its] about saying, 'We will do some things for you, in return we expect you to do some things for us.'... old fashioned paternalism was... oh these people just don't know any better... so we'll ... help them to do better... That's quite different from a system of behavioural incentives, large or small.” (National stakeholder, England)

- Or the bottom line...

“you've got the FTTs as an incentive to try and change tenants' behaviour by making them more responsible... [so] they don't have to rely on us to do everything for them. The Universal Credit, obviously not being too far away with all the housing costs lumped in to the rest of their benefits...” (Senior housing manager, South of England)

2. The ‘Utility Maximisers’

- Larger, southern, early adopters of FTTs:
“Very much for housing associations, especially in London, the use of fixed term tenancies was linked to the affordable rent programme. There was an incentive from the GLA, an expectation from the GLA that if you went into the affordable rent programme that you use fixed term tenancies.” (Housing manager, London)
- FTTs not primarily (if at all) designed to to pursue behavioural objectives:
“...it's a crazy assumption, isn't it, that somehow tenure length is going to [laughs] - you're going to link that to getting a job and it's as though people don't want a job or don't want to work, that we've somehow got to force them to work by offering them less of a tenancy?” (Senior housing manager, London)

Disillusioned with FTTs?

- Arguments in favour unconvincing:
 - > Best use of stock? But often nowhere to move under-occupiers to
 - > Social mobility? But potentially undermines work incentives
 - > Social cohesion? But *“if only there for 5 years, less reason to make sure that you get on with your neighbours, improve your property”*.
- Strong arguments against:
 - > Costs, bureaucracy and complexity – reviews and ‘two tier system’
 - > Public law challenges
 - > Financial risks
- In early 2015 there was a strong sense that some of the FTT early adopters would start to abandon them – were awaiting on outcome of election, and to see what the other major housing associations will do; with Government review of ‘lifetime tenancies’, now unlikely

3. The 'Place Makers'

- Smaller, geographically concentrated, lower demand, stock transfer
- Strong antipathy to FTTs
- 'Traditional' social landlords who see themselves as 'place makers' not 'people shapers' (aside from managing ASB and arrears)

Tenant perspectives

- Almost half of total sample of welfare service users (214) were social tenants - interviewed about a range of aspects of welfare conditionality that might affect their lives (JSA, UC, lone parent obligation, etc.)
- 52 were specifically sampled as social tenants, so that the priority in these interviews was to obtain as much detailed information as possible about social housing specific forms of conditionality
- Of these, 47 were on some form of non-permanent tenancy (FTTs, probationary tenancy, or short Scottish Secure Tenancy)

1. The unaware

A few tenants on FTTs, or shortly to move onto them, seemed to think that they would be moving into an open-ended contract ...

“As far as I know, I'm on a year's probation and then after that I can rent it for as long as I want to stay there.” (Young lone parent)

Others seemed not be able to distinguish between FTTs and open-ended...

“I think she explained...that it was a fixed-term tenancy for about three years, I think and then they just seek how you get on in paying the rent and stuff like that, and then I think that it then goes into a permanent. I'm not 100 per cent sure; I just pay my rent and do it. I've forgot all that, but, yes, I think it goes into a permanent once you've paid - like you're on top of your bills and you're not in arrears. Unless I'm on a permanent now; I'm not too sure.”
(Lone parent with experience of homelessness)

2. The unconcerned

"...they said they'll come back and view you in another five years or something, or another year. I don't know, something like that... I think they just sort of like keep an eye sort of thing... It's just like parents, like keeping an eye on you..." (Young lone parent)

"To be honest, because I've never known anything different because it's the first time I've moved out of home, it doesn't bother me too much because I know I'll be a good tenant and I pay my rent on time and things like that." (Young lone parent)

"...I didn't really take that much notice to tell the truth, because it was - like I said, I was so grateful to have a roof over my head, especially after being there so long... I didn't really think that much of it because knowing that I needed a roof over my head I just accepted, right, what was on the plate as such." (Older ex-homeless woman)

"Five years is a long time. I know I'm sure before five years, my life will change. I won't be on benefit. I don't even want to be on benefit and by the time I start working, I have a choice then." ... (Lone parent, with experience of domestic violence)

3. The anxious (a)

“When you've got this periodic tenancy you're always apprehensive because you don't know what is going to happen. You can't really sit back and enjoy the place like - because you always feel like you're on borrowed time, so you're always on edge about - when you get like those who initially had the lifetime, they can relax and see it as their home.” (Older female tenant)

“...not that we actually wanted to move but we felt as though we were slightly pushed...by the bedroom tax yes... for 17 years we were secure tenants.... and suddenly we're a five year contract... I don't think it's fair at all...the way that I look at it what will be will be, but my husband is living on his nerves now thinking what's going to happen at the end of the five years? He doesn't need the stress or the pressure.” (Older couple with serious health problems)

“...this tenancy is a five year fixed tenancy, which as my other one wasn't. So I've taken a big chance giving up my assured tenancy...there was nothing I could do about it, just have to hope after five years they extend it...I didn't feel good about it... I needed to move from where I was, my children needed space, we were - it's like we were suffocated in there. So I had to take the risk and I just have to hope it pays off because sometimes you have to take risks in life.” (Large family)

3. The anxious (b)

“...my question was, 'Can a fixed-period tenancy be changed into an open-ended tenancy?' Because that's what I would like. So that I'm at a par with the other tenants.... They said ...most probably it would be another six years, if there were no problems with the tenancy. ...but... I'm already a pensioner; so is my husband. Of course, Mum is disabled, and she's in the pension age as well. So if you add our years to six years, you can see at what point we are going to be when this one is coming at an end. And when one is at an advanced age, it's psychologically, emotionally... It's the feeling knowing that, okay, like now, we've already... done five months, okay? And five months, that has come off - six times twelve: 72. ...For me, I'm looking at it as having a bank balance, and you're not able to credit anything, but you're just minusing and in the end it comes to a zero, when you have nowhere.” (Older couple living with elderly mother)

“It always sits in the back of your mind that you might, I don't know, you might have, if you ruffle their feathers basically they might say you have to go. Or at the end of the five years they might say, 'We need to move you on as you have a spare room'. Do you know what I'm saying?” (Couple with health problems and disabled child)

The position in Scotland

- Housing (Scotland) Act 2001 introduced short Scottish Secure Tenancies in limited circumstances (e.g. history of ASB, homeless accommodation):
 - > 604 SSSTs granted in 2014/15, 1.3% of all new tenancies
 - > hardly used at all outside of 'projects'
- On-going debate on probationary tenancies, but not introduced in Housing (Scotland) Act 2014

No appetite for FTTs...

“...its just not on the agenda” (National stakeholder, Scotland)

“...it's called the Scottish secure tenancy and somehow that signals a different sense that the house is a home. And once you've been allocated that house who is to come along and say, 'You earn too much to live in that house, go away'.” (National stakeholder, Scotland)

“Because it is a home... it's not a mechanism for a sanction... You're talking about somebody's home and I don't think that that equates for a house being used as a sanction.” (Housing manager, West of Scotland)

Whereas 'home for life' increasingly questioned in England...

"... I'm not convinced that it makes sense to say to someone, 'Because you were in pretty acute need when you were 23, you're entitled to a social-rented home for the rest of your life, and the rest of your children's lives'... private-rented tenants don't have a home for life."
(National stakeholder)

"... it does seem odd to me that you might have a challenge at one point in your life that means you need some sort of support with your housing and then 30 years later... you've still got that house... our view is we provide housing for people who need it as effectively as possible and... surely a FTT would be consistent with that world view if we provide it when you need it..." (Senior housing manager)

"I think if we'd been trying to have this conversation in the 1960s and '70s people would have looked at us a bit confused and said, 'But I thought the purpose of social housing was a long-term investment in the stability of a household that they live in.' ... Now, typically, there's much more engagement with a discussion that is about, 'But is that really what social housing is for, or is it about short-term, time limited targeted intervention of people's lives, that they're then floated off the minute that they don't need it?' So I think there's a competing vision out there now..." (National stakeholder)

Conclusions

- Government review of use of the ‘lifetime’ tenancies in England is therefore unsurprising
- The practical arguments against FTTs – as expressed by some of the early adopters, and the ‘anxious’ tenants – are highly germane to this debate/review
- But may be overpowered by the apparent momentum of this philosophical shift away from a vision of social housing as a mainstream tenure providing a ‘home for life’ for a relatively large swathe of lower income groups, towards a much more minimalist/conditional ‘welfare’ service – ‘Pay to Stay’ is likewise reminiscent of a shift towards the North America/Australian ‘welfare’ model of social housing
- But expect strong resistance from some parts of the country/sector...and increasing divergence between England and Scotland