

'It's Not Just About a Rainbow Lanyard': How Structural Cisnormativity Undermines the Enactment of Anti-Discrimination Legislation in the Welsh Homelessness Service

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Abstract

Trans people¹ – those whose gender identity does not match that assigned to them at birth – are at considerably elevated risk of homelessness, reflecting their marginalized legal, bureaucratic and socio-economic status². Recent substantial international expansion to the medico-legal rights afforded them operates in tension with cisnormative welfare structures. Based upon a Critical Discourse Analysis of interviews with 35 trans people with experience of homeless in Wales, UK, alongside 12 workers in the system, I argue that anti-discrimination legislation is insufficient in its current form to prevent discrimination against trans people. I suggest that, without addressing deeper structural cisnormativity, service provision for trans people experiencing homelessness and other forms of social marginalisation will remain inadequate. This argument rests upon the following findings. (1) Failing to consider exclusion at a structural level leads to system-gaps and misunderstandings, producing poor service experiences. (2) The specific needs of trans applicants are under considered in system planning, reducing scope for meaningful homelessness interventions. (3) An equalities approach can produce a reductive and potentially pathologizing focus upon trans identity, diverting from specific individual needs. I conclude that provision of inclusive services necessitates consideration of the impact of deep cisnormative assumptions in service design and delivery, and their resultant exclusion of trans people.

Keywords: cisnormativity; homelessness; equalities legislation; trans; wales

Introduction

Homelessness is a gendered, racialized and classed injustice associated with social and economic exclusion and marginalisation (Willse, 2015). At least a tenth of trans people – understood here as those with gender identities different

to those assigned to them at birth – will be homeless over their lifetimes, reflecting their disproportionate vulnerability to income precarization, employment and education disadvantage, medico-legal marginalisation, and structurally reinforced complex trauma. This is further complicated by risk factors associated with pathways into homelessness, including domestic violence and parental rejection (Bachman and Gooch, 2018; Begun and Kattari, 2016; Ecker et al., 2019; Mananzala and Spade, 2008; McNeil et al., 2012; Mottet and Ohle, 2006; Willse, 2015).

Recent substantial legislative and policy attention to the rights of trans people has produced widespread anti-discrimination protection, particularly within employment and public sector service interactions (Browne et al., 2011; Hand et al., 2015; Whittle and Simkiss, 2020). However, in focusing upon deliberate or negligent harm enacted by individuals, an anti-discrimination approach risks diverting attention from the ways in which systems operate to marginalise and exclude trans people (Browne et al., 2011; Spade, 2015). Cisnormativity – the privileging of a ‘*non-trans norm*’ (Pyne, 2011, p. 129) – minimises the practical, economic and legal obstacles to sustained service engagement by trans people, and legitimizes exclusionary, harmful structures (Gedalof, 2018; Mananzala and Spade, 2008; Spade, 2015). Visibilising cisnormative assumptions within systems complicates understanding of why the needs of trans service users are poorly met, with potential to explain why trans people often disengage from services despite the overt commitment of these services to anti-discrimination (England, 2021; Johnson, 2015; Lombardi, 2018; Namaste, 2000). The setup of welfare systems, including their assumptions around their normative service users, produces and amplifies inequalities among marginalised groups (Dobson and McNeill, 2011; McCall et al., 2021). This may occur even, or perhaps especially, in services that ostensibly operate to advance equality of opportunity among groups already facing social and economic exclusion (Reeves and Loopstra, 2021).

Prevalence of economic precarity among trans people makes planning for their needs within welfare and homelessness service provision critical (Mananzala and Spade, 2008). Trans people under-utilise welfare and homelessness services, compromising long-term resolution of homelessness (Mananzala and Spade, 2008; Pyne, 2011; Willse, 2015). The Housing (Wales) Act 2014 attempts to address this by integrating anti-discrimination legislation into homelessness policy. This raises the question of the extent to which an anti-discrimination-based approach can address systematic disadvantage among trans service users. I address this through analysis of 47 interviews with actors in the Welsh homelessness system, arguing that an approach to service provision based on compliance with equalities legislation is inadequate to prevent service exclusion among homeless trans people. I propose that, instead, attention is needed to deep structural system cisnormativity. These findings have immediate utility for

planning of homelessness and welfare services, contribute to academic and policy debates around how welfare systems may actively amplify exclusion (Reeves and Loopstra, 2021), and deepen understanding of the relationship between equalities legislation and meaningful realisation of LGBTQ+ rights (for instance, Siegel, 2020). I base my argument on three findings. First, an approach that understands equality as harm-prevention by frontline workers overlooks systemic issues, embedding a panicked, individualised response rather than challenging structural exclusion. Second, a consequent poor understanding of specific needs prevalent among trans people amplifies exclusion. Third, an equalities approach depends on a cishnormative framing of trans identity in which trans people become reduced to their status as ‘other’, with their needs as homeless people overlooked. Trans exclusion therefore not only persists, but flourishes, in welfare services *despite* an apparent commitment to anti-discriminatory, inclusive practice: the implementation gap in welfare services between equalities legislation and practice, for trans people, arises from a cishnormative service assumptions. The remainder of the paper is structured as follows. I next offer context to the study through discussions of cishnormativity as distinct from discrimination against trans people, and of trans peoples’ experiences of homelessness. I then locate the study within the Welsh homelessness system, and describe methods, before presenting findings. Finally, reflecting the importance of producing practical utility from research with trans people, the conclusion incorporates practice suggestions.

Cishnormativity, (anti-) discrimination and equalities legislation

Attending to the assumptions implicit in cishnormativity makes visible a societal hyper-focus upon binarised, static gender-based assumptions, and links this to the social, legal and economic marginalisation, and institutional exclusion and erasure, of trans people (Ansara and Berger, 2016; Ansara and Hegarty, 2014; Lombardi, 2018; Namaste, 2000; Pyne, 2011; Tee and Hegarty, 2006; Westbrook and Schilt, 2014). Service level assumptions and consequent service organisation overlook, dismiss and erase the needs and experiences of trans people (England, 2021; Pyne, 2011), with this failure to consider trans people’s needs in service planning and design inevitably leading to their exclusion and erasure (Ansara and Berger, 2016; Bauer et al., 2009; Mananzala and Spade, 2008; Pyne, 2011). Attention to cishnormativity creates a theoretically rich lens to expand the debate over trans people’s inclusion in public services, including homelessness services, beyond exclusion, and into considering whether, and if so, how, services might explicitly include trans people by designing them *into* services at a system level (Pyne, 2011).

A cishnormativity-attentive approach considers how social structures engender injustice toward trans people. In contrast, an anti-discrimination focus

conceptualises disadvantage faced by trans people in terms of active, irrational and potentially naïve *fear, hatred, disgust and prejudicial treatment.*' (Worthen, 2016, p. 31). Anti-discrimination legislation, a recent international development with respect to trans people (D'Souza, 2018), proposes that all individuals should receive equal treatment regardless of personal characteristics (such as gender identity) and is associated with provision of access to legal redress to compensate for rights infringement (D'Souza, 2018; Gedalof, 2018; Spade, 2015). The British Equality Act 2010, for instance, requires public bodies, including those providing housing, homelessness and welfare services, to avoid discrimination, harassment or victimisation against trans people (Dunne, 2020; Spade, 2013; Whittle and Simkiss, 2020).

Anti-discrimination approaches understand harm as arising primarily from individual ignorance, and so too as correctable through the pedagogical activities of 'diversity workers': training courses, circulation of informational materials, 'awareness' events and staged visibility (Ahmed, 2012; Mananzala and Spade, 2008). While recognising the politically resistive nature of equalities legislation and diversity training, Ahmed (2012) argues that 'diversity work' also constrains equality through pre-defining the extent of organisational responsibilities toward those with protected characteristics (Ahmed, 2007, 2009; Crawley, 2006; Healy *et al.*, 2011). Further, an anti-discrimination based equalities approach has been proposed to undermine organisational and structural commitment to equalities, reducing it to a failure of individual knowledge (Spade, 2015).

For trans people, anti-discrimination legislation has also been integral to a wider debate over service provision, and specifically their access to services designed for, and restricted to, women (Hines, 2020). Women-only domestic abuse support services, which operate alongside, and to some extent integrated with, homelessness services, have been the site of intense dispute over support for trans women in the last decade (Pain, 2021; Pearce *et al.*, 2020; Seelman, 2015). However, there is relatively little evidence that these debates have filtered into non-specialist homelessness or welfare services.

Trans people and homelessness

Longstanding concern exists over the adequacy of homelessness systems for trans people. Previous research highlights routine, identity-based explicit discrimination, including physical exclusion and systematic misgendering (refusal to acknowledge gender identity, for instance, through incorrect pronouns usage) (Abramovich, 2017; Coolhart and Brown, 2017; Kapusta, 2016; Mottet and Ohle, 2006). Yet aside from overt, potentially legally actionable discrimination, homelessness services contain other access obstacles for trans people. Bureaucratic illegibility is produced by information system requirements and

bisecuritization (Currah and Mulqueen, 2011; Spade, 2015). Specialist services are often geographically inaccessible (Coolhart and Brown, 2017; Mottet and Ohle, 2006; Seelman, 2015). Under recognition of the interactions between trans identity and poverty, race and gender produces poorly targeted services (Mananzala and Spade, 2008; Willse, 2015). Where services do not plan for the needs of trans people, trans service users become a ‘*social emergency*’ (Bauer et al., 2009:356) requiring a panicked, individualised response – which reinforces a sense of otheredness and exclusion (England, 2021; Epstein, 2018; Pyne, 2011)

Previous explorations of homelessness service interactions among trans people have primarily occurred in countries without statutory homelessness provision, and where homelessness relief operates through not-for-profit shelters and other non-statutory specialist services (Abramovich, 2017; Mananzala and Spade, 2008; Mottet and Ohle, 2006; Pyne, 2011; Spicer et al., 2010). In this context discrimination is widespread, and difficult to address, since it tends to arise either from explicit system-level discriminatory frameworks, or overtly discriminatory encounters between individuals (staff and clients) within the system.

Wales provides a particularly rich location from which to understand the relationship between legislation-based anti-discrimination protections, policy, and service experiences among trans people. Wales, in common with the rest of the UK, has afforded citizens a statutory right to homelessness assistance since 1977. In 2015, the Welsh Government introduced a ‘pioneering’ (Mackie et al., 2017) Act, which embedded anti-discrimination protection for trans people within homelessness services (England, 2021). Guidance to the Act further underscored the importance of inclusion and non-discrimination toward trans people – both at an institutional and frontline level. Although the Welsh statutory homelessness system has so far been little studied from the perspective of trans people’s experience, it is of interest in offering a location in which trans people, like all other homeless applicants, have both a legal right to assistance if they become homeless, and specific protection against discrimination on the grounds of gender identity (England, 2021; England and Taylor, 2021; Mackie, 2015). Because the Welsh homelessness system requires local authorities not only to avoid discrimination but to actively prevent it, it provides an ideal location to explore whether anti-discrimination legislation is sufficient to engender meaningful change, or whether it simply obscures the extent to which services fail to meet the needs of trans applicants. The remainder of this paper explores this question of whether a commitment to equalities within service provision is adequate to address deeper systematic exclusion.

Exploring trans people's experiences of the Welsh homelessness system

This study draws upon two complimentary datasets to explore the experiences of trans people who have experienced homelessness in Wales since 2015. All participants were aged over 18 at the time of the interview, and all consented to participation, including interview recording and data re-use.

Dataset 1: 2017-2019: Homelessness among trans people in Wales.

This study comprised semi-structured qualitative interviews with (1) 28 trans people who had experienced homelessness in Wales since 2015 and (2) 12 frontline workers. This study aimed to develop understanding of the experiences of trans people under the new Housing (Wales) Act 2014. Recruitment for trans people who had experienced homelessness for this study was primarily through social media, in conjunction with various homelessness and LGBTQ+ specific organizations. Social media recruitment enabled participation from those unknown to, or disengaged from, homelessness services. Participants were interviewed either face-to-face or via teleconferencing, according to preference and convenience. Teleconferencing increased geographic diversity and afforded participants greater control over engagement.

Interview questions included experiences of homelessness, experiences of interactions with services, and outcomes, with content and length participant led. Allowing participants to determine the length and direction of interviews afforded participant control over their own narrative (see England, 2021, for fuller discussion). At coding stage, no clear differences emerged between face-to-face and teleconferencing interviews.

Workers were recruited from non-specialist homelessness services. They were asked how their service interacted with trans people, their own expectations, and experiences of service provision for trans people, and to identify service gaps. They were interviewed in a place of their choosing and had the option of teleconferencing. Ethical approval for *Dataset 1* was obtained from the ethics board of the School of Geography and Planning, Cardiff University.

Dataset 2: 2016-2017: The experiences of trans people as parents

The second dataset arose from a qualitative study exploring trans people's experiences of child-rearing. Participants in this study had experienced very high rates of homelessness, with 7 of the study's 16 participants giving detailed accounts of homelessness experiences. As for *Dataset 1*, their homelessness occurred when their children were not resident with them, making them 'single homeless' applicants under UK law. Given the ethical benefits of re-using data gathered from over-researched populations (Lombardi, 2018), and the relevance of these interviews to the research question, inclusion of these additional

interviews was felt to strengthen the study and the 7 interviews were re-analyzed alongside those from *Dataset 1* as a single data corpus.

Methodologically, the approach to data collection in *Dataset 2* was extremely similar to *Dataset 1*, with the following differences. First, participants were not explicitly asked about experiences of homelessness, nor the homelessness system. However, as with *Dataset 1*, because a semi-structured, participant-led approach was used, where participants began to discuss experiences of homelessness, appropriate questions were asked. Second, ethical approval for *Dataset 2* was obtained from the ethics board of the College of Human and Health Sciences, Swansea University.

Demographic observations: trans participants

All participants who had experienced homelessness self-defined as trans. Homelessness followed the expansive UK legal definition of homelessness as where an individual or household has nowhere to reside which is safe, secure and adequate (Browne Gott et al., 2021; England, 2021; FEANSTA and the Fondation Abbé Pierre, 2019).

The trans population in Wales is both small and ‘hyper-visible’. Consequently, careful attention has been paid to preserving anonymity, and demographic information is deliberately broad. Routes into homelessness noted in interviews included familial and relationship breakdown, domestic violence, economic precarity, loss of employment, and shortage of affordable private rented sector housing. Experiences while homeless included rough sleeping, sleeping in vehicles, ‘sofa-surfing’, and prolonged existence as a ‘hidden household’ (Fitzpatrick et al., 2019). Most had contacted statutory homelessness services at least once, with just over half either entering hostel accommodation or engaging with services over an extended period in an attempt to find accommodation. Very few, however, had remained engaged with the system beyond a few months, or had their situation resolved through the actions of the Local Authority³. At the time of interview, around half remained legally homeless. None had children living with them at the time they became homeless.

Use of Critical Discourse Analysis to explore interviews (Fairclough, 2005) enabled an unpacking of the complexities and contradictions of participant narratives as produced by and (re)producing inclusion/exclusion within an organizational context (Wodak and Meyer, 2015). Critical Discourse analysis visibilises how the operation of ideas across different organisational contexts upholds, creates and justifies exclusion (Wodak and Meyer, 2015). It recognises discourse as a productive output which operates dialectically amid wider organisational, policy and practice context (Fairclough, 2005). In understanding discourse as a radical, resistive output of assertions of power and knowledge, a Critical Discourse Analysis approach enabled the experiences of trans people who had experienced

homelessness, as a group often erased, overlooked and marginalised, to be read as disputing and reframing disempowering constructions of themselves and others.

Following a Critical Discourse Analysis approach, initial coding of transcripts considered the four aspects of discourse production identified by Fairclough (2013): (1) the relationship between newly produced discourses and established expectations; (2) how discourse furthers specific interests; (3) evidence of the ongoing social normalisation of particular discourses; (4) consequent production of new understandings, expectations and practices. An iterative coding process (Braun and Clarke, 2014) generated final themes of discourse production, justification, experience and operationalization (Fairclough, 2005), which are reported upon in the results section.

Pronouns

All participants were asked to specify which, if any, pronouns they wished used for dissemination. These are indicated in parenthesis after pseudonyms. Around a quarter of the sample used multiple pronouns (for instance, she/xir or 'all pronouns'). Breakdown of participant gender identity is not given for two reasons. First, during the first study (*Dataset 1*), participants were often reluctant to identify themselves by gender identity, feeling this to be both inadequate to capture the complexity of lived gender and to evoke wider societal judgements (Currah and Mulqueen, 2011). Maeve (she) characterized this as being expected to 'offer up my gender for a pass/fail.' As a result, a decision was taken not to ask for gender identity information for the second study (*Dataset 2*). Participants who identified discrete genders further offered such varied categories, including trans man, trans woman, non-binary, agender, woman with a trans past, 'bear' and 'just me' – with around a third of participants further using multiple gender identifications – that inter-gender comparisons were functionally impossible.

'Doesn't matter if you're a purple alien . . .': the institutional limits of inclusivity.

Despite little evidence of actionable discrimination, it was clear that trans applicants were poorly anticipated at system level. Among system workers, there was a widespread belief that not only were they themselves not discriminating but that trans people had as much ability to access the service as anyone else. They characterised the practices of their workplace as progressive and inclusive. Rob (he) explained, 'Well I'd be very surprised. You might get the odd one or two with outdated beliefs but we're for the most part very professional, I believe.' Participant accounts confirmed that *overt* discrimination – that which could be clearly and unambiguously regarded as *deliberate*, rather than negligent –

was rare. In fact, staff sometimes subverted institutional rules and informational systems to avoid detriment to openly trans applicants – by waiving the legal requirement to produce identity documents, or changing names and/or gender markers on informational systems (Currah and Mulqueen, 2011). Ava (she) made a homelessness application before she had any official documentation in her correct name:

[He] said you do need to bring something in with your official name on it and when I explained he just changed it over I think.

Ava (she)

However, these positive experiences were outnumbered by instances where even supportive frontline workers could not overcome institutional obstacles. Records could seldom be retrospectively altered, meaning that applicants remained identifiably trans within systems, with little control over identity disclosure (Currah and Mulqueen, 2011). As Thomas (he) explained, the risk of being ‘outed’ in this way produced stress, fear, and uncertainty:

There’s some things he said he couldn’t change, things going back away . . . I understand that, in that he did do his best . . . It’s not something I personally relish, that – oh! oh! moment, when they realise and you think well what’s going to happen now?

Thomas (he)

Informational systems erased the breadth of trans experience and identity (Worthen, 2016). Binary gendered titles were difficult for those whose gender did not align with these categories (Spade, 2015). El (they) noted that they had no ability to record their gender-neutral title on official forms.

I didn’t have the option of self-inserting a title. I didn’t have the option of Mx, because I would normally choose that option if it’s there.

El (they)

Inclusion was understood by workers as *non-discrimination*, rather than active anticipation. They stressed that their service was *open* to everyone. The *identity* of the service as inclusive was centred. Katy (she), the service manager of a small charity, explained:

We welcome everyone. Doesn’t matter if you’re LGBT or transgender, doesn’t matter if you’re a purple alien . . . We don’t discriminate.

Katy (she)

Yet specific obstacles for trans service users were seldom considered. Inclusivity was understood as a willingness to react, rather than to anticipate

and plan for the needs of trans applicants. Although institutions were not actively unwelcoming, trans applicants were seen as rare and exceptional: a ‘social emergency’ (Bauer et al., 2009:359). This translated to the normalisation of a lack of knowledge: trans experiences became understood as specialised, beyond the scope of mainstream homelessness services, reinforcing trans service-users as other and unanticipated. Helen (she) the manager of a small day centre, explained:

We’re very responsive! . . . I do hold up my hands, I don’t know everything about everything! But if you just tell me what you need, I will do my best, that’s my promise.

Helen (she)

Performing the emotional, educative labour needed to ensure adequate service provision therefore became the responsibility of trans applicants themselves. (Lombardi, 2018; Vincent, 2018). Making themselves institutionally legible felt onerous and exposing (Pyne, 2011). Misgendering – an exhausting, invalidating experience (Kapusta, 2016) – occurred even where applicants had proactively discussed their gender with workers. Harry (he) understood his support worker’s failure to remember his pronouns as forgetfulness rather than malice, but stressed that repeatedly asserting his identity took an emotional toll (Vincent, 2018).

She didn’t remember! I had to remind her, every single time! Every time! “Still a boy!” “Still a boy!” She apologised every time, yeah. But it gets you down!

Harry (he)

The Housing (Wales) Act 2014 incorporates a commitment to active anti-discrimination in delivery of homelessness services. However, trans people using the system reported ongoing substantial systemic obstacles to inclusion. Meanwhile, workers seemed unaware of these issues, regarding anti-discrimination interventions as superfluous given a wider context of professional, inclusive services. This belied a deep lack of understanding of the *specific* needs of trans service users and meant that trans people became responsabilised for translating and justifying themselves and their experiences. This production of emotional labour was particularly onerous given that they were also experiencing homelessness. This failure to proactively consider the needs of trans people in designing and planning homelessness systems (for instance, by requiring inclusive record keeping) therefore contributed significantly to both poor service experiences and a sense of being misunderstood among trans applicants.

'I don't think they got it at all . . .': trans exclusion as failure to address system-level inequalities

Evident within service delivery therefore was a broad, cisnormative, assumption that trans people needed to fit themselves to the system, rather than being adequately designed in. This meant that the specific needs of trans people experiencing homelessness were poorly understood or unrecognised, and applicants' actual problems were missed (Pyne, 2011; Spade, 2015). This failure to understand the specific needs of trans applicants operated at three levels: in interactions with workers themselves, at system level, and in terms of the legislation itself. In individual encounters, workers often missed key signals or wrongly directed applicants within, or away from, homelessness services because of a poor understanding of the needs of homeless trans people. This was especially notable where applicants had experienced domestic abuse. Trans people as a group are at considerably elevated risk of violence both within and outside the home (Doan, 2006; McNeil et al., 2012; Namaste, 1996). This includes physical, emotional, and sexual abuse, and trans and queer specific forms of violence, such as misgendering or threatening to share confidential, potentially stigmatizing or endangering, information (Kapusta, 2016; Valentine et al., 2017). It is also widely understood that individuals facing domestic abuse may not themselves recognise their experiences as such, or struggle to disclose, making it essential that services take a proactive approach to recognising and offering help (Mayock et al., 2016; Sweet, 2019). Juliet (she) explained that her requests for help were dismissed until the violence became physical. Her ex-partner's threats and violence initially revolved around her trans status: this was poorly understood and minimized by the local authority, meaning that opportunities were missed to help Juliet leave.

It wasn't til I said, "he hit me". Right then! Then the wheels started turning! He'd made my life hell for four years before he laid a finger on me, I'd been in and out that office six months, they'd done nothing, nothing.

Juliet (she)

A lack of understanding of trans and queer specific mechanisms of intimate partner abuse was compounded by underlying assumptions rooted in misgendering. It was intricately related to an assumption that domestic violence was both less serious when occurring in a relationship wrongly presumed to be a same-gender one, or where the person experiencing domestic abuse was perceived to be a man. Early experiences of dismissal often then drove service distrust and avoidance. Susie (she) had a partner who had taken photographs of her in her underwear, and on several occasions locked her out partially dressed. She explained how a lack of understanding of how this interacted with her feelings of dysphoria (which her then-boyfriend was aware of) made the situation an

abusive one. Susie observed that service misgendering contributed to her experiences being deprioritised.

I think they just thought, you know, “boys will be boys”. I don’t think they got it at all.

Susie (she)

Services also poorly anticipated the needs of trans people experiencing homelessness. This was evident in provision of mediation services. Most younger participants who had made a homelessness application were offered (and sometimes required to attend) mediation with their legal-biological family. For these applicants, parental refusal to acknowledge or respect trans identity had usually contributed to their homelessness. There is ample evidence that familial invalidation, included repeated and deliberate misgendering and refusal to acknowledge trans identity, is a key risk factor for trans youth, translating to severe mental ill-health and high risk of suicide (see Pollitt et al., 2021 for an overview). Homelessness-experienced participants reported that mediation services perpetrated cisnormative gender assumptions. Core aspects of identity – names, pronouns, and gender – became contested, leaving young trans people feeling uncomfortable, distressed, powerless and poorly understood: *‘icky, just, selling myself out really’* [Kai, she/they]. Theo (he) described the pressure he felt during mediation to centre his parents’ comfort before his own. He was homeless due to their refusal to accept his gender or use his correct name and pronouns. Yet this was conceptualised by the mediator not as an act of systematic and ongoing emotional abuse, but as a conflict that could be resolved by Theo:

She [counsellor] was like, “well you need to see it from your mum and dad’s perspective. Give it time, give it time.” And what happens to me then? “It’s clear your mum and dad do want you back.” I tried to explain no they don’t. They don’t want me, they want their daughter.

Theo (he)

System-wide policies seldom explicitly considered the needs of trans people, meaning that they were disproportionately disadvantaged. This was evident in the focus upon private rented accommodation as a solution to homelessness. The Welsh (and now English) homelessness systems have been deliberately retooled to rely heavily upon a market-based, deregulated private rented sector as a route out of homelessness for increasing numbers of applicants (England, 2021; Mackie et al., 2017). Meanwhile, restrictions on rent subsidies mean that homeless applicants typically struggle to enter the private rented sector and face constrained choices (England and Taylor, 2021). This is a particular issue for younger renters, who qualify for much reduced rates of rental subsidies, allowing them to rent only a single room in a shared house (Powell, 2015). For

homelessness-experienced participants in this study, the possibility of a ‘stranger share’ (Powell, 2015) in a house where they did not know the other occupants was intimidating and potentially dangerous. Several participants had either entered or been placed in a flatshare situation with occupants who they did not know and reported these to be frightening situations in which open trans identification was risky. Luke (he) described how a flatshare situation created by the council, but without significant ongoing tenancy support, put him at risk. He described his flatmate as:

Six foot two, a bear. One time someone left a shoe rack in the hall. He lost it, smashed it up. I had a lock on my door, chair against the door, sometimes I just stopped out all night, walking round, slept in the day.

Luke (he)

Participants recognised that workers had little ability to offer alternative pathways: neither a decision to require applicants to look for private rented sector accommodation, nor the reduced rate of housing benefit for under 35s, was necessarily within their control. However, they also drew attention to a lack of awareness among workers around heightened safety needs for trans applicants. William (he), who was in the early stages of transition, was advised that while the council would pay for and organise housing for him, this could only be a flat share organised by a local hostel, where he would be sharing with other homeless men. William felt that this put him in danger of violence from other residents. He drew attention to the discordance between the council’s overt commitment to equalities, and their failure to provide him with functional help.

You go into their office and they’re all wearing rainbow lanyards and you’ve got the posters in the window and it’s happy days you’d think to look at it, then I’m saying, well I can’t be in a flat with other people and they’re saying well you’re under 35 so we’ve got no choice.

William (he)

The failure to recognise the specific needs of trans applicants thus had a clear and specific impact on the adequacy of homelessness provision available to them, undermining a broader commitment as part of the Housing (Wales) Act 2014 to ensuring that services are tailored to, and suitable for, the specific needs of applicants (Mackie, 2014). It exacerbated, and in some cases even created, dangerous situations for trans people experiencing homelessness – a group already at high risk of multiple forms of violence (McNeil et al., 2012). A cis-normative framing of the needs of service users, then, substantially undermined the ability of services to recognise and address the needs of their trans service users. It further demonstrated that a commitment to anti-discrimination

legislation alone is likely to be insufficient to overcome systemic failure to consider the specific needs of trans service users.

'On the rollercoaster, off you go': equality frameworks as a source of disempowerment

Finally, there was evidence that an equality focus in itself centred trans identity as a *cause* of homelessness, meaning that the heterogeneous homelessness needs of trans applicants became overlooked. Arguing that diversity is a disciplinary discourse, Ahmed proposes that institutional equality practices circumscribe organisational obligations: surface-level rhetorics of change protect institutional structures from deeper, meaningful, disruption (Ahmed, 2012). An 'inclusive' approach to service delivery does not necessarily challenge or address more systematic issues faced by trans applicants in terms of service design and delivery. Rather it creates a second problem: that of 'hypervisibility' (Pyne, 2011), in which trans people become understood primarily as 'other'. This focus on trans status rather than specific housing need was evident among participants in this study as both dehumanising and unproductive. It produced intrusive, inappropriate questions, which felt humiliating and prurient rather than relevant to resolving their homelessness.

What relevance does it have to whether I am homeless? . . . If it doesn't affect how they can help me . . . I'm not a freak show, come on, I've come here for your help.

Liam (he)

Applicants welcomed better understanding of the potential issues facing them as trans people, but highlighted the risk of reductiveness, assumed homogeneity and pathologization (Lombardi, 2018; Namaste, 2000). Paradoxically, increased worker awareness risked focus upon trans identity, rather than on system failures and structural marginalisation. It furthered a logic in which trans applicants became understood as loci of potential harm (Johnson, 2015): as victims rather than as individuals attempting to resolve their housing difficulties. Elinor (she), who became homeless for the first time in her forties, explained how her experiences in making a homelessness application reflected her wider experiences of interaction with public bodies as one of objectification, disempowerment, and loss of control. A focus upon her trans status meant not only that her actual needs were ignored, but that her agency was over-ridden.

You go in and you say I'm trans, I'm a trans woman, and it's right then on the rollercoaster, off you go. Love, I'm not a kid, I'm here for a reason.

Elinor (she)

Understanding people in terms of their gender rather than their homeless needs was disempowering. It sensationalised trans people's genders and constructed them as a problem. It further assumed a homogeneity of need and experience based upon their 'visibility' within an equalities framework (Ahmed, 2012; Serano, 2016). Jessy (she/they) articulated this in terms of the unavoidability of an exhausting, intrusive hyper-visibility. She described a sense of carrying with them a set of rules and prescriptions about how they had to be interacted with, which obscured their actual needs. Rather, she advocated for her right to be unremarkable: to be understood as any other individual with specific needs.

Surely I should have the right to be boring! Boring people pride! No but seriously, that's the issue, you can't be boring, you're automatically a 'case', I walk through the door, oh there's 'regulations'.

Jessy (she/they)

An ongoing debate within service-provision for LGBTQ homeless people is over whether separate spaces are needed, or whether non-specialist services are adequate to meet LGBTQ+ needs (Abramovich, 2017; Mottet and Ohle, 2006; Pyne, 2011). While trans people who had experienced homelessness in this study were often enthusiastic about dedicated spaces, this was linked less to service provision than the potential for shared understanding. They were excited by spaces explicitly *for* trans people, where they would be anticipated, planned for, welcomed and understood. This reflected a wider failure of mainstream services to offer them a space to be unremarkable and avoid 'hypervisibility'. Mabon (he) explained that he preferred, where possible, to use trans specific services because they allowed his *homelessness* to be the focus. In mainstream services he felt that an over-preoccupation with his gender was an obstacle to him getting meaningful help.

I would have liked it having someone trans to talk to yes . . . I mean yeah it's good when there's someone there that gets you but really . . . if someone's trans, or queer, then you know you're going to be treated like, you know, just another person . . . you're just someone who needs a bit of help.

Mabon (he)

A cisnormative approach to homelessness services, in which trans people were understood in terms of their *difference*, therefore meant that the specific needs of trans service users were overlooked. It reinforced a cisnormative framing of trans service users in which they were understood predominantly as examples of a group with a protected characteristic, rather than recognised as individuals with specific needs. The consequence of this was loss of agency and denial of choice.

Conclusion

Trans people are at considerably elevated risk of homelessness, including entrenched and repeated homelessness. The Welsh homelessness system seeks to address this directly, through incorporating specific guidance aimed at preventing discrimination at legislative and policy level. An approach to service provision rooted in equalities legislation and with a focus on ‘inclusivity’ is important in defining and establishing a space where overt discrimination and harm can be challenged. It ‘*keeps open a discursive space in which to consider that people’s experience of inequality might have to do with more than their individual circumstances*’ (Gedalof, 2018, p. 32). Given the erosion of funding streams and spaces for those with protected characteristics following the Global Financial Crash, and particularly in the context of repeated dispute over the rights of trans people to equality of access to services, a commitment to anti-discrimination legislation for trans people can be understood as a political resistive act (Ahmed, 2012; Gedalof, 2018; Hines, 2020). And yet, as shown here, this commitment to equalities can also produce hubris. It can operate as a distancing mechanism, undermining institutional challenge and responsabilising those facing exclusion with performing the exhausting emotional labour of visibilising their needs.

This paper used a cishnormativity-attentive lens to explore the messy reality of equalities legislation enactment at the frontlines of welfare administration. Three system failures become evident. First, equalities legislation itself becomes of limited utility where deployed primarily as a strategy to reduce or avoid harm in interpersonal interactions. There was little evidence of system-level change aimed at offering a more inclusive environment. File management, bureaucratic systems and standard case protocols all failed to anticipate trans service users. While individual workers sometimes subverted these systems, this was on an *ad hoc*, reactive basis. Second, at both individual staff and system level, policy and practice often disproportionately disadvantages trans people. Combined with a lack of awareness of the potential ways in which trans people might be at risk of or from homelessness, this reinscribes the sense that trans people did not belong in the system. Third, focus on trans *identity* in interactions with the local authority reinforces the sense that trans applicants are both other/different, and homogeneous, producing disempowering responses to homelessness need.

Studies of trans people should produce meaningful suggestions to address injustice, rather than simply advance theoretical debate (Lombardi, 2018; Namaste, 2000). Considerable scope exists for services to improve within the remit of equality legislation itself. Addressing systemic issues such as informational gaps, specific training needs around domestic abuse, guidance to mediation services on addressing conflict between young trans people and their families, and a re-examination of appropriateness of hostel and private rented sector accommodation as pathways for trans applicants are evident concerns.

Yet this study also finds, echoing previous work, that the needs of trans people are hard to meet within an individualistic, conditionalized system where structural marginalisation is reframed as discrete ‘protected characteristics.’ A cisnormativity-attentive lens develops understanding of how normative assumptions and structural conventions exclude and marginalise trans people by demonstrating that system failure occurs even within – and indeed can be produced by – apparent discursive commitment to anti-discrimination. This is possible because opposing discrimination can operate, at least at surface level, absent deeper challenge to how systems operate to centre and uphold cisnormative values (Spade, 2015). These findings have broader implications for welfare services by demonstrating that even where services have taken some steps to reduce discrimination, trans people are still excluded. A commitment to avoiding doing harm to trans people, by preventing hate, fear and discrimination is not sufficient: rather inclusive services must consider the deep, structural factors which engender exclusion.

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Competing interests

The author(s) declare none.

Notes

- 1 There is debate about the inclusivity of the term ‘trans’. Some individuals whose gender identity does not match that assigned them at birth do not identify as trans: for instance, some (although not all) non binary, agender and metagender individuals. Because the recruitment literature for the two studies on which this paper is based specifically sought *trans* participants, rather than a more expansive definition, this paper should be understood as speaking to the experiences only of those who, at least at the point when the study was conducted, aligned themselves with the identity ‘trans’.
- 2 It is also recognized that the trans/cis binary can be considered simplistic and is also at risk of erasing non-binary identities. To avoid reinscribing erasure of non-trans identified, non-binary identities, the term cis has been used selectively in this paper to refer only to those whose gender aligns to that assigned them at birth. For a more detailed discussion see (Barker and Iantaffi, 2019; Hines, 2020)
- 3 To contextualise this, within the Welsh homelessness system, in the period 2018-19 45 per cent of applications were ‘positively discharged’, meaning that their homelessness was averted or resolved (Welsh Government, 2020)

References

- Abramovich, A. (2017), Understanding how policy and culture create oppressive conditions for LGBTQ2S youth in the shelter system. *Journal of Homosexuality*, 64(11), 1484–1501.
- Ahmed, S. (2007), The language of diversity. *Ethnic and Racial Studies*, 30(2), 235–256. <https://doi.org/10.1080/01419870601143927>
- Ahmed, S. (2009), Embodying diversity: Problems and paradoxes for Black feminists. *Race Ethnicity and Education*, 12(1), 41–52.
- Ahmed, S. (2012), *On being included: Racism and diversity in institutional life*. Duke University Press.
- Ansara, Y. G. and Berger, I. (2016), Cisgenderism. *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*, 1–3.
- Ansara, Y. G. and Hegarty, P. (2014), Methodologies of misgendering: Recommendations for reducing cisgenderism in psychological research. *Feminism & Psychology*, 24(2), 259–270.
- Bachman, C. L. and Gooch, B. (2018), *LGBT in Britain: Trans Report*. Stonewall.
- Barker, M.-J. and Iantaffi, A. (2019), *Life isn't binary*. Jessica Kingsley Publishers.
- Bauer, G. R., Hammond, R., Travers, R., Kaay, M., Hohenadel, K. M. and Boyce, M. (2009), “I don't think this is theoretical; this is our lives”: how erasure impacts health care for transgender people. *Journal of the Association of Nurses in AIDS Care*, 20(5), 348–361.
- Begun, S. and Kattari, S. K. (2016), Conforming for survival: Associations between transgender visual conformity/passing and homelessness experiences. *Journal of Gay & Lesbian Social Services*, 28(1), 54–66.
- Braun, V. and Clarke, V. (2014), What can “thematic analysis” offer health and wellbeing researchers? *International Journal of Qualitative Studies on Health and Well-Being*, 9. <https://doi.org/10.3402/qhw.v9.26152>
- Browne, K., Bakshi, L. and Lim, J. (2011), ‘It's Something You Just Have to Ignore’: Understanding and Addressing Contemporary Lesbian, Gay, Bisexual and Trans Safety Beyond Hate Crime Paradigms. *Journal of Social Policy*, 40(4), 739–756.
- Browne Gott, H., Mackie, P. K. and England, E. (2021), Housing rights, homelessness prevention and a paradox of bureaucracy? *Housing Studies*, 1–19.
- Coolhart, D. and Brown, M. T. (2017), The need for safe spaces: Exploring the experiences of homeless LGBTQ youth in shelters. *Children and Youth Services Review*, 82, 230–238.
- Crawley, R. (2006), Diversity and the marginalisation of black women's issues. *Policy Futures in Education*, 4(2), 172–184.
- Currah, P. and Mulqueen, T. (2011), Securitizing gender: Identity, biometrics, and transgender bodies at the airport. *Social Research*, 78(2), 557–582.
- D'Souza, R. (2018), *What's wrong with rights? Social movements, law and liberal imaginations*. Pluto Press.
- Doan, P. L. (2006), Violence Against Transgendered People. *Progressive*, 167, 29.
- Dobson, R. and McNeill, J. (2011), Homelessness and housing support services: Rationales and policies under new labour. *Social Policy and Society*, 10(4), 581–589.
- Dunne, P. (2020), Transgender rights in Europe: EU and Council of Europe movements towards gender identity equality. In *Research handbook on gender, sexuality and the law*. Edward Elgar Publishing.
- Ecker, J., Aubry, T. and Sylvestre, J. (2019), A review of the literature on LGBTQ adults who experience homelessness. *Journal of Homosexuality*, 66(3), 297–323.
- England, E. (2021), ‘This is how it works here’: the spatial deprioritisation of trans people within homelessness services in Wales. *Gender, Place & Culture*, 1–38.
- England, E. and Taylor, H. (2021), Housing as a Social Issue in Wales. In H. Gwylim and C. Williams (eds.), *Social Policy for Welfare Practice in Wales 3rd Edition*.
- Epstein, R. (2018), Space invaders: Queer and trans bodies in fertility clinics. *Sexualities*, 21(7), 1039–1058.
- Fairclough, N. (2005), Critical discourse analysis in transdisciplinary research. *A New Agenda in (Critical), Discourse Analysis*, 53–70.

- Fairclough, N. (2013), *Critical discourse analysis: The critical study of language*. Routledge.
- FEANSTA and the Fondation Abbé Pierre. (2019), *Fourth Overview of Housing Exclusion in Europe 2019*.
- Fitzpatrick, S., Pawson, H., Bramley, G., Wood, J., Watts, B., Stephens, M. and Blenkinsopp, J. (2019), *The homelessness monitor: England 2019*. London: Crisis.
- Gedalof, I. (2018), *Narratives of Difference in an Age of Austerity*. Springer.
- Hand, J., Davis, B. and Barker, C. (2015), The British Equality Act 2010 and the foundations of legal knowledge. *Commonwealth Law Bulletin*, 41(1), 3–28.
- Healy, G., Kirton, G. and Noon, M. (2011), Inequalities, intersectionality and equality and diversity initiatives. In G. Healy, G. Kirton, & M. Noon (eds.), *Equality, Inequalities and Diversity*. Basingstoke: Palgrave (pp. 1–17). Basingstoke: Palgrave Macmillan. https://doi.org/10.1007/978-1-137-28572-0_1
- Hines, S. (2020), Sex wars and (trans) gender panics: Identity and body politics in contemporary UK feminism. *The Sociological Review*, 68(4), 699–717. <https://doi.org/10.1177/0038026120934684>
- Johnson, A. H. (2015), Beyond inclusion: Thinking toward a transfeminist methodology. In *At the center: Feminism, social science and knowledge*. Emerald Group Publishing Limited.
- Kapusta, S. (2016), Misgendering and its moral contestability. *Hypatia*, 31(3), 502–519.
- Lombardi, E. (2018), Trans: Issues in Sociology. In D. L. R. Compton, T. Meadow and K. Schilt (eds.), *Other, Please Specify: Queer Methods in Sociology* (pp. 67–79), University of California Press.
- Mackie, P. (2014), 1. The Welsh Homelessness Legislation Review: Delivering Universal Access to Appropriate Assistance? *Contemporary Wales*, 27(1), 1–20.
- Mackie, P. (2015), Homelessness prevention and the Welsh legal duty: Lessons for international policies. *Housing Studies*, 30(1), 40–59.
- Mackie, P., Thomas, I. and Bibbings, J. (2017), Homelessness prevention: Reflecting on a year of pioneering Welsh legislation in practice. *European Journal of Homelessness*, 11(1), 81–107.
- Mananzala, R. and Spade, D. (2008), The nonprofit industrial complex and trans resistance. *Sexuality Research & Social Policy*, 5(1), 53.
- Mayock, P., Bretherton, J. and Baptista, I. (2016), Women’s homelessness and domestic violence:(In) visible interactions. In P. Mayock and J. Bretherton (eds.), *Women’s homelessness in Europe* (pp. 127–154), Springer.
- McCall, V., Hoyle, L., Gunasinghe, S. and O’CONNOR, S. (2021), A new era of social policy integration? Looking at the case of health, social care and housing. *Journal of Social Policy*, 50(4), 809–827.
- McNeil, J., Bailey, L., Ellis, S., Morton, J. and Regan, M. (2012), Trans mental health study 2012. *Scottish Transgender Alliance*. Available at: http://www.scottishtrans.org/Wp-Content/Uploads/2013/03/Trans_mh_study.Pdf [Accessed: 14 July 2016].
- Mottet, L. and Ohle, J. (2006), Transitioning our shelters: Making homeless shelters safe for transgender people. *Journal of Poverty*, 10(2), 77–101.
- Namaste, V. (1996), Genderbashing: Sexuality, gender, and the regulation of public space. *Environment and Planning D: Society and Space*, 14(2), 221–240.
- Namaste, V. (2000), *Invisible lives: The erasure of transsexual and transgendered people*. University of Chicago Press.
- Pain, R. (2021), “One of the Lasses”: *Trans Inclusion and Safety in Abuse Services*.
- Pearce, R., Erikainen, S. and Vincent, B. (2020), TERF wars: An introduction. *The Sociological Review*, 68(4), 677–698.
- Pollitt, A. M., Ioverno, S., Russell, S. T., Li, G. and Grossman, A. H. (2021), Predictors and mental health benefits of chosen name use among transgender youth. *Youth & Society*, 53, 2, 320–341.
- Powell, R. (2015), Housing benefit reform and the private rented sector in the UK: On the deleterious effects of short-term, ideological “Knowledge.” *Housing, Theory and Society*, 32(3), 320–345.

- Pyne, J. (2011), Unsuitable bodies: Trans people and cisnormativity in shelter services. *Canadian Social Work Review/Revue Canadienne de Service Social*, 28(1), 129–137.
- Reeves, A. and Loopstra, R. (2021), The Continuing Effects of Welfare Reform on Food Bank Use in the UK: The Roll-out of Universal Credit. *Journal of Social Policy*, 50(4), 788–808. <https://doi.org/DOI:10.1017/S0047279420000513>
- Seelman, K. L. (2015), Unequal treatment of transgender individuals in domestic violence and rape crisis programs. *Journal of Social Service Research*, 41(3), 307–325.
- Serano, J. (2016), *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity*. Hachette UK.
- Siegel, S. N. (2020), Rainbows and crosses: Noncompliance with EU law prohibiting sexual orientation discrimination. *Journal of European Social Policy*, 30(2), 241–258.
- Spade, D. (2013), Mutilating gender. In S. Stryker and S. Whittle (eds.), *The transgender studies reader* (pp. 331–348), Routledge: New York.
- Spade, D. (2015), *Normal life: Administrative violence, critical trans politics, and the limits of law*. Duke University Press.
- Spicer, S. S., Schwartz, A. and Barber, M. E. (2010), Special issue on homelessness and the transgender homeless population. *Journal of Gay & Lesbian Mental Health*, 14(4), 267–270.
- Sweet, P. L. (2019), The paradox of legibility: domestic violence and institutional survivorhood. *Social Problems*, 66(3), 411–427.
- Tee, N. and Hegarty, P. (2006), Predicting opposition to the civil rights of trans persons in the United Kingdom. *Journal of Community & Applied Social Psychology*, 16(1), 70–80.
- Valentine, S. E., Peitzmeier, S. M., King, D. S., O’Cleirigh, C., Marquez, S. M., Presley, C. and Potter, J. (2017), Disparities in exposure to intimate partner violence among transgender/gender nonconforming and sexual minority primary care patients. *LGBT Health*, 4(4), 260–267.
- Vincent, B. W. (2018), Studying trans: recommendations for ethical recruitment and collaboration with transgender participants in academic research. *Psychology & Sexuality*, 9(2), 102–116.
- Welsh Government. (2020), *Households for which assistance has been provided by outcome and household type (2015-16 Annual, 2016-17 Annual, 2017-18 Annual, 2019-20 Annual)*.
- Westbrook, L. and Silt, K. (2014), Doing gender, determining gender: Transgender people, gender panics, and the maintenance of the sex/gender/sexuality system. *Gender & Society*, 28(1), 32–57.
- Whittle, S. and Simkiss, F. (2020), A perfect storm: the UK governments failed consultation on the Gender Recognition Act 2004. In *Research Handbook on Gender, Sexuality and the Law*. Edward Elgar Publishing.
- Willse, C. (2015), *The value of homelessness: Managing surplus life in the United States*. U of Minnesota Press.
- Wodak, R. and Meyer, M. (2015), *Methods of critical discourse studies*. Sage.
- Worthen, M. G. F. (2016), Hetero-cis-normativity and the gendering of transphobia. *International Journal of Transgenderism*, 17(1), 31–57.