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Forgotten mothers: the case for a policy focus on the experiences of motherhood and homelessness



Summary

Responding to an identified gap in evidence, researchers have undertaken a study to understand the experiences of mothers who have become homeless and the ways in which existing policy and legislative frameworks in England meet their needs. The research findings raise questions about whether policy and legislation are adequately protecting and supporting this group of women. Valuable support is available, particularly through the provision of temporary accommodation because of the protection afforded to families via the legislative framework in England. However, that protection can exclude mothers who are living apart from their children and are, therefore, deemed to be 'single' - i.e. without dependent children as part of their household. Furthermore, the capacity of homeless mothers to prevent family separation and rebuild a family home was found to be hampered by the policies and procedures they encountered in housing and social work systems, which sometimes reinforced family separation. The disadvantage faced by homeless mothers was therefore exacerbated, rather than resolved by the policy and legal frameworks designed to protect them.

'Single' and 'family' homelessness distinctions: reinforcing family separation

The distinction made between 'single' households and 'families' in the implementation of English homelessness legislation can restrict the access homeless mothers have to housing when living apart from their children, reinforcing family separation.

English homelessness legislation states that homeless applicants who are pregnant or have dependent children with whom they would normally reside have priority for housing. Local authority practitioners generally apply the category of 'family' to these households, and 'single' to applicants who are not pregnant and do not have dependent children residing with them. These categories grant certain rights to housing. For example, local authorities have a statutory duty to secure housing (referred to as 'the main housing duty') for homeless families¹ because they have 'priority need', and many homelessness services target their support at either 'families' or 'single people'. However, not all 'single' homeless women are childless. Homelessness can prompt mothers to place children in informal kinship care, and difficulties such as domestic abuse can trigger formal child removal prior to homelessness. Eighteen of the 26 mothers participating in the study,² for example, were living apart from their children. Most had been full time carers of their children shortly before, or at the time,

they became homeless and they regarded the family's separation as temporary.

Yet, women's maternal status can become invisible to many services once their children are living elsewhere. Once children were physically absent, the women interviewed for this study were not acknowledged as mothers within the terms of the homelessness legislation or housing allocation systems. With no 'priority need' it is then difficult for mothers to access housing so they can reunite the family. If they are provided with temporary or permanent housing by the local authority, or offered a tenancy by a social housing provider, allocation policies usually dictate that this would be accommodation suitable for a single person.

The homelessness legislation³ and associated Homelessness Code of Guidance⁴ is clear that people temporarily separated from their children should be classed as a 'family' if the children 'might reasonably be expected to live with them'. In practice, however, this crucial and potentially complex deliberation does not always appear to happen, highlighting the difficulty that local authorities have in interpreting legal tests correctly. Assessments of housing need are generally based on a single point in time, and decisions about where children might 'reasonably be expected' to live are not always straightforward. Yet, local authority decisions about whether an applicant is a 'single' person or a 'family' carries lasting implications where families have been separated. This is a complex area of case law, and local authorities have been found to have acted unlawfully.⁵

¹ Homeless households must also meet a number of other criteria to be owed this duty, for example not have made themselves 'intentionally homeless'. Local authorities will not, therefore have a duty to secure accommodation for all homeless families.

² The study comprised qualitative interviews with 26 homeless mothers living in the north of England and consultation with organisations that offer housing and other support to women and families. Interviews were conducted face-to-face between April - August 2019. All the mothers interviewed were homeless at the time of their interview, either living in temporary accommodation (including refuges, hostels and supported housing), staying with friends or family, or sleeping rough. A few women had long histories of homelessness and insecure housing while others were interviewed during their first, relatively recent episode of homelessness. They were mothers to between one and six children.

³ See s. 176 of the Act.

⁴ See Homelessness Code of Guidance 2018 https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf.

⁵ In the case of *Islam* 1983, an applicant who had lived in the UK for several years and had his family join him. The House of Lords concluded that the family was homeless because they had nowhere they could live together. If the **only** reason a woman cannot live with her child(ren) is because she has nowhere to live with them, the local authority are acting unlawfully in deciding she is not homeless or not in priority as a person with whom dependent children might reasonably be expected to reside. Such judgements are important because Case law is legally binding.

Homeless mothers fall through the cracks between policy domains

Homeless mothers can require input from a range of services to help them resolve their housing problems and to meet needs arising from the circumstances that lead to their homelessness (such as domestic violence). However, in this research, the services working with the homeless mothers interviewed were not always co-ordinated and sometimes placed conflicting demands on them.

In fact, aspects of current homelessness legislation and landlord allocations policies were found to undermine some homeless mothers' capacity to meet the expectations of Children's Social Care (CSC) services to provide a stable family home. For example, in line with the standard allocation policies of many social landlords, some participants had been disallowed from bidding for housing by the local authority or registered providers because of pre-existing property debts (of as little as £250, and often accrued by violent ex-partners). Others had been found 'intentionally homeless' under the terms of the homelessness legislation for leaving previous accommodation or having been evicted for rent arrears. Local authorities do not have a duty to secure housing for priority need applicants if they have become homeless through a deliberate act or omission and so accommodation was not made available for these participants.⁶ The 'single' status of women living apart from their children (see above) also left them without priority need for housing. In all these cases, legislation or policy significantly undermined participants' capacity to access housing, which was in direct conflict with child protection plans drawn up by CSC that often included a requirement to secure family sized housing before children will be returned.

Conversely, the importance of housing to women's capacity to care for (i.e. keep safe) children in the context of domestic violence, does not seem to be adequately recognised by CSC departments. In this research, for example, housing advice or assistance was generally only provided (by any agency) to women once they had become homeless. By this time, several women's children had been removed on the grounds

of 'emotional abuse' because they had 'allowed' children to witness violence. This raises questions about the robustness and availability of prevention services. Timely provision of safe housing for mother and child in these instances might have helped to both prevent homelessness and enable mother and child to remain together. Where a more 'reactive' system prevails, as was the experience of most of the mothers interviewed for this study, these opportunities are missed.

Even when housing is provided to homeless mothers, with or without their children, the involvement of agencies such as statutory housing and social services departments is often not enough to mitigate circumstances of poverty that they face. The way in which housing and support is provided can serve to reinforce rather than mitigate financial difficulties. Out-of-area hostel and refuge placements, for example, result in the need to pay for travel to schools, appointments with children's social services or drug and alcohol support, and crucial family support networks. Women escaping violence, as many of the CaCHE participants had been, are often placed in accommodation out of the area to protect them from the perpetrator. However, it is then that mothers faced these additional financial costs. The time taken to set up benefits can also leave some homeless mothers without the means to travel or buy food, especially in the absence of necessary identification.



⁶ Support for homeless people who are not owed the main housing duty has recently been strengthened through the Homelessness Reduction Act 2017, which came into force in April 2018. The CaCHE research was conducted later, in 2019, but participant accounts often covered a period before and after the introduction of this Act. Some may, therefore, have had different experiences had they become homeless after the introduction of the Act.

Parenting in temporary accommodation

Women's hostels and domestic violence refuges are a vital way for local authorities to house women in emergency situations for short periods. Some of the mothers in this research, however, were faced with lengthy periods living in unsuitable temporary accommodation where parenting was very difficult. Many had little understanding or reassurance about how their situation might be resolved. In the context where domestic violence has been a trigger for homelessness, as it was for many of the mothers interviewed, a key concern is that provision of unsuitable accommodation might prompt a return to an unsafe situation.

There are a range of factors associated with communal services that impact on women's ability to do parenting in preferred ways. In some accommodation the parenting capacities of mothers are encouraged and protected through activities and rules that are well-meaning but can be experienced as judgemental and as undermining personal and maternal independence. This includes curfews, closure of communal areas, cleaning chores, room checks, and

requirements on women to always supervise children themselves and cook hot meals daily. The rules and restrictions applied within this type of accommodation, usually to protect the safety of women living in them, can also isolate women from support networks and reinforce barriers between mothers and non-resident children. Where children are resident, families are sometimes required by temporary housing providers to remain within individual rooms and urged to avoid communal areas.

Restrictions on overnight stays, where residents are not permitted to stay away from their accommodation, particularly affects women who have been moved out of their local authority area. In this research, for example, women described feeling trapped in their accommodation, disallowed from having visitors - including their own children. Some mothers were unable to travel to spend time with family members (including children) and friends who lived too far away to visit within one day. Without the money to pay for day trips or activities outside of the home, housing in these forms of temporary accommodation also limited the potential for mothers to care for their children.



Policy recommendations

Keeping families together

1. It is imperative that homeless mothers living apart from children who should reside with them are classed as a 'family' under the terms of the homelessness legislation, and are rapidly assisted to secure suitable family housing. This should include the following measures:

- Local authorities must observe the terms of the homelessness legislation (Part 7 of the Housing Act 1996, as amended) and the Homelessness Code of Guidance by actively seeking to determine the family circumstances of applicants living apart from children who might 'reasonably be expected' to reside with them. A regulatory mechanism should be introduced to scrutinise homelessness decisions, ensure local authority practice complies with law, and to improve accountability.
- In practice, the assessments made by local authority homelessness officers must be designed to recognise that family circumstances can be complex and dynamic, such that simplistic questions like 'do you have children living with you?' will not always reveal an accurate enough picture for the right decisions to be made. Local authorities should scrutinise their assessment policies and practices to ensure they are capable of identifying mothers living apart from their children because of homelessness; and national policy should be introduced to make it incumbent on local authorities to comprehensively and dynamically assess family circumstances as part of their assessments under the homelessness legislation.
- Statutory guidance should be strengthened to better clarify the law in order to support local authority legal compliance and good practice. For example, guidance should clarify that if, after an assessment, the local authority is satisfied that the only reason a child is not resident with their mother is because of homelessness or the reasons leading to their homelessness, then the child should be assessed as 'reasonably expected to reside with the

applicant'. Training should be provided to support this guidance and ensure that front line staff understand the legislation in relation to their assessments.

- Case law is legally binding so we would encourage national homelessness advice organisations to take some test cases to court to support efforts to strengthen and clarify the homelessness legislation.

2. A government-led national review should be undertaken to identify vulnerable groups to be exempted from policies implemented by local authorities and social landlords that restrict eligibility to housing.

This should include women who were experiencing domestic abuse before they became homeless and women who have recently been separated from children where housing problems were a key factor. These vulnerable groups should not be subject to the assessment of 'intentional homelessness' (which would require amendments to the homelessness legislation) and they should not be barred by social landlords from social housing waiting lists or from bidding on choice-based lettings schemes because of previous rent arrears or tenancy mismanagement (which would require changes to social landlord policies). The review should culminate in clear national policy and, where necessary, legislative change.

Joined-up working to meet the needs of homeless mothers

3. Local authorities should be supported by relevant government departments to put in place systems and processes to guarantee joint working between local authority housing departments, Children's Social Care Services, and domestic abuse services so that women's circumstances are assessed and responded to holistically. This should include the following measures:

- A full assessment of a family's housing needs should form a core component of local authority decisions to instigate child protection measures. This is particularly relevant where domestic violence is triggering child protection proceedings, as provision of alternative safe housing for mother and child or a Sanctuary scheme might prevent the need for child removal as well as mitigating against subsequent homelessness.
- Local authorities should explore the potential of the 'Safe and Together' model⁷ for supporting parents experiencing domestic abuse. This model is designed to ensure that child welfare systems and homelessness services are domestic-violence informed, and that they work to keep children 'safe and together' with the adult domestic abuse survivor.
- Processes should be in place so that local authority homelessness officers actively seek input of other services to ensure the most appropriate decisions are made with regard to whether children might 'reasonably be expected to reside' with the applicant.

⁷ See [About Safe & Together Institute](#)

Further reading

This briefing draws on research project co-funded by the UK Collaborative Centre for Housing Evidence (CaCHE) and the Centre for Regional Economic and Social Research (CRESR) at Sheffield Hallam University. More details of this project, and the key findings report Homeless mothers: key research findings can be found at <https://housingevidence.ac.uk/publications/homeless-mothers-key-research-findings/>

Miller, L. (2019) 'A Safe Home' Breaking the link between homelessness and domestic abuse. All Party Parliamentary Group for Ending Homelessness. Crisis. https://www.crisis.org.uk/media/240459/cris0198_domesticabusebill_appg_report_2019_aw_web.pdf

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Improving housing and support for homeless mothers

4. The temporary housing offer to homeless mothers - including those escaping abuse - requires scrutiny through a comprehensive national government review, the conclusions from which should inform local commissioning.

At present, homeless mothers are remaining in temporary accommodation that often does not meet their parenting needs for lengthy periods, and self-contained temporary family housing is scarce. Increased provision of single occupancy temporary accommodation alongside other appropriate temporary housing would significantly reduce the challenges and hardships mothers, and indeed all homeless people face when they become homeless.

5. In line with the Homelessness (Suitability of Accommodation) (England) Order 2012 local authorities must ensure that they pay careful consideration to locational needs when allocating temporary accommodation to homeless mothers. These needs should form a core, and formal component of decision making, enshrined in national homelessness policy and feeding into funding and commissioning.