


# ‘You’re having us on . . . that’s what it felt like.’: Frontline Workers Navigating the Introduction of Moral Commitments to Domestic Abuse Support within a Statutory Homelessness System

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*That domestic abuse is a human rights infringement has become recognised at policy, practice, and legislative level globally. Homelessness services are critical in averting and mitigating harm to those who have experienced domestic abuse. The British homelessness system achieves this, in part, through offering a legal right to housing in some circumstances. The Housing (Wales) Act 2014 integrates a human-rights based understanding of domestic abuse yet reduces legal rights to assistance. Based on analysis of interviews with fifty-two homelessness workers and twenty-four applicants I argue that moral commitments cannot compensate for legal rights; rather, they deresponsibilise homelessness services for addressing domestic abuse. I show (1) that workers saw cases where homelessness arose from domestic abuse as functionally beyond the remit of homelessness services (2) that empowered women were understood as undeserving by the system and (3) that workers saw domestic abuse cases as a broad and undefined threat to resources.*

**Keywords:** Women’s homelessness, Wales, homelessness, domestic abuse, empowerment.

## Introduction

Drawing upon well-developed feminist understandings of societal harm as instigated, amplified and sustained through gender-based structural disempowerment, domestic abuse is recognised internationally as a moral violation (Jurasz, 2015; Gedalof, 2018; Murray *et al.*, 2022). This is reflected in strategic policy and legislative frameworks such as the *Istanbul Convention* (Council of Europe, 2011), the *Violence Against Women Act 1994*, the Welsh *Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015*, and, most recently, the *Domestic Abuse Act 2021* (Domestic Abuse Act, 2021; Charles and Mackay, 2013; Jurasz, 2015, 2019; Mackenzie *et al.*, 2015; Murray *et al.*, 2022). These human-rights frameworks place a moral responsibility upon governments, and their agents, to identify, address and prevent gender-based forms of violence, including through provision of training to public sector workers (Charles and Mackay,

2013). However, these proclamations of rights lack legal enforceability: they are ‘political markers of concern’ (Bengtsson, 2001: 255) without a clear right of action. Their operation is contingent upon the availability of politically labile, scarce resources.

Even as rhetorical commitment to women’s freedom from domestic abuse has intensified, funding for services to address the practical, social effects of domestic abuse has become increasingly haphazard, unpredictable, and scarce, with especially significant impacts upon women facing additional loci of marginalisation: women of colour, LGBTQ+ women, disabled women and migrants (Berger, 2009; Ishkanian, 2014; Mackenzie *et al.*, 2015; Jurasz, 2019; Sweet, 2019; Pain, 2021; England, 2022a, 2022b). As Mackenzie *et al.* (2015) argue, an implementation gap often exists between the high-level intentions of legislation and policy aimed at addressing domestic abuse, and the practices that play out on the ground, through frontline services.

Domestic abuse places women at heightened risk of homelessness (Mayock *et al.*, 2016), making homelessness services a critical location for addressing domestic abuse. Since 2001, those becoming homeless in Wales as a result of domestic abuse have been afforded priority access to social housing stock, albeit, following the *Housing (Wales) Act 2014*, conditional upon engagement with homelessness services. The (non-statutory) *Guidance to the 2014 Act* mirrors human-rights frameworks (e.g. the Istanbul Convention) in encouraging local authorities to offer those who have experienced domestic abuse autonomy, choice, and dignity in service provision. It also specifies close working with the increasingly professionalised domestic abuse sector composed mainly of specialist, funded services (e.g. refuges and support). However, the sector lacks the resources of centrally funded homelessness services, and further is focused upon addressing domestic abuse rather than homelessness (Jurasz, 2019).

Drawing on experiences of fifty-two frontline homelessness workers (‘workers’) and twenty-four applicants to the Welsh homelessness system (‘applicants’) following the *Housing (Wales) Act 2014*, I argue that the introduction of a legally unenforceable moral commitments-based approach to domestic abuse within homelessness services paradoxically deresponsibilises homelessness services for addressing domestic abuse. Without a legally enforceable right to extended forms of assistance within the homelessness service itself, and in the wider context of loss of legally enforceable rights to homelessness assistance through the introduction of conditionality, this not only fails to advance equality but furthers a reductive, deservedness approach to women’s homelessness. Moral commitments within the service delivery context are unable to compensate for legal rights and may in fact have unintended negative consequences for how homelessness services are delivered to people who experience domestic abuse. I find that homelessness workers were motivated to refer domestic abuse cases out to specialists because they saw them as excessively complex, and so women who had experienced abuse were not given a meaningful range of options. Further, domestic abuse itself was conceptualised as an intrusive, unwarranted resource risk to the homelessness system by homelessness workers. This paper contributes to moral philosophy perspective by interrogating the application of a rights-based to women’s homelessness. It makes a valuable empirical contribution by showing how people, especially women, fleeing domestic abuse and violence can be further disempowered by local housing authorities where policy is not functionally legally enforceable. This extends street level bureaucracy

theory by considering how programmatic, moral rights can operate to increase wariness and exclusion of some client groups, suggesting that where legally unenforceable moral commitments are added to an already-under resourced service they will not necessarily advance equality but rather will lead to the groups being deprioritised and their rights treated as discretionary based upon resource availability.

In the next section, I explore how a legal right to relief from homelessness has historically been afforded to those who had experienced domestic abuse, as administered through frontline workers. I then consider the increasingly widespread human rights framework protection from domestic abuse, before exploring their application in Wales through the *Housing (Wales) Act 2014*. I next describe the methods used, before presenting findings. I conclude by proposing that without more attention to the mode of integration between policy ideals and practice on the front lines, domestic abuse will continue to be a vector for systemic disempowerment.

### **Legal rights: enforceability and discretion**

Legal rights afford avenues of action for individuals, either against others in society, or the state itself, through the domestic court system (Fitzpatrick *et al.*, 2014). The scope and potential forms of redress through specific legal rights tend to be clearly defined, and so legal rights to fulfilment of basic needs can create a ‘counter-hierarchy of power’ (Fitzpatrick *et al.*, 2014: 455) by establishing disempowered individuals as holders of enforceable rights rather than recipients of discretionary charity. Yet how the law is exercised relies upon its interpretation and enactment by those working on the frontlines (Lipsky, 2010). While Hunter *et al.* (2016) see the interpretation of the law by street-level bureaucrats as involving a ‘distortion’, in the form of a change to its fundamental purpose and intention, their application of the law can alternatively be argued to be its true expression, meaning that the law cannot be understood without considering how it is implemented in practice by these workers (Maynard-Moody and Portillo, 2010).

Street level bureaucracy theory predicts that frontline workers will exercise different competing influences in deciding how to allocate scarce resources (Lipsky, 2010). High level law and policy explicitly exist to influence frontline decisions (Lipsky, 2010), but these are also contextualised by regional and local policy and guidance, and normative organisational practice (Lipsky, 2010; Bretherton *et al.*, 2013; Alden, 2015), as well as priorities of workers themselves (Lipsky, 2010). Bureaucratic efficiency privileges effective stewardship of scarce resources, encouraging preferential processing of straightforward cases, and engendering path-dependency. Workers are motivated to identify and adhere to normative practice and clear principles to avoid surveillance (Schram *et al.*, 2010), producing evidence-driven decision making and a fear of complex, ambiguous cases (Alden, 2015). Yet workers are also motivated by moral-ethical alignment. Personal sympathies with an applicant can transcend their desire for bureaucratic simplicity, leading to extra time or resources spent on cases (Bolton and Boyd, 2003; Alden, 2015). They may work with applicants to fit them into systems, or strategically share information with them to encourage performative compliance (Maynard-Moody and Musheno, 2000; Jones, 2010; Lipsky, 2010).

Yet deciding whether an individual is entitled to access to assistance through the statutory homelessness system is itself complex, and frontline worker practices have been associated with moralism and an over-focus on efficiency (Bretherton *et al.*, 2013). There is evidence that, in the British homelessness system, frontline workers have a strong preference for evidence and certainty, reflecting a legalistic orientation. They associate the clarity and reliability afforded by a legal rights approach with fairness, with consequent effects upon resource distribution (Bretherton *et al.*, 2013; Alden, 2015). Further, domestic abuse is a site where functional access to help has long depended upon performances of narratives of deserving femininity (Cruikshank, 1999; Harrison and Davis, 2001; Sweet, 2019).

### **Conceptualising domestic abuse: deservedness, moral wrongs, citizenship and discretion**

In recent years, domestic abuse has increasingly been conceptualised as a moral wrong inflicted disproportionately against women through structural disempowerment and marginalisation. This framing centres women's citizenship, and hence understands abuse as a gender based human rights violation. This approach has its roots in the early feminist movement, which explicitly challenged the idea that a woman's experience of abuse resulted from her own culpability (Sweet, 2021; Murray *et al.*, 2022). It rejects a narrative of disempowerment associated with victimhood (Meyers, 2011), rather recognising abuse as caused by gender-based structural violence (Sweet, 2015). Extending the recognition of female citizenship and consequent right to protection from gender-based abuse, the distinct expertise of those working in the area has been integrated into development of policy and legislative frameworks to address domestic abuse, and, following decades of strategic campaigning from the sector, domestic abuse has been reframed as a criminal, rather than private matter (Charles and Mackay, 2013; Ishkanian, 2014; Jurasz, 2019; Bates and Hester, 2020; Sweet, 2021). However, the legally enforceable rights of those who have experienced domestic abuse to other forms of help and support *aside* from punitive action toward perpetrators has not substantially improved despite these declarations of moral obligation. The resources available to the domestic abuse sector have been especially affected by ongoing public sector cuts (Charles and Mackay, 2013; Ishkanian, 2014; Murray *et al.*, 2022). This means that the practical reality of service provision for those who have experienced abuse, even within a human rights orientation, may be very different to the empowerment-based intentions of policy and legislation. Insecure, short-term and competitive funding, combined with restrictive, heteronormative understandings of female victimhood, mean that specialist services become a place associated with constrained choice (Ishkanian, 2014). This is especially likely to be the case for those who fall outside a heteronormative, racialised service norm (Sweet, 2015). Services demanding 'pathetic victimhood' (Meyers, 2011: 255) validate women's experiences of abuse only where they are accepted to have been rendered helpless by an overwhelming, debilitating injustice, and so impose a threshold performative conditionality upon women's access to assistance (Purvin, 2007; Sweet, 2019). Mackenzie *et al.* (2015) understands this through the lens of 'candidacy' – a 'socially constructed process by which individuals identify themselves as candidates for particular conditions and interventions, and subsequently

negotiate these candidacies with professional operating in particular service regimes' (Mackenzie *et al.*, 2015: 44). They propose that candidacy provides a way to understand how women who have experienced domestic violence are required to carefully curate performances of need and docility to be read as deserving victims. Specialist domestic abuse services have also been associated with high levels of surveillance and control, which paradoxically replicates experiences of in-home abuse (Bimpson *et al.*, 2020). Therefore, despite an apparent human rights orientation within services, services cannot be assumed to be an optimum or preferred option for all those becoming homeless following domestic abuse.

In recent years, legal rights within homelessness have become increasingly overlaid with broader moral frameworks, including those which declare an objection to domestic abuse<sup>1</sup>. These require homelessness departments to improve the experiences and service access of certain groups, but seldom include clear requirements placed upon individual workers. They are top-down, exerted upon states and governments, rather than legally actionable by individuals. For instance, several countries have a constitutional right to housing or homelessness relief but lack a clear route to enable homeless individuals to force governments to honour this. This approach to rights has been seen as advantageous in creating a moral goal, and so encouraging a problem-solving, collaborative approach to justice, which is made possible precisely *because* of a lack of enforceability (Fitzpatrick *et al.*, 2014; Mackie, 2014). Yet these rights are also especially likely to be broad, non-specific and difficult to apply in practice (Fitzpatrick *et al.*, 2014). Further, in a context of resource shortage and scarcity, frontline worker discretion tends to privilege legal rights over legally unenforceable moral commitments (Fitzpatrick *et al.*, 2014; Alden, 2015). In effect, programmatic rights become discretionary (Bretherton *et al.*, 2013; Fitzpatrick *et al.*, 2014; Alden, 2015).

### Layering moral commitments upon legal rights: the Welsh approach

Legal rights are well established within the British homelessness sector. Since 1977, those at serious risk of harm as a result of homelessness have been entitled to access to state provided, affordable housing primarily through the British social housing sector (England and Taylor, 2021). Since 2001 in Wales (and 2002 in England), those who have become homeless due to domestic abuse have been afforded priority access to social housing stock. Prior to this, domestic abuse could form part of evidence that an individual was exceptionally vulnerable under s 1(2)(c) of the *Housing Act 1996*, which amended the 1977 *Housing (Homeless Persons) Act* provision to allow those considered especially at risk if they became homeless (and also meeting certain other criteria, notably non-culpability) a right to assistance if they became homeless.

The *Welsh Housing (Wales) Act 2014* pairs legally unenforceable moral commitments with established legal rights to homelessness relief. Those becoming homeless due to domestic abuse remain eligible for priority access to assistance, including state-provided housing (Ahmed *et al.*, 2020; England and Taylor, 2021). It uses the expansive, inclusive definition of abuse and perpetration developed in the *Istanbul Convention (Housing (Wales) Act 2014 (58))*. The Code of Guidance to the *Housing (Wales) Act 2014* centres victim choice over accommodation and assistance (see Welsh Government, 2016:

paras 3.115, 3.116, 3.118 and 19.23), recognising the importance of a multi-agency approach for those who have become homeless as a result of domestic abuse (see para 5.57). The Guidance also stresses the importance of intersecting marginalisations in addressing domestic abuse (see para 5.63, 6.17-6.20). Recognising the importance of homelessness services as locations where those who have experienced domestic abuse may present, alongside the difficulties faced in disclosing abuse (Murray *et al.*, 2022), homelessness services are encouraged to adopt an 'Ask and Act' approach: frontline staff are charged with being aware of the possibility and impact of domestic abuse upon applicants and expected to take appropriate action, including, but not limited to, use of specialist referrals.

Outsourcing services for those who have experienced domestic abuse to the domestic abuse sector is a natural extension of an approach in which specialist third sector organisations are increasingly contracted by local authorities and governments to provide core services (Parsell and Marston, 2016). This potentially offers better targeted, culturally competent provision. However, it creates three issues. First, domestic abuse services are critically underfunded compared to homelessness services and often unable to meet demand. This especially affects applicants with complex needs, and with additional loci of marginalisation (Murray *et al.*, 2022). Second, provision offered by domestic abuse services seldom mirrors that available in the homelessness sector: it is primarily a temporary crisis response. The British specialist domestic abuse sector lacks the capacity to systematically offer long term accommodation, or to meet the full range of needs of those becoming homeless following domestic abuse (Ishkanian, 2014). Early appraisals of the retooled Welsh response to domestic abuse have drawn attention to how the core aims of consistency, sensitivity, and access to specialist responses to enable those who have experienced domestic abuse to exercise choice and autonomy are undermined by lack of training and knowledge, and failure to plan for the specific needs of those who have experienced abuse within non-specialist services (Jurasz, 2019). Third, the legal rights of those who have experienced abuse are eroded under the new system, with the introduction of a behavioural conditionality requirement which means that those who have faced abuse risk having their access to help terminated if they are not perceived to be engaged in looking for housing. In the remainder of the paper I explore how a policy with a strong focus on moral commitments is operationalised and implemented by practitioners on the ground, and what the implications of this are for people who experience domestic abuse and require service support.

## Methods

This study draws upon data collected as part of a larger doctoral project exploring the experiences of workers and applicants within the Welsh homelessness system. As part of this project, I spoke with ninety-eight individuals with experience of the Welsh homelessness system either as frontline workers (fifty-four) or applicants (forty-four). All frontline workers had direct client contact and direct or indirect influence over the outcome of homelessness decisions. Of the total cohort of forty-four applicants, over half of participants (all female) reported at least one incident of domestic abuse directly before becoming homeless. Twenty-four of these interviews were included in the analysis for this

paper. All applicants-participants had an open homelessness application at the time of interview, meaning that they were actively receiving help from the local homelessness department to resolve their homelessness.

Participants were recruited through visits to homelessness offices and hostels, and social media. All interviews took place between September 2018 and January 2020. Participants were encouraged to choose a location for the interviews; in practice most were interviewed either at the recruitment site or in a local coffee shop. Interviews were recorded (for which permission was sought) and transcribed, and subsequently checked against the recorded interviews for accuracy.

Separate interview schedules were developed for workers and applicants. For workers, interview questions considered the participant's perception of system, their expectations of applicants, and the constraints of their role. For applicants, interview questions considered their experiences of homelessness and of making an application under the homelessness system. Interviews were semi-structured, and led by participants (Silverman, 2016).

Ethical approval for the study was granted by Cardiff University School of Geography and Planning Ethics Board. Interviewing people about their experiences of domestic abuse, whether as applicants or workers, raises several ethical issues. Risk of retraumatisation, including through secondary trauma, was recognised. Consequently, interview questions avoided the experience of abuse, rather focusing on system interactions, and participants were reminded that they could terminate the interview at any point. Discussing domestic abuse also creates heightened concern around anonymity, since disclosure could compromise physical and psychological safety of participants, especially those who had experienced abuse. Consequently, minimal demographic information about participants is included here, and potentially identifying details have been changed or suppressed. Pseudonyms have been used throughout.

Interview analysis used Critical Discourse Analysis (CDA). This approach understands discourses produced within the interview as generated by, and generating, structural power (Fairclough, 2005). Use of CDA enabled an unpacking/visibilisation of the complexities and contradictions of discourse as a producer of inclusion/exclusion within an organisational context (Wodak and Meyer, 2015). An iterative coding process (Braun and Clarke, 2014) produced final themes of discourse production, justification, experience, and operationalisation (Fairclough, 2005). For a more detailed discussion of the CDA approach, see England (2022b). These themes are reported upon in more depth in the next sections.

### **Domestic abuse as too complex for the homelessness system**

A proactive approach to identifying domestic abuse resulted in cases becoming recategorised as too difficult, complex or specialist for homelessness services to deal with. Workers feared the consequences of mistakes where domestic abuse was involved. This led to a de-responsibilisation: workers minimised their own role and sought ways to refer out of the main homelessness system, along clear pathways. Greater knowledge of domestic abuse gained through training and awareness promoted a programmatic understanding of domestic abuse as an immoral, human rights abuse. Paradoxically, this

reduced worker confidence in their ability to handle cases. Jane, a decision-maker, explained that after attending a recent training course on domestic abuse organised by a national organisation, she was *'always on the alert now with it, my antennae . . . [mimes wiggling fingers]*'. Yet the same training had emphasised to her her own lack of knowledge: she now saw these cases as beyond her own expertise and the proper remit of specialist.

I just think well we can hopefully touch wood spot where there's an issue going on, that's what our training allows us to do and then it's over to the specialists, so I see my job there as, can I evidence for a referral to [organisation name], that's the best way, best I can do to help. (Jane, frontline worker)

Workers saw expanded options for referrals and partnership working introduced under the new Act as enabling simplification of their role. Where a referral could be made, they concentrated upon facilitating this referral, rather than managing homelessness within the service itself. They saw their primary responsibility as efficient gatekeeping and triage (Lipsky, 2010; Alden, 2015). Lleuci explained how she preferred the clear referral pathways available to her under the new system, because it made her responsibilities both clear and bounded.

One of the good things I think to come out of the new system is that there's a lot more options so if we do have domestic violence, abuse come in, we see a lot of that and then it's a case of well we've got [name] who are fab . . . whereas before we'd be scrabbling around a bit now we know what to do, it's much clearer. (Lleuci, frontline worker)

Worker lack of confidence around domestic abuse also centred on concerns about evidence standards. They felt that where applicants claimed that domestic abuse had occurred, cases received little scrutiny, which compromised fairness within the service. Previous studies have found that homelessness workers place disproportionate weight on authoritative medical evidence in assessing cases (Alden, 2015). Also common was use of standardised tests developed for use within domestic abuse services themselves to ensure that those already identified as having experienced abuse received the right kind of help. Here, however, the same tests were used to determine whether the abuse reached a hypothetical threshold level at which a homelessness sector response was justified. These were seen as offering a level of objectivity to offset the highly emotive nature of claims. Nadia, a decision-maker, explained how the moral repugnancy of domestic abuse itself justified, for her, a referral pathway based upon a set of standardised questions.

. . . if they come in with violence, domestic violence, it's a case then of doing the [test name] and seeing whether we can help them, you know, that's our failsafe. You know there might be something terrible, something terrible might have happened, you hear terrible things, I do, every day . . . it's for that reason that I will refer out if I can because I believe that they are the experts, they are best placed . . . (Nadia, frontline worker)

Creating a moral imperative to help meant moral commitments contributed to both increasing standardisation and de-responsibilising of workers in the homelessness system.



Referring out of the homelessness system was justified by a belief that it could not provide the specialist, professionalised interventions needed by those who had experienced abuse. However, as will be shown in the next section, this led to reduced choice for applicants.

### Domestic abuse and service illegibility

Applicants rejected an understanding of themselves as necessarily traumatised and disempowered (see Donovan *et al.*, 2006). They valued recovery, independence, and autonomy – ‘*living this one life as best I can, not all about him.*’ (Jade, applicant). Choice and flexibility were essential to those who had experienced abuse, but where asserted, risked their being seen as undeserving. They found that local authorities poorly understood their need for safety *other than* through referring them to specialist services or refuges out of the area. Helen explained how being coded as a ‘domestic abuse survivor’ was a restrictive experience for her. She had chosen to stay in her local area with her son, rather than creating physical distance between herself and her abusive ex-partner. This was an active choice which formed *part* of her recovery. Moving out of the area would have disrupted her social network, her access to employment and her son’s schooling. While she was ultimately successful in obtaining accommodation, she felt that *because* she had experienced abuse, she was subject to extra, humiliating, scrutiny by the homelessness department.

I was explaining this to them, oh I just need a flat, they put me here in the end but you know, it felt like, oh beggars can’t be choosers, oh if you’re that scared why wouldn’t you . . . I was trying to explain, of course I’m, I’m terrified, every minute I think oh I could round a corner – yeah but I also got to live my life and he [son] got to live his life, we got to live. (Helen, applicant)

A suspicion of female empowerment within the British homelessness sector is longstanding, and is closely related to concern over system scarcity and preferential routes through the system for women (Davis, 2001; Bimpson *et al.*, 2020). Confirming applicant fears, exercising choice generated suspicion. Workers saw decision-making by women who had experienced domestic abuse as potentially suspicious. Workers were anxious over perceived limited ability to ascertain whether abuse had occurred using ‘objective’ evidence (Bretherton *et al.*, 2013). To offset this, they relied upon normative understandings of need which aligned closely with ‘pathetic victimhood’, meaning that they perceived need as genuine only where it was visibly overwhelming, disempowering and desperate (Meyers, 2011). Loretta, a decision maker, explained how she interpreted an applicant’s *ability* to make choices as indicating that their claim of domestic abuse was potentially fraudulent.

I suppose when my red flags start going off, ping ping, is when you’re doing your utmost to help them and they’re just oh no no. Some of them you can just, it’s all about getting a flat, you can tell, like a laser beam, oh yeah not that one no it’s a bit far from my mum’s, not that one, too far up [name of area]. You’re thinking, really? Really? . . . I’m not an estate agent, love. What’s really going on? (Loretta, frontline worker)

Consequently, applicants who wanted help had to make a choice between asserting autonomy and conforming to expectation of how women who had experienced abuse 'should' behave. They were aware of a need to strategically manage their performances of victimhood (Mackenzie *et al.*, 2015). To increase their chances of success, they *had* to behave as 'good domestic abuse survivors', which meant surrendering control and choice. Faith recognised that for her experiences to be regarded as genuine, she needed to accept the forms of help offered, even if they compromise her own recovery. If she did not performatively accept her caseworker's categorisation of her as a 'victim', and with it a referral to specialist domestic abuse services, she risked losing access to homelessness services, with longer term implications for her ability to access state-provided housing.

But it was like oh if you've had violence toward you you've got to be put into a box like it was, yeah it was just like that you got to go to [refuge] if you want help otherwise you're having us on . . . that's what it felt like. (Faith, applicant)

The forms of domestic abuse survivor citizenship enabled by human-rights framework approaches to domestic abuse centre women's choice, empowerment and autonomy as strategies to counter and recover from abuse. However, these attributes were read as problematic within homelessness systems where they obstructed referral into specialist services. This interacted with gendered notions of passivity to penalise those who resisted, or did not fit into, existing referral routes.

### **Domestic abuse as a threat to homelessness service resources**

Finally, domestic abuse was seen, by workers, as an unpredictable, disproportionate drain on time and resources. Referrals to specialist services became a way to contain, systematise and so efficiently process these applicants. They offered a solution to difficult, complex, and illegible cases. The morally compelling nature of these cases meant that workers were concerned that extravagant, or indulgent, decisions were possible, undermining good stewardship of resources. There was a broad sense that domestic violence created potential undefined, unsustainable demands upon the system which workers needed to guard against for the benefit of all homeless applicants. One worker described her fears of domestic abuse as '*a blank cheque, god knows there's so much of it, could be all we do day in day out.*' (Valerie, decision-maker). Henrietta a decision maker, articulated a widespread concern that the sheer prevalence of domestic abuse created an unbounded demand upon the system. She worried that the homelessness system could easily use all its resources *only* on processing domestic abuse cases.

I mean with abuse where do you stop, you know? Like I could just be here all day, just listening and trying to help . . . we don't have a clock, you know, no one will ever say you've got to stop now, but by the nature of the work there is a lot of need and that is the thing we are all very aware of. (Henrietta, frontline worker)

Peer culture is especially important as a location where context specific normative decisions around resource distribution can develop and be maintained. It can operate as

a bulwark to system change demanded by higher-level policy and law (Maynard-Moody and Musheno, 2000; Bolton and Boyd, 2003; Lipsky, 2010; Alden, 2015). There was some evidence that homelessness workers operated in a culture which promoted and reinforced a conception of domestic abuse as a threat to the smooth running of the system. Those interviewed were often exceptionally attentive to the practices of colleagues in cases involving domestic abuse. They spoke with disapproval of colleagues who spent a long time on these cases, characterising this as a threat to collective, shared responsibility. As Marianna explained, '*It's a small office, so it matters we're all on the same page.*' For Joel it was about '*everyone pulling their weight, being sensible.*'. They saw long periods of time spent on domestic abuse cases as potentially indulgent, unwarranted, and creating a burden on other staff. To fail to manage time effectively through spending time on domestic abuse cases meant that a staff member risked being seen as unprofessional.

One of my colleagues, the trouble is if someone steps their foot through that door, oh I've been hit, and then it's right [name's] not seeing anyone else now then this morning, she'll go all out and there's a queue out the door then. I do understand, I do but we've got to keep the service running at the same time and there are others who also do need help and that's a bit of a sticking point for me. (Cara, frontline worker)

Workers internalised a need to demonstrate that they were making rational, reasonable decisions in these cases. They were aware that to take decisions which reflected the morally compelling nature of domestic abuse cases risked additional surveillance and critique. To offset this, they performatively demonstrated emotional distance and objectivity. Although the *Guidance to the Act* encourages homelessness services to avoid demanding evidence and to prioritise the safety and confidentiality of an applicant who has experienced abuse, decision-makers emphasised the need to seek evidence. Olivia articulated this sense of conflict between her own desire to help, based on her empathetic desire to alleviate suffering, and her recognition that without additional evidence the case was unlikely to advance.

I know I can be a soft touch and that's something that I do think about. Is it going to be, oh [name]'s got a bee in her bonnet about another one, you know, I could easily be running to [manager] ten times a day saying oh there's dv can we... and she's good as gold but there's... you know you've got to dig a bit deeper. (Olivia, frontline worker)

Referrals out of homelessness services, and into specialist domestic abuse services, therefore provided a *moral* simplicity alongside reducing bureaucratic complexity (Lipsky, 2010). They mitigated the risk to the system created by applicants who had experienced abuse, and so increased the efficiency with which workers could process cases. Integration of the domestic abuse support sector with the homelessness sector therefore reduced choice and imposed a 'pathetic victim' subjectivity upon applicants but was seen by workers as providing a benefit for the system overall, through greater efficiency.

## Conclusion

Street level bureaucrats – frontline workers charged with day-to-day decision making over scarce resources – create ‘living law’ as it applies to flesh-and-blood people in need of state help. They do this by navigating competing information over how resources should be managed, integrating formal law, policy, and local normative practice. They are motivated by different factors, among them a desire for both bureaucratic simplicity and moral value. Legally unenforceable moral commitments represent ethical goals rather than legally enforceable avenues to ensure rights. Increasingly important in recent years, they offer moral clarity but operate in tension with the bureaucratic simplicity afforded by legal rights. In Wales, a broad human-rights framing of domestic abuse has been applied to the existing statutory homelessness system to expand the ways in which local authorities are expected to assist those who have experienced abuse. However, alongside this, the legal rights of those who have experienced abuse have been reduced, with formerly absolute legal rights to assistance replaced by functionally discretionary access based upon continued perception of engagement. In this paper, I explored the impact of introducing these legally unenforceable moral commitments in the wider context of reduced legal rights. I have shown that introducing a broad, human-rights based requirement that public services be aware of and address domestic abuse is not sufficient to compensate for erosion of legal rights. Using the Welsh homelessness system, which has recently introduced non-statutory policies to encourage better provision for those who have become homeless as a result of domestic abuse, as a case-study, I demonstrated that legally unenforceable moral commitments to improving service provision for those who have experienced domestic abuse not only do not compensate for legal rights erosions but can contribute to deresponsibilisation among core services. In the Welsh homelessness system, despite being strongly promoted at policy level, these framework rights were given little weight compared to legal, enforceable rights. Street level bureaucrats felt that it was more efficient, safer and more moral to refer these cases out to specialist services, while also simplifying their own workloads. In practice, of course, for some women this might well result in an improvement in the services they were offered, since specialist abuse services are likely to be better equipped to offer targeted, sensitive services. However, these services are also highly underfunded, and using them may require other compromises, especially around location and scope of assistance available. While these services should exist as a core option for all those becoming homeless as a result of domestic abuse, unless their funding and sustainability is equal to that of core homelessness services, default referrals to them inevitably lead to reduced choices for those who have experienced domestic abuse. This demonstrates how the pragmatic decisions of street level bureaucrats reduce the choices and autonomy of applicants in the context of apparently progressive rights.

These findings are also important given the gendered nature of homelessness. Domestic abuse is a key reason why women become homeless. Women with motherhood and family status have been the primary beneficiaries of Britain’s large municipal housing stock, and are especially likely to access it through homelessness services (Davis, 2001), but single women and those with resident children are subject to the same – or potentially greater – exclusions from homelessness provision than single men (Cramer, 2005). *The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act (2015)*

requires Local Authorities to prepare and publish strategies to address domestic abuse. *The Housing (Wales) Act 2014*, in introducing conditionality, eroded the rights of those becoming homeless following domestic abuse and replaced them with functionally unenforceable moral, or programmatic, rights. In this paper I have shown that this approach, when paired with gendered resource scarcity, generates second-class services for women who have experienced domestic abuse, and reinscribes paternalism. It reflects a wider gendered lack of adequate provision for women's homelessness, especially where this occurred outside the context of motherhood (Cramer, 2005). The pressure placed upon women to satisfy evidence standards around their experiences of violence can also be compared to the treatment of female victims of assault within the criminal justice system (Berger, 2009). In the broader context of a decade of gendered austerity-based cuts and revanchist laws which indirectly penalise female welfare claimants (Tyler, 2020), functionally enforceable legal rights are necessary to protect the choices and autonomy of those who have become homeless as a result of domestic abuse.

### Acknowledgements

I extend my thanks to the following for comments and suggestions on early drafts of this work: Dr Josie Henley, Dr Julyan Elbro, Dr Andrew Williams and Dr Peter Mackie.

### Note

1 A similar pattern can be seen in the integration of equality-based legislation, such as the British *Equality Act 2010*, into welfare provision legislation.

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