

Focus on:

DIVERSITY

SUMMARY OF ISSUES:

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1. Disability access needs specific attention in the design and building of the new homeless hostel.
2. Design needs to take into account specific risks within the building on account of age, gender, ethnicity and sexuality where a risk assessment highlights that this might be an issue.
3. There is insufficient monitoring of faith, sexuality, gender and disability impacts with regard to homelessness.
4. Gypsies and travellers do not approach the housing department for support, despite the Housing Needs Assessments highlighting that there are specific issues around gypsies and travellers having insufficient sites in and around the city.

Plymouth City Council policy states that all services must comply with the 5 equality strands:

AGE; FAITH AND BELIEF; DISABILITY; GENDER; RACE; SEXUALITY:

Age: Issues around older people experiencing homelessness are dealt with elsewhere in this review.

Faith and belief: Currently Plymouth City Council do not monitor faith and belief in relation to homelessness approaches and approaches for housing related support.

Disability: No issues have been identified in relation to disability as a factor in homelessness. However, within the hostel re-provisioning capital bid, the views and input of disabled people must be sought to ensure that the design of the new hostel is fully adapted and accessible for people with disabilities.

Gender: There are a number of specific issues around disability and homelessness:

Our service users told us:

“How can I get ex-wife kicked out of Devon/Cornwall flat. I’m still on tenancy agreement and I want flat and kids”.

Resident at The Ship Hostel

- Women are generally at more risk of poverty through being ‘economically inactive’.
- There is a higher incidence of domestic violence against women – with homelessness a potential consequence.
- Parenting roles and specific homelessness provision around pregnant females can lead to an inherent bias within the homelessness system whereby single males are not considered a priority.
- Some resources (especially direct access hostels for homelessness) in Plymouth are predominantly accessed by men – and females report feeling unsafe or ‘overwhelmed’ in such an environment. Specific risk prevention measures are required (and this will be addressed within the hostel re-provisioning capital funding bid – see previous section).
- Gender issues within particular ethnic minority groups are a particular issue.
- It is important to evaluate effectiveness of services in relation to gender – and Supporting People outcomes monitoring will go some way towards this.
- Health needs could be different depending on gender.

Sexuality - Lesbian, gay, bisexual and trans-gendered people: LGBT people can face specific difficulties when homeless, including prejudice and discrimination. Mainstream hostels and other projects need to be assured that they are able to meet the needs of this group, or specialist services need to be available.

Issues related to sexuality and sexual identity play a key role in the onset of homelessness.

Difficulties due to intolerance and homophobia can contribute to the loss of stable housing or exacerbate periods of homelessness, particularly amongst those who are most vulnerable, such as gay, lesbian, bisexual or transgender (LGBT) youth.

(Source: Sexuality and Homelessness, Crisis Report, 2005).

Recently, Plymouth began monitoring the sexuality of those accessing to Homelessness services – though this is at an early stage, and the information is requested on a voluntary basis. The failure to recognise issues of sexuality means that within systems of care the assumption is one of heterosexuality. For LGBT homeless people this creates one more area in which they feel marked or different in a negative way. This may contribute to or exacerbate the degree of isolation and distress for an already highly marginalised and vulnerable group.

Gypsy and travelers: Plymouth did not receive any homelessness approaches from people from a gypsy or traveling background, though 3 people (as reviewed above in the Supported Accommodation section).

It is currently uncertain as to why this should be the case, as under the Housing Act 1996, a Gypsy or Traveller is homeless if s/he does not have a lawful place to put his or her caravan or living vehicle (1). If a homeless person is in priority need (2) and not intentionally homeless (3) then a local authority will have a duty to ensure that the individual is provided with accommodation (4).

In *R (Margaret Price) v Carmarthenshire County Council* (5), Mrs Price had made an application as a homeless person to the local authority since she had no lawful place where she could pitch her caravans. After considering the matter, the local authority offered Mrs Price a house and sought her family's eviction from their encampment on local authority land which had, up until then, been tolerated by the council. Newman J quashed the decision to evict, stating that:

'In order to meet the requirements and accord respect, something more than 'taking account' of an applicant's gypsy culture is required. As the courts in *Chapman* stated, respect includes the positive obligation to act so as to facilitate the Gypsy way of life without being under a duty to guarantee it to an applicant in any particular case.'

The judge examined the way in which the local authority had dealt with the issue of Mrs Price's 'cultural aversion to conventional housing' (6) and found that the local authority's approach had been flawed because: it had placed too much weight on the fact that she had seemingly been prepared to give up her traditional way of life to live in conventional housing in 2001; and, it had used this fact as sufficient reason for totally disregarding her 'aversion to bricks and mortar' when considering whether the offer of conventional housing would be 'suitable' in her case. However, the judge also found that: if the local authority reached the conclusion that Mrs Price's cultural commitment to traditional Gypsy life was so powerful as to present great difficulty in her living in conventional housing, it was not bound by a duty to find her an authorised pitch or site; but that her cultural aversion to conventional housing was a significant factor in determining how far the local authority should go to facilitate her traditional way of life (7).

Local authorities who receive such a homeless application, must make an assessment of the Gypsy's or Traveller's aversion to conventional housing and must then see whether they can 'facilitate the Gypsy way of life'. The latter, it is argued, should involve a serious and extensive consideration of land/pitches/sites in the area (and not just land owned by the local authority in question). Local authorities should already be undertaking this exercise as part of the homelessness strategies and reviews that each local authority is obliged to put into place every five years.

Plymouth City Council has undertaken a housing needs assessment of gypsies and travellers, and the findings in relation to homelessness form an integral part of this homelessness review. This needs assessment is available to view using the following link:

Other issues are likely to arise in due course as a result of Price style homelessness applications. What is the position for New Travellers? What about the question of intentional homelessness decisions where the Gypsy or Traveller left conventional housing in the past due to their inability to reside in such accommodation? What about the question of 'local connection' i.e. if an applicant does not have a local connection with the local authority they apply to, they may be referred to another local authority where they do have such a connection?

One issue has recently been resolved. In the case of *Myhill & Faith v Wealden District Council* (10), it was argued on behalf of the single homeless Travellers involved that, due to the much greater likelihood of homelessness amongst Gypsies and Travellers due to the lack of authorised stopping places, due to the greater difficulty in finding 'accommodation' and due to the possibility of criminal prosecution while on unauthorised encampments, they should be seen as being 'vulnerable' and thus 'in priority need'. This argument was rejected both by the county court judge and by Buxton LJ in refusing permission to appeal to the Court of Appeal. Buxton LJ, relying on the test of 'vulnerability' provided in the case of *R v Camden LBC ex p Pereira*, (11) stated:

'The focus [in the Pereira case] is quite clearly on the ability of the individual to deal with the condition of homelessness, rather than on the question to which statistics and oral arguments in this case go, of how likely it is that persons when they become homeless will remain such.'

In terms of interim accommodation, it is often argued by advisers that, if the Gypsies or Travellers concerned are on land owned by the same local authority to whom the homelessness application has been made, and, if that land is not 'inappropriate', that they should be allowed to remain there whilst their application is determined (perhaps in fulfilment of the interim accommodation duty) (12).

Ongoing work as a result of the Gypsy and Travellers Housing Needs Assessments should be incorporated into the Homelessness Strategy Action Plan.