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Competing visions: security of tenure and the welfarisation of English social housing

Suzanne Fitzpatrick and Beth Watts

School of Energy, Geoscience, Infrastructure and Society, Institute for Social Policy, Housing and Equalities Research (I-SPHERE), Heriot-Watt University, Edinburgh, UK

ABSTRACT

Recent legislation ending security of tenure for new council tenants in England may be considered emblematic of a US-style vision of social housing as a temporary welfare service, reserved only for the very poorest. But there is resistance amongst social landlords, many of whom remain committed to providing ‘homes for life’. Moreover, austerity-driven cuts mean that benefit-dependent households are increasingly refused social tenancies on grounds of affordability. The stage is therefore set for a battle over who and what English social housing is for. Drawing on large-scale qualitative research, this paper interrogates the implications of the mandatory extension of fixed-term tenancies (FTTs) by considering landlord and tenant experiences of the discretionary FTT regime in place since 2012. We conclude that the meagre likely benefits of FTTs, in terms of marginally increased tenancy turnover, are heavily outweighed by the detrimental impacts on tenants’ ontological security and landlords’ administrative burden.

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Social housing; security of tenure; residualisation; conditionality; England; ontological security

Introduction

This paper considers the implications of the ending of security of tenure for new council tenants in England. Drawing on newly available empirical data, we seek to advance the debate on whether the UK (or at least English) social housing sector is being pushed across a critical threshold—from providing a (permanent) ‘safety net’ to a (temporary) ‘ambulance service’ (Stephens, 2008; Fitzpatrick & Pawson, 2014).

While social housing in the UK originated principally as ‘workers’ homes’, and a ‘step up’ from the private rented homes most tenants would have formerly occupied (Lupton et al., 2009), since the 1970s it has increasingly accommodated poorer and/or disadvantaged households, a process often characterised as ‘residualisation’ (Malpass, 2004). This shift was associated with the emergence of a needs-based social housing allocation system, including the establishment of priority access to social housing for households statutorily defined as homeless (Fitzpatrick & Stephens, 1999). Arguably more important, however, was the sector exit of better-off social tenants via the ‘Right-to-Buy’, entitling local authority tenants to purchase their homes at a heavily discounted price, and which resulted in a substantial

CONTACT Beth Watts  b.watts@hw.ac.uk

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overall contraction in sector size (Fitzpatrick & Pawson, 2007). Despite its decline, England still retains a comparatively large social rented sector, accounting for 17% of all dwellings (10% owned by housing associations and 7% by local authorities) (Wilcox *et al.*, 2015). This has enabled it to provide a secure ‘safety net’ for a substantial proportion of low-income households; a particularly salient function in a context where social security policies do less to reduce poverty and inequality than elsewhere in north-western Europe (Stephens, 2008), and where a post-2010 programme of welfare reform has brought about draconian cuts in working-age benefits (Beatty and Fothergill, 2016).

‘Security of tenure’—which gives tenants indefinite right to occupy their homes, subject only to proven breaches of their lease agreement—has been integral to this safety net function since it was formalised, with bi-partisan support, in the Housing Act 1980 (Bradshaw *et al.*, 2008). Nonetheless, successive UK governments have sought to utilise enhanced conditionality within social housing tenancies to influence the behaviour of households considered ‘anti-social’, ‘welfare dependent’ or otherwise ‘deviant’ (Flint & Nixon, 2006).

From the mid-1990s onwards, the introduction of ‘probationary’ periods for new tenants, and then ‘demoted’ tenancies for those subject to behavioural concerns, began to hedge security of tenure for social tenants (Garvie, 2012). The 2010 UK Coalition Government took this agenda considerably further with the Localism Act 2011, introducing ‘flexibilities’ enabling social landlords in England to offer fixed-term (renewable) tenancies to all new tenants so that ‘... this scarce public resource can be focused on those who need it most, for as long as they need it’ (DCLG, 2010, p. 2). The minimum term was set at two years, but the Government indicated that a five-year minimum should be standard practice, and that income, employment status, under-occupancy and behaviour could all be taken into account in tenancy reviews (Garvie, 2012). The FTT provisions of the Localism Act were not brought into force in Wales, and there is no equivalent legislation in Scotland or Northern Ireland. This paper therefore focuses on England.

Approximately two-thirds of new social tenancies in England are now offered with an initial probationary term (DCLG, 2015b), but only 15% of new general needs social rent lettings were made on a fixed-term basis in 2014/15 (DCLG, 2016). Disappointed by this lukewarm response to FTTs, the incoming Conservative Government in 2015 signalled its intention to review and limit the use of so-called ‘lifetime’ tenancies (Spurr, 2015). In an amendment to the then Housing and Planning Bill 2015, the Government sought to compel the use of FTTs of between two and five years in virtually all new council house lettings, as well as requiring social landlords to charge tenants with household incomes above £30,000 (£40,000 in London) to pay up to market rent (Apps, 2015b). The stated aim of this ‘Pay to Stay’ policy, as with FTTs, was to ensure that ‘housing at subsidised rents [is] going to people who genuinely need it’ (DCLG, 2015a, p. 6).

After suffering numerous defeats in the UK Parliament’s unelected second chamber, the House of Lords, the Government made a number of concessions in the eventual Housing and Planning Act 2016, including, notably, that the maximum fixed term of FTTs was raised to 10 years for certain groups, expected to include older and disabled people and their carers, and to cover the period that a child is in school education (up to age 19). A decision on whether to extend mandatory FTTs to new housing association tenants has been delayed, in light of an official reclassification of associations as ‘public corporations’, a decision which the Government is keen to have reversed (Apps, 2015a). The Pay to Stay policy was determined to be voluntary for housing associations for the same reason (Barnes, 2015).

Both FTTs and Pay to Stay can be interpreted as moves towards a ‘welfarist’ model of social housing along the lines of US, Canadian or Australian ‘public’ housing (Paris *et al.*, 1985; Fitzpatrick & Pawson, 2014). In other words, they imply a conception of social housing as a very small, highly residualised sector catering only for the very poorest, and those with additional social ‘vulnerabilities’, on a short-term ‘ambulance’ basis (Stephens, 2008). Likewise, the autumn 2015 announcement that almost all central Government capital subsidies would be switched from rental housing (both social and affordable) to low-cost homeownership, alongside the forced sale of ‘higher-value’ council houses, and the expansion of the Right to Buy to housing association tenants, seemed consistent with the notion of a shift toward a radically smaller and (even more) narrowly targeted sector (Fitzpatrick *et al.*, 2016). Since Theresa May took over the premiership from David Cameron after the Brexit vote in June 2016, there does appear to have been some softening of the Government line on social housing. For example, Pay to Stay is now to be voluntary for local authorities as well as housing associations, and housing associations are to be allowed tenure flexibility in the deployment of a new £1.4 billion investment grant announced in the 2016 Autumn statement. There has been no retreat, however, from the policy of mandating FTTs for new local authority tenants.

Moreover, while the post-2010 UK Governments have repeatedly stated their welfarist ambition for this diminished social rented stock to be targeted on those in the greatest need, their austerity-driven social security policies run directly counter to this (Fitzpatrick *et al.*, 2016). In particular, the lowering of the household benefit ‘cap’ has prompted concerns that many low-income families may find social as well as ‘affordable’ rented housing beyond their means in large swathes of the country (Peaker, 2015; Blessing, 2016). Some housing associations are already said to be increasingly risk averse with respect to accommodating benefit-reliant households (Clarke *et al.*, 2015; Fitzpatrick *et al.*, forthcoming). Also cutting across the Government’s avowed focus on targeting those in the most dire need, is their promotion of ‘localised’ allocations policies wherein social landlords are encouraged to apply residency requirements (DCLG, 2013) and give preference to those in work or making some other ‘community contribution’ and ex-services personnel (DCLG, 2012). It is therefore difficult to discern a coherent policy vision for social housing in England.

Nonetheless, it is clear that security of tenure will now end for almost all new council tenants in England. The aim of this paper is to demonstrate the potentially profound implications for our understanding of who and what English social housing is for. These implications can be illuminated to at least some extent by considering experiences under the current permissive FTT regime in force since April 2012. The specific questions addressed are as follows:

- What role does (the ending of) security of tenure play in articulating competing visions of social housing in England?
- How and why have the existing powers to issue FTTs been used to date by social landlords in England?
- What is the impact on tenants of the use of FTTs?

While this paper focuses on the position in England, there have been similar moves to withdraw guaranteed security of tenure from social tenants in a number of other countries, notably New Zealand and Australia—indeed, the English model of FTTs appears to have been influenced by the earlier introduction of time-limited tenancies in New South

Wales (Fitzpatrick & Pawson, 2014). As has also been indicated above, impermanence and conditionality is already a feature of tenure arrangements in Canada and the United States (Stephens, 2008). Thus, the English experience of FTTs is likely to be of interest in these other jurisdictions, and indeed in other countries where similar policies may come under consideration.

Data source

The principal data source is a five-year, ESRC-funded programme of research, *Welfare Conditionality: Sanctions, Support and Behaviour Change*, that aims to create an interdisciplinary focal point for social science research on the efficacy and ethicality of conditionality across a range of social policy fields. Fieldwork includes national-level key informant interviews, focus groups with frontline welfare practitioners and qualitative longitudinal research (QLR) with 480 welfare service users in nine case study areas across England and Scotland, interviewed over three waves of fieldwork. QLR was selected as an appropriate methodological tool for understanding how dynamic processes of behaviour change unfold over time, explaining how and why there might be diverse outcomes for different members of a sampled population (Lewis, 2007; Holland *et al.*, 2006). While the findings from qualitative research are not generalisable on statistical grounds, sampling saturation allows for extrapolation on theoretical grounds to others subject to similar interventions in similar circumstances, in keeping with Pawson and Tilley's (1997) 'realistic evaluation' approach which underpinned the study as a whole.

This paper specifically draws on interviews with 12 national-level social housing stakeholders, focus group discussions with 33 social housing managers, and interviews with 49 welfare service users on some form of non-permanent social tenancy—a FTT, probationary tenancy or short Scottish Secure Tenancy. All those with FTTs had a five-year tenancy, and the wave-one QLR interviews drawn upon took place in advance of the end of these fixed terms¹. Access to social tenant interviewees was secured via a range of 'gatekeepers', including social landlords and voluntary sector support services. All interviews were recorded and fully transcribed, with permission. For the purposes of this paper, cross-sectional thematic analysis was conducted with the aid of QSR NVivo software.

Competing visions

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)

Proponents of FTTs in social housing focus on two key normative arguments (Fitzpatrick & Pawson, 2014): the *welfare dependency* argument, which holds that security of tenure undercuts personal responsibility, particularly with respect to job seeking (Greenhalgh & Moss, 2009); and the *equity* argument, central to which is the notion that social housing is a 'welfare service', subsidised by the taxpayer, and those whose circumstances improve

should be required to leave to free up this scarce resource for others in greater need (DCLG, 2010). While welfare dependency arguments are prominent in debates on security of tenure, and are clearly to the fore for some social landlords (see below), the equity case has tended to dominate official accounts in the context of a widely acknowledged crisis in affordable housing supply (Fitzpatrick & Pawson, 2014).

In 2010, the then Housing Minister stated that the FTT reforms were: ‘... about localism. We want to give local authorities and social landlords the flexibility they need to make the best use of their social housing, in a way which best meets the needs of their local area’ (DCLG, 2010, p. 6). By 2016, the localist rationale appeared to have been abandoned, with the Government imposing mandatory FTTs on councils because ‘... landlords are not making effective use of this new flexibility’ (DCLG, 2016, p. 4). The equity case, however, remained: ‘The provisions in the Bill will ensure that social housing is focused on those who really need it, for as long as they need it’. (Baroness Evans of Bowes Park, HL Deb 18 April 2016 vol 771 c509). Stakeholders whom we interviewed who were supportive of social landlords having the *power* to issue FTTs (none were in favour of their being made mandatory) made similar equity-related points:

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)

From the perspective of Government supporters, ‘lifetime’ tenancies are unfair on taxpayers because:

the effect ... is to ask less well-off taxpayers to subsidise those who, in this case, are not in as much need of public financial support. That, in my view, is not progressive. Indeed, it is the opposite ... [we should] consider those who are unable to access a social home, who are subsidising social housing through their taxes but are not benefiting from it. These people—the neediest—must surely be given a better chance of accessing a social home. (Lord O’Shaughnessy, HL Deb 18 April 2016 vol 771 cc506–507)

This question of subsidy of social housing has, however, become highly contested territory, given that council housing now attracts no direct cash support from the Exchequer (Perry, 2016), albeit that it remains subsidised in the important ‘economic’ sense that it is let at below market rents (Stephens & van Steen, 2011), and as such represents a valuable asset for the (mainly low income) households who live in it (Murie & Williams, 2015). Also controversial is the Government’s linking of FTTs with their agenda to incentivise moves into homeownership:

Local authorities will be able to get the best use out of their homes [via FTTs], so that more households are able to access social housing and so that social tenants who aspire to own their own home are supported into home ownership where they can be. (Baroness Evans of Bowes Park, HL Deb 18 April 2016 vol 771 c509)

However, as others have noted (Webb, 2015), there can be very few English social tenants who remain unaware of the generous discounts now on offer under Right-to-Buy, and it seems perverse to suggest that they need to face the prospect of their tenancies ending to bring this opportunity to their attention.

More persuasively, perhaps, the Government has emphasised the plight of the ‘outsiders’ seeking access to social housing, including the 1.24 million households on social housing waiting lists (incidentally, a number much reduced since the Localism Act allowed local

authorities to restrict access to these lists) and almost a quarter of a million overcrowded social tenants (DCLG, 2016):

Inflexible, lifetime tenancies ... contribute to significant imbalances between the size of households and the properties they live in ... In every region apart from London the number of overcrowded social rented households is exceeded by the number of under-occupiers ... The current system limits the extent to which subsidy is able to help all of those in real need—many of these people are currently unable to access social housing. (DCLG, 2010, p. 13)

It has further been argued that the increased ‘headroom’ in the social rented stock created by FTTs should mean homeless households being able to access settled housing more readily:

The legislation is all about making better use of social housing, and it will certainly save on temporary accommodation costs and the need to manage waiting lists ... we need to consider the family who have been in high-rent temporary accommodation for years. (Marcus Jones, Homelessness Minister, Housing and Planning Bill Deb 10 December 2015 c668)

However, Shelter, a key advocacy group for these families, has campaigned against FTTs on the basis that:

The stability provided by a permanent tenancy means that people can make their accommodation a real home—decorate, get to know neighbours, and feel part of the local community. (Garvie, 2012, p. 1)

The ability to establish a ‘home’ and put down roots in a ‘community’ have likewise dominated arguments made in Parliament by those who oppose the ending of social tenants’ security of tenure:

We are moving into a world in which people’s ability to stay in their property is driven by whether the state ... deems them to be deserving of continuing with that property. That is not a home ... communities need stable tenants; without them, investment in the community is unlikely, because of uncertainty about the future. (Lord Kerslake, HL Deb 18 April 2016 vol 771 cc501–502)

For me, this is about community cohesion. It is about enabling those who are in social rented accommodation to stay in their homes and build a sense of community in their area ... There is nothing worse, surely, for neighbourhoods and communities than to end up with people in uncertainty, worry and stress ... Longer-term tenancies enable people to have a confidence about the area that they live in, and to feel that the house or flat that they live in is actually a home. We should use that word ‘home’ much more than we do. We talk about tenancies, houses and flats and so on, when this is about people’s homes. It is about places where families live, where children are brought up and where people are based who can then secure employment. (Lord Shipley, HL Deb 18 April 2016 vol 771 c504)

Debates on the mandatory extension of FTTs thus encapsulate two very different visions of who and what social housing is for. In the first, social housing is a short-term welfare intervention, subject to periodic means test to ensure that it is rigorously targeted at those in greatest need, and operates as a transitional ‘springboard’ to other tenures. In the second, it is a key mechanism for securing stable homes and communities for low-income groups, and a legitimate long-term ‘tenure of destination’. On one side, overriding priority is given to what is viewed as the efficient allocation of scarce resources, and on the other to the security of poor households. A crossbench (neutral) peer who led the attack on the Housing and Planning Bill in the House of Lords, pithily summed up the gist of these competing visions as:

... whether we see council properties as genuine homes or ... a temporary welfare provision. (Lord Kerslake, HL Deb 18 April 2016 vol 771 c501)

Both sides of this debate would claim the mantle of ‘fairness’, but risk ‘talking past’ each other unless their normative positions are grounded in the practical experiences of both landlords and tenants under the current permissive FTT regime. We now review these experiences before reflecting on the implications for the new era of mandatory FTTs in council housing.

Social landlord perspectives on FTTs

Local authority attitudes to FTTs appear to have been shaped largely by party political allegiances, with an early survey by *Inside Housing* (2013) finding that Labour-led local authorities in England had largely rejected the use of FTTs. As one of our key informants remarked:

I would say on the local authority’s side it’s probably at least partially informed by the political control of the local authority, because some council members would be just dead set against, they would philosophically disagree with the whole thing so they wouldn’t want to see it being implemented. Housing associations have got a greater freedom of action. (National stakeholder)

The position is more complex with regard to housing associations, with our evidence suggesting that they can be divided into three loose groupings regarding their motivations and approach to the deployment of FTTs to date. We have given these groupings the shorthand names of ‘The Interventionists’, ‘The Utility Maximisers’ and ‘The Place Makers’.

The interventionists

There are some well-publicised examples of housing associations in England which are seeking to carve out a broader role for themselves in incentivising or ‘nudging’ tenants towards healthier, more socially engaged and economically independent lives (Rallings, 2014; Priest-Stephens, 2014). Such ‘Interventionist’ associations tend to view FTTs as part of an attempt to recalibrate the relationship between landlord and tenant:

... 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)

This degree of intervention in the lifestyle and behavioural choices of tenants and their families may appear reminiscent of an earlier tradition of paternalism in social housing (Haworth and Manzi, 1999; Deacon, 2004; Rallings, 2014; Gregory, 2015), but this was disputed by some of our interviewees:

... 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)

These interventions were therefore viewed via a reciprocal ‘contractualist’ prism, with a strong emphasis on the ‘responsibilisation’ of tenants (Flint, 2004; Clarke, 2005), and on

supporting them to become more ‘independent’ (Rallings, 2014). Some of our interviewees considered a current lack of self-reliance amongst social tenants as a key concern to be addressed:

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 (Senior housing manager)

Some of this interventionist activity has been characterised by housing associations as ‘enabling’ their tenants to meet their broader aspirations, particularly by supporting them into employment, and in some cases by encouraging them to ‘migrate’ through social housing onto homeownership or shared ownership (Rallings, 2014). This was viewed by relevant housing associations as an important aspect of their ‘social mission’, as was encouraging under-occupiers to move on in order to free up larger family homes for which there was often very high demand. The specific point was also made that, by encouraging tenants to be more self-reliant and economically independent, associations could help to protect their income stream, in the context of acute concerns about welfare reforms that signal a move away from the routine direct payment of housing costs to social landlords (Fitzpatrick *et al.*, 2016).

For these associations, then, the welfare dependency argument was clearly influential in shaping their thinking and efforts to intervene in the lifestyles of their tenants. However, by their own admission, they appear to comprise only a small minority of housing associations in England.

The ‘utility maximisers’

There had been initial enthusiasm for FTTs amongst some larger housing associations operating in London and the South of England, mainly because the fixed-term model sounded like a good opportunity to reduce under-occupation, enhance efficient stock management and increase throughput in high-demand properties:

There is an advantage with saying to people, ‘This is not necessarily a home for life. This is a home for when you need it’, because that’s really what we are saying now, so it’s what you need at the time you need it and then when it’s no longer what you need, then we have a conversation about what is the next thing for you. Partly that is about you taking care of what we give to you because it’s a scarce resource. (Senior housing manager)

However, it became clear in our interviews that the overriding reason for the adoption of FTTs, in London at least, was the link made with the ‘affordable rent’ programme, given the imperative to generate new rental supply in contexts of acute shortfall:

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 ... an expectation from the GLA [Greater London Authority] that if you went into the affordable rent programme that you use fixed term tenancies. (Housing manager)

This represents a quite different set of motivations from the ‘Interventionists’, much more focused on equity and efficiency concerns, and generally sceptical about the welfare dependency or ‘behavioural’ case for FTTs:

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)

Far from aiding social mobility by breaking the 'circle of dependency' that permanent social tenancies are said to 'lock' people into (Greenhalgh & Moss, 2009; Mason, 2015), FTTs with income-related renewal criteria were viewed by some in this group as undermining work incentives: 'You're in employment, you have to go!' (Senior housing manager) (see also Hills, 2007; Robinson, 2012; Robinson & Walshaw, 2014).

There have also been suggestions that the scope afforded by FTTs to exert greater control over the behaviour of tenants would encourage better conduct towards both their home and their community, but as one housing manager commented: '... if [you are] only there for 5 years, there's less reason to make sure that you get on with your neighbours, improve your property.'

That said, some interviewees from these associations, while being clear that this was not the primary motivation for the adoption of FTTs, did express the view that the new, more conditional tenure model had enabled their housing management colleagues to have a 'better conversation' at the point of sign up:

It was more powerful to be able to have that conversation and say, 'And this is how we will know whether or not this is working ...' ... from a tenancy management perspective ... it was definitely important ... that ... they were able to have that conversation and know that it was something that they could follow through on. (Senior housing manager)

However, by the time of our fieldwork, in 2014/2015, considerable disillusionment appeared to be setting in amongst these early adopter associations, in part because the arguments in favour of FTTs no longer appeared convincing. In particular, the critical lack of supply in pressured markets like London meant that there was seldom anywhere appropriate to move under-occupiers onto and, as associations were unprepared to make these households homeless at the expiry of their fixed term, the possibility for using FTTs to 'make the best use of stock' was minimal: 'Are we really going to put people on the street [just for under-occupying]?' (Senior housing manager).

In addition, there were strong practical arguments against the use of FTTs beginning to emerge. In particular, the costs and complexity involved in managing FTTs were increasingly viewed as administratively burdensome and disproportionate to any plausible gain. While FTTs, when used in conjunction with affordable rent, have been posited as a means of maximising revenue for development (Chartered Institute for Housing (CIH), 2014), internal financial analysis by some of our interviewees indicated that the potential for increased income from rebasing rents at the expiry of FTTs did not compensate for the additional costs of their administration.

By early 2015, confusion about the relationship between the affordable rent and FTT policies had been resolved (CIH, 2014), and associations realised that it was possible to 'de-couple' them. As a result, some housing association senior management expressed the desire to revert entirely back to open-ended tenancies before the first wave of their FTTs came up for renewal—in most cases at the end of 2017, when five-year tenancies let in 2012 expire—and in so doing avoid the need to develop detailed renewal policies and procedures. This very much echoes the prediction of Fitzpatrick & Pawson (2014) that, given the likely time and resource implications, aggressive deployment of the new FTT powers would seem unattractive to social landlords at the point when detailed tenancy review procedures needed to be devised and implemented.

The ‘place makers’

Finally, there appears to be another set of housing associations, smaller and more geographically concentrated, and perhaps operating in lower demand areas, which have been antipathetic to FTTs from the start, swayed by neither the welfare dependency nor equity arguments described above. Key stakeholder interviewees suggested that these may be ‘traditional’ social landlords who see themselves as ‘place makers’ not ‘people shapers’, beyond managing the ‘core business’ of dealing with anti-social behaviour and rent arrears. One also drew attention to the structural factors that may mean that FTTs ‘play out’ differently in varying housing market contexts, particularly with regard to their potential for destabilising communities:

lots of places in London have got a very rapid turnover ... [but] it hasn’t produced, necessarily, massive area and management of behaviour consequences. The same is not true of some of the low demand areas in the north-west and north-east, where just a failure to maintain a kind of stable population of households has been a real problem. So if you introduce short-term tenancies in to that environment you might find that ... it exacerbated the problems that you’ve got and you’d choose a different tactic ... (National stakeholder)

It also seems likely that there is an important ideological or ethical component to decision-making on FTTs, whereby some associations in England share the ‘philosophical’ attachment to social housing as providing ‘a secure home for life’ that has been central to the vision articulated by those opposing the imposition of FTTs in Parliamentary debates and in Labour-led local authorities (see also Robinson & Walshaw, 2014).

Social tenants’ perspectives on FTTs

Our qualitative evidence is also suggestive of three broad groupings of tenants with regards to their attitudes to the non-permanent status of their tenancy: ‘The Unaware’; ‘The Unconcerned’; and the ‘The Anxious’. These are discussed in ascending order of size within our sample.

The unaware

A small number of tenants we interviewed whom we knew to have FTTs, or who were currently on a probationary tenancy and were shortly to move onto an FTT, appeared to be under the misapprehension that they had, or would be given, open-ended tenancies:

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. (Lone parent with one child)

Others seemed unable to distinguish between FTTs and open-ended tenancies:

I think she explained ... that it was a fixed-term tenancy for about three year ... then they just see how you get on in paying the rent and stuff like that ... 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)

The unconcerned

A somewhat larger group were aware of their non-permanent tenure status, but were unconcerned by it. A number of this group were young people, who had moved straight into their tenancy from the family home:

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 with one child)

Others had previous experience only of short-term private rented sector lets, by comparison with which a five-year tenancy with a housing association felt relatively secure:

I was quite shocked that they offered me it [the five year fixed term tenancy] ... to be fair. It was nice that ... I was pleased that they'd offered me it ... [because] for five years I haven't to worry again ... being in private [rented] you never know what's going to happen. (Lone parent with four children)

A small number of interviewees, having come through a period of homelessness, were grateful to have their own accommodation on whatever terms were offered:

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 [hostel] 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 man)

Yet another subgroup saw their social housing, or at least their current property, as a short-term option—a 'stepping stone'—often because they wanted to buy in the longer term:

To be honest, I'm not bothered at all [by being on a fixed term tenancy]. I'm not looking to stay here for five years ... it's just to save some money and get out of here. (Couple with one child)

Some tenants felt that being on a fixed-term tenancy was in any case 'low risk' as they would be helped to find alternative accommodation even if their tenancy was not renewed. This often followed reassurance from their landlord at the start of their tenancy:

If they do not decide to renew the tenancy, you could either appeal against it but they said, 'You will not be homeless'. They will work with the council and find you a new property. (Lone parent with two children)

Overall, there seemed relatively little knowledge or understanding of the circumstances in which their tenancies would or would not be renewed (and possibly a certain amount of confusion between probationary tenancies and FTTs). This is unsurprising, given that many landlords had yet to develop detailed policies on tenancy renewal, and for most tenants the renewal point still lay some years away. However, insofar as people had reflected on this, there seemed to be a sense that, 'so long as I pay my rent/don't cause trouble to my neighbours', then tenancies would be renewed:

It doesn't really make that much difference to me [being on a fixed term tenancy]. As long as you're a good tenant you're going to get it renewed anyway (Couple with four children)

However, these remarks reflect the present position with respect to breach of tenancy that provides grounds for eviction: the whole point in FTTs is that they can be ended without such a breach occurring. Those who understood this were all in 'The Anxious' group, now discussed.

The anxious

The majority of those we interviewed on FTTs, or due to move onto them from probationary tenancies, came into the concerned or anxious category, expressing some level of anxiety about their sense of housing insecurity. There was a spectrum here, however, ranging from those who expressed some slight worry, to a more pressing concern, to those who seemed genuinely preoccupied about the ‘fixed’ nature of their tenancy.

Older people, people with health or disability issues, and families with children, tended to be the most concerned, though more pronounced anxiety was not confined to those groups:

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 ... those who initially had the lifetime, they can relax and see it as their home. (Lone parent with three children)

It always sits in the back of your mind that ... 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.’ (Couple with health problems and disabled child)

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 I'm already a pensioner; so is my husband ... Mum is disabled ... It's the feeling knowing that ... we've already... done five months, okay? And five months, that has come off—six times twelve: 72 ... 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 very aged mother)

A number of people who were prompted to move from a permanent to a FTT as a result of the so-called ‘Bedroom Tax’ (a restriction in the Housing Benefit paid to those viewed as under-occupying their social housing) were particularly unhappy:

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)

Under-occupation, an increase in income and ‘not getting on with your neighbours’ (a notably vague and potentially much lower bar than anti-social behaviour) were mentioned as possible grounds for ending their tenancies by those who were most ‘clued up’ in this group. One landlord had explicitly informed tenants that at the end of their FTT, whether they had ‘positively engaged with [their] neighbours and ... community’ would be taken into account. The potential implications of such criteria were remarked upon by some tenants:

I did feel really ... patronised or like someone talking to me [about] how to behave towards my neighbours. I thought if you were buying a house someone wouldn't come and say, ‘And you must behave properly towards your neighbours’ ... it does grate. (Lone parent with one child)

Discussion

What does this qualitative evidence mean for the likely impact of the new mandatory FTT regime in council housing? Our starting point should be to acknowledge that acute concerns about security of tenure were far from universal amongst the tenants we interviewed, and even those who were anxious still hoped, and expected, that if they paid their rent and behaved themselves, their tenancy would be extended. *De facto* they are probably right,

given the landlord responses discussed above, and the experience in New South Wales, Australia where the available evidence indicates that almost all FTTs (99%) are renewed (Fitzpatrick & Pawson, 2014).

However, it was evident that, whatever happens in practice at the point of tenancy (non) renewal, the *de jure* loss of security of tenure was detrimental to many tenants' sense of stability and belonging. This may be conceptualised as undermining their 'ontological security', pertaining to the deep psychological need that all human beings have for a 'home' or other locale to operate as a site of constancy, routine and control in their lives—a secure base around which to build one's identity in a world that may often be experienced as turbulent and threatening (Dupuis & Thorns, 1998; Easthope, 2004). Particularly for those already struggling on low incomes, with health problems and/or caring responsibilities, this loss of ontological security may be a substantial additional source of stress and uncertainty (see also Robinson & Walshaw, 2014), as was emphasised in the House of Lords debates:

this measure [mandatory FTTs] will destroy the security that is so important to families with children, disabled people and carers, people with mental health problems and those who have experienced homelessness. (Baroness Lister, HL Deb 18 April 2016 vol 771 c502)

The Government has made concessions (allowing for longer fixed terms) for some of these groups, but their determination to end the letting of council housing on a secure basis to even the most vulnerable households means that a 'critical threshold' in the conceptualisation of who and what social housing is for has, we would argue, been crossed (Fitzpatrick & Pawson, 2014). Shelter's comments on the 'toxicity' of this policy change picks up on the ontological security point just made, but also the practical consequences for landlords:

The government's insistence on reviewing everyone, even households with long-term health needs and disabilities, to see if their circumstances have changed seems unnecessarily onerous and will cause bureaucratic cost for landlords and unnecessary stress for tenants ... Whatever happens to the roof above their heads, households will have lost the essential security of knowing they can call a place home. (Webb, 2016)

Nonetheless, these adverse outcomes with respect to ontological security and landlord burdens might be considered justifiable, albeit regrettable, if FTTs were demonstrably effective at achieving some other legitimate aim, such as increasing the availability of social homes to those in need, tackling under-occupation, promoting social mobility or addressing homelessness. However, as argued above, such evidence remains scant to the point of non-existent, and the Government's own projections indicate that the number of additional lettings generated will be relatively low, at least in the first years of the policy (DCLG, 2011).

In its insistence on the use of FTTs for council tenants, the Government does, though, have an important argument from consistency on its side, in that it can reasonably be contended that if social housing is to be allocated based on need, then it makes logical sense for continuing need to be a condition of remaining in such housing (Webb, 2015). But as Fitzpatrick & Pawson (2014) have previously argued, you have to weigh in the balance a number of other important considerations, including the potentially negative impacts of FTTs on work incentives, community stability and the ontological security of already vulnerable groups, alongside the administrative costs and burdens associated with blanket tenancy reviews. These were precisely the concerns articulated by many of the early adopters of FTTs in 2014/2015, based on their first-hand experience of using these 'flexible' arrangements. Moreover, bearing in mind the difficulties now faced by low-income groups attempting to access homeownership, and the highly insecure nature of private renting in England,

the widespread use of FTTs in social housing conjures up the unattractive prospect of a substantial slice of the population being unable to achieve 'secure occupation' of a home of their own at any point in their life course (Hulse & Milligan, 2014; Murie & Williams, 2015).

In any case, as noted at the outset, it is genuinely unclear who the post-2010 UK Governments intend social housing to be for, as their welfarist notion of focusing narrowly on those in very greatest need is increasingly undercut by benefit restrictions and exhortations to prioritise the 'deserving' (Blessing, 2016). This apparent policy incoherence may simply reflect the rather incoherent fall-out of clashes between the competing agendas of different Government departments, within which the austerity-driven imperative to cut welfare spending (especially Housing Benefit) tends to override other policy objectives (Murie & Williams, 2015).

Equally, it may be argued that the actual (dis)benefits of FTTs are in reality of little import in this policy landscape. What may be more significant is that the ending of security of tenure for social tenants fits symbolically with a broader 'reframing of the relationship between state and citizen' (Flint, 2015, p. 41), within which overwhelming emphasis is given to citizen self-reliance, such that interventions to assist disadvantaged groups are considered legitimate only where they are both time-limited and designed to offer 'a hand up, not a hand out' (Robinson & Walshaw, 2014). This normative stance, linked to the 'welfare dependency' argument highlighted above, is driven by the conviction that poverty is largely the product of personal conduct not income distribution, and that welfare safety nets, particularly cash transfers, are part of the problem not the solution (HM Government, 2012). As this ideology plays out in post-2010 social security reforms that have removed—or made far more conditional—long-standing safety net commitments (Wright, 2012), it is to be expected that a parallel erosion of security would be visited upon the social housing sector which has been described as 'the most 'pro-poor' and redistributive major aspect of the entire [UK] welfare state.' (Tunstall *et al.*, 2013, p. 2). Thus has emerged a new 'precariat' (see Standing, 2011):

... whose pillars of security and predictability, including housing, has been eroded in a reversal of trends during the twentieth century where housing ... was viewed as a strategy for the working class to insulate themselves from the vagaries of capitalism. (Flint, 2015, p. 42)

Against all this, there has been widespread (albeit far from universal) protest in the English social housing sector to the abolition of tenants' security of tenure (Parkin & Wilson, 2016). The link between FTTs and the welfarisation of social housing was specifically made, and opposed, by the Chartered Institute of Housing that represents UK housing professionals:

We are clear that social housing should not be exclusively used as part of the welfare system and we are very resistant to any proposals which could see tenancies ended after a fixed term on the basis of an income-based means test. We are concerned that this would lead to social housing becoming more residualised, and further stigmatise those living in the sector. (CIH, 2013)

Resistance to ending security of tenure is also manifest in the small percentage of social tenancies voluntarily let by social landlords on fixed terms thus far (CIH, 2014). Local authorities will now be compelled to issue FTTs to new tenants, but may seek to minimise their practical impact by offering them on the longest permissible terms with strong assurances of renewal. Housing associations are at liberty to continue to offer their tenants security of tenure, for now, and our evidence indicates that some enthusiastic early adopters of FTTs may even start to abandon them before the first tranche come up for renewal in 2017.

Conclusion

There is no doubt that the imposition of mandatory FTTs in council housing is a significant and, we would argue, retrograde step. But only time will tell whether it is a decisive move towards the welfarisation of English social housing—in other words, to its being recast as a temporary ‘ambulance service’ rather than a stable ‘safety net’. One might conceive of such a welfarist destination as the logical end-point of the long process of residualisation that has been underway for several decades, but much will depend on the level of ‘drag’ that can be exerted from opponent stakeholders, especially social landlords many of whom are evidently less than keen about ending the security of tenure of their tenants. The ongoing impacts of welfare reform will also be decisive in determining whether it will genuinely be those in highest need who will continue to access social housing, on a long- or short-term basis, or whether instead we will witness an affordability-driven shift towards allocations to less-disadvantaged groups (Blessing, 2016).

In any event, the imposition of FTTs in new council tenancies is likely to contribute to the (further) distancing of the social housing sector and its residents from the perceived mainstream of society, reinforce their stigmatisation, and may also serve to undermine community stability and work incentives, even if (as expected) few tenancies are actually ended. All of this upheaval appears a heavy price to pay for gains which are, at best, marginal, uncertain and distant in time. It therefore seems disingenuous for Government to defend FTTs based on the alleged benefits to homeless or overcrowded households, especially as these groups will in turn find their prospects of establishing a stable, long-term home ever more remote. In these circumstances, it is difficult to avoid the conclusion that mandatory FTTs represent an act of primarily symbolic policy-making from post-2010 UK Governments instinctively hostile to social housing, and its role in the post-war welfare state, on ideological grounds.

Note

1. Future analysis of waves two and three will allow further exploration of the dynamic impacts of FTTs on tenants, in particular as they near the end of those in their initial fixed terms.

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