

Institution: University of Kent		
Unit of Assessment: 18: Law		
Title of case study: Enhancing and Enabling Housing Rights		
Period when the underpinning research was undertaken: 2008–2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Helen Carr Edward Kirton-Darling	Professor Lecturer	2006–present 2015–present
Period when the claimed impact occurred: 2013-2020		
Is this case study continued from a case study submitted in 2014? No		
1. Summary of the impact		
<p>Helen Carr and Edward Kirton-Darling's research has significantly impacted on housing law, regulation, policy, and practice, enhancing provision and safety for residential tenants, tower block residents, and homeless veterans in England and Wales. It has influenced the activities of MPs, Local Authorities, the Greater London Authority (GLA), NGOs, charities (Shelter, Tower Blocks UK, mySociety, and the Royal British Legion (RBL)), the London Veterans Advisory and Pensions Committee (VAPC), and tower block and high-rise residential building (HRRB) residents. Their research has generated the following impact:</p> <ol style="list-style-type: none"> 1. Legislative reform, through the Homes (Fitness for Human Habitation) Act 2018, ensuring landlords provide and maintain residential rented accommodation in a state of fitness for human habitation, impacting upon all tenants in England; 2. Enabling tower block and HRRB residents to challenge and remedy unsafe housing conditions through the development and population of two novel mechanisms: the Tower Blocks UK Fire Safety Checklist and 'FixMyBlock' online toolkit; 3. On UK Government, local authority, and the RBL's policy and practice, prompting change to facilitate homeless veterans accessing their right to priority housing and leading to the appointment of the first Armed Forces Champion for London. 		
2. Underpinning research		
<p>Housing provision in England is in a state of crisis. In September 2019, the National Housing Federation estimated that 8.4 million people in England were living in an unaffordable, insecure, or unsuitable home, and that 400,000 individuals are homeless or at risk of homelessness. Carr and Kirton-Darling's research (partly in collaboration with Hunter, Cowan, and Burtonshaw-Gunn) argues that this crisis has disproportionately impacted upon those who are marginal to housing provision, including families, tenants, tower block residents, vulnerable adults, and the homeless [R1, R3-R6]. Their research provides an evidence base illustrating the extent to which unaffordability and scarcity, extremely poor conditions, and minimal security, particularly at the lower end of the private rented sector, are causing stress, physical and mental illness, and even death, while legal guarantees of basic standards are difficult for individuals to exercise. They have applied these underlying principles to two key areas of housing practice and policy.</p>		
<p>Health and safety at home: Following the Grenfell fire, Carr and Kirton-Darling (with Cowan and Burtonshaw-Gunn) were commissioned by Shelter, the UK's leading housing and homelessness charity, to conduct a review of the gaps in the law that allowed the tragedy to happen [R1]. Drawing on original survey data from 947 housing professionals, landlords, and occupiers, they demonstrated how the current limitations in the law frustrated tenants who sought to take action to improve their housing conditions. It concluded that the law was piecemeal, outdated, and complex, dependent on tenure, and patchily enforced. It called for:</p> <ol style="list-style-type: none"> a) Wide-ranging legal reform to (i) require residential rented accommodation to be provided and maintained in a state of fitness for human habitation; and (ii) provide a right of legal action for tenants against landlords who fail to do this; b) Mechanisms and cultural change that ensure that those responsible for the health and safety of occupiers are proactive in fulfilling those responsibilities (see also R3). 		

Homeless veterans: Local Authorities (LA) have specific statutory duties in relation to homeless veterans, but the law in this area is extremely technical [R4]. The VAPCs, established by the Ministry of Defence in 1919, advise the Government on matters relating to veterans. In 2016, the London VAPC, aware that informational and practical barriers, as well as the complexity of the law, were preventing veterans from taking advantage of their statutory rights, commissioned Kirton-Darling (who had spoken at a VAPC committee meeting in November 2014) and Carr to review the law and practice relating to LA assistance for homelessness veterans in London [R2]. Two key insights emerged from their research: (i) across the majority of boroughs (24/33), LA duties toward homeless veterans were un/under-acknowledged and poorly explained; and (ii) no borough provided veterans with adequate information or advice that homeless veterans could use to establish their status and specific vulnerability. Their report made three key recommendations directed at the UK Government, the GLA and LAs:

1. Revision and improvement of guidance by the Government;
2. Appointment and/or public announcement of the LA and London Armed Forces Champions;
3. Review and improvement of LA online information and policies to ensure they are fit for purpose.

3. References to the research

[R1] H. Carr, D. Cowan, E. Kirton-Darling, and E. Burtonshaw-Gunn, *Closing the Gaps: Health and Safety at Home* (2017), 23,000 words; commissioned and funded by Shelter following a competitive bid.

https://england.shelter.org.uk/_data/assets/pdf_file/0010/1457551/2017_11_14_Closing_the_Gaps_-_Health_and_Safety_at_Home.pdf

[R2] E. Kirton-Darling and H. Carr, *Homeless Veterans in London: Investigating Housing Responsibilities: Research Findings* (2016), 32,500 words; commissioned by the London VAPC following a specific request for advice based on knowledge of the authors' work & expertise:

<https://kar.kent.ac.uk/69057/>

[R3] E. Kirton-Darling (2018), 'Safe and Sound: precariousness, compartmentation and death at home', in H. Carr et al. (eds), *Law and the Precarious Home: Socio-Legal Perspectives on the Home in Insecure Times* (Hart): <https://kar.kent.ac.uk/65099/>

[R4] H. Carr and C. Hunter (2008), 'Managing vulnerability: homelessness law and the interplay of the social, the political and the technical', *Journal of Social Welfare and Family Law* 30(4): 293-307. Peer-reviewed journal: <https://kar.kent.ac.uk/17351/>

[R5] H. Carr and R. Alcock (2020), 'Understanding the (re)regulation of private renting in England: Karl Polanyi, the rogue landlord, the responsible tenant and the decent home', in T. T. Arvind and J. Steele (eds), *Contract Law and the Legislature: Autonomy, Expectations, and the Making of Legal Doctrine* (Hart): <https://kar.kent.ac.uk/76448/>

[R6]: H. Carr (2013), 'Housing the Vulnerable Subject: The English Context', in M. Fineman and A. Grear (eds), *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics* (Ashgate): <https://kar.kent.ac.uk/36304/>

4. Details of the Impact

The reach and significance of the impact of Carr and Kirton-Darling's research lies in its direct influence on national and local government, NGOs, and charities, securing legislative, policy, and practice change that significantly improves and increases access to housing rights for over two million marginalised occupiers (residential tenants and tower-block residents) and homeless veterans in England.

1. Informing legislative change to ensure fitness of residential accommodation for private and social tenants in England

According to Shelter, over two million private and social tenants in the UK live in homes that have category 1 hazards; that is, the homes pose a serious and immediate risk to occupiers' health and safety. Since 1980, deregulation has been the norm in housing provision. In 2015, Karen Buck MP's Homes (Fitness for Human Habitation) Bill 2015-16, aimed at ensuring residential rented

accommodation is provided and maintained in a state of fitness for human habitation, failed to pass after it was opposed by the (then) Housing Minister, Brandon Lewis MP, for imposing 'unnecessary regulation' on landlords.

In July 2017, Buck MP reintroduced her bill. **R1** provided parliamentarians and lobbyists with an evidence base from which to argue for legal reform. Shelter state it 'informed [Shelter's] decision' to prioritise the campaign, broadening its scope and giving 'additional, independent [...] weight' to their recommendations and 'helped inform the government's thinking' **[a]**.

'The government was originally sceptical [...] and it was by no means certain that they would support [the Bill]. [...] We know that the report was well received by senior officials, who commented that it made a valuable contribution to the debate [...] including [by] the director at MHCLG [Ministry of Housing, Communities, and Local Government] waving the report while proclaiming "I love stuff like this" **[a]**.

During the Bill's second reading, **R1** was referred to by Buck MP **[b]**. Buck states that **R1** provided 'a very timely and valuable contribution to the debate [...]. As I was preparing for the critical Second Reading stage and lobbying for government support, having such a comprehensive and rigorous report could not have been more useful' **[c]**. The report was heavily cited in three House of Commons Library Briefing Papers **[d]**, in Shelter's oral and written submission to Communities and Local Government Select Committee inquiry into the role of local authorities in the private rented sector **[a]**, directly linked to from the Parliament, Shelter and British Landlord Association websites, and widely discussed in the national and local press **[e]**.

In January 2018, Sajid Javid, then Secretary of State for Housing, confirmed the Government's U-turn and support for the Bill. In August 2018, the report was directly referred to in a Parliament UK news release **[f]**. In March 2019, the Homes (Fitness for Human Habitation) Act 2018 came into force, giving social and private tenants in England (who make up approximately 37% of all households) new rights that their rented accommodation be provided and maintained in a state of fitness for human habitation and a legal action where this is not the case (as argued for in **R1**). This was followed, in April 2019, by Government guidance for tenants explaining their rights and how to represent themselves in court, as recommended in **R1**.

2. Empowering tower block and high-rise residential building (HRRB) residents to access and enforce their rights

Carr and Kirton-Darling's research calls for mechanisms and cultural change that ensure that those responsible for the health and safety of tower block and HRRB occupiers are proactive in fulfilling those responsibilities **[R1, R3, R5]**. It has been used by two NGOs – Tower Blocks UK (a community group that has campaigned for safety in tower blocks and HRRB since the late 1960s) and mySociety (an international not-for-profit social enterprise) – to develop and populate two novel mechanisms: the Tower Blocks UK Fire Safety Checklist **[g]** and the 'FixMyBlock' online toolkit, aimed at empowering occupier/social tenants to hold landlords and others to account.

Tower Blocks UK state that Carr and Kirton-Darling's research was 'fundamental' to the development of their fire safety checklist: 'the checklist has reached hundreds of tenants and residents and continues to play a role in highlighting fire safety failings in tower blocks across the UK, whilst empowering residents to take action' **[h]**.

This easily accessible, user-oriented tool provides residents with accurate information as to their legal rights (as recommended in **R1**), enabling them to identify fire risks, and, vitally, the evidence and authority to raise these with building owners and managers. The checklist was launched at Parliament on 18 June 2019 (chaired by Buck MP and Emma Dent Coad MP). Over 90 politicians, housing providers, residents, and fire safety experts attended. The checklist is freely available on the Tower Blocks UK website, and was accessed over 860 times in its first year. It has been widely circulated on social and radio media, on community and industry websites (e.g. Grenfell Enquirer, Inside Housing Magazine), and through tenants' organisations (e.g. Southwark Group of Tenants

Organisation and London Tenants Federation) and the Law Centres network. It has had a real-life impact on hundreds of tenants – including ‘GH’ from a London borough, who successfully used the checklist to identify a fire safety deficiency in his tower block flat [h].

The checklist provided the inspiration and basis for FixMyBlock, an online toolkit, developed by Tower Blocks UK and mySociety, which provides social housing tenants with legal primers, case studies, action guides, and template letters to be sent to landlords or other authorities. Since its launch in August 2020, the site has had over 10,000 visits (as of October 2020; [h]). Drawing on R1 and R5, Carr and Kirton-Darling conducted the initial scoping exercise [i], and contributed directly to the discovery and early design stages of the project providing ‘invaluable input’, ‘shap[ing] much of the content, [and] provid[ing] specific fact checking and advice for many of our pages on housing issues and routes of redress’ [j]. This led directly to the decision to move from a legal ‘reporting’ to ‘education’ functionality [i]. Tower Blocks UK confirm that Carr and Kirton-Darling’s work was ‘key to helping the team behind FixMyBlock understand the legal complexities related to the repairs process and vital in shifting the idea away from providing basic legal pathway advice – which could be detrimental to tenants who need advice specific to their problems’ [h].

3. Improving Government, Local Authority and charity policies and practices supporting the housing of homeless veterans

At its launch in December 2016, Lynn Verity, chairman of the London VAPC, described Kirton-Darling and Carr’s report, *Homeless Veterans in London* [R2], as ‘extremely valuable independent academic research’ [k]. Paul Claburn, on behalf of the London VPAC, states that R2 has ‘helped to influence changes in guidance, policies and processes relating to housing provision for Veterans. It did so directly at local level and also formed an important part of the debate leading to change at national level’ [l].

Changes to UK Government Guidance

Research suggests that housing need is one of the major issues facing ex-service personnel and homelessness amongst veterans is a matter of longstanding public concern. R2 recommends that the Government should revise the Code of Guidance for homelessness (which had not been updated since 2006), making specific provision for veterans. In February 2018, a new Homelessness Code of Guidance was published by the Ministry of Housing, Communities and Local Government, including, for the first time, a specific chapter on veterans. R2 also recommended that all applicants for housing should be asked if they have a Service history and that this should be recorded. The RBL repeated this recommendation in its guidance for local authorities published in 2019 (R2 is referenced in the RBL report). New statutory guidance was published by the Government in June 2020. This is the first piece of stand-alone guidance to accessing social housing for veterans. It cites the RBL guidance, and recommends that all local authorities improve their processes for identifying veterans seeking housing support [m].

Introduction of ‘Armed Forces Champions’

R2 recommends that all local authorities and the Mayor of London should appoint an ‘Armed Forces Champion’ (an idea promoted by David Cameron when Prime Minister). By 2016, just one had been publicly announced by a London council. In July 2017, the London Mayor was asked, with specific reference to R2, about his plans to appoint an Armed Forces Champion [n]. In July 2019, following a workshop led by Kirton-Darling and Carr, attended by 13 local authorities, Labour and Conservative members of the GLA, charities (including the RBL, Veterans Aid, Blesma, COBSEO, and Stoll), military organisations (VAPC, MoD, the RAF), Len Duvall was appointed the ‘Pan London Armed Forces Champion’. In their press release, the VAPC noted that ‘The need for London to appoint an armed forces champion was highlighted in a 2016 University of Kent report [R2] [o]. The RBL confirm that Kirton-Darling and Carr’s ‘research and report was an authoritative, credible, and clear piece of evidence which was crucial to making the case for this change to be implemented’ [p]. As of October 2020, 20 London councils have publicly named an Armed Forces Champion.

London Local Authorities

As of October 2020, all 33 London boroughs have implemented one or more of the recommendations in **R2**. By way of example, in 2016, just 9 of 33 London boroughs made explicit reference to their duty towards veterans. In October 2020, 20 of 33 councils either had a specific page for veterans or specifically stated that they could be in priority need. In 2016, no council website provided information on what documents/evidence might be considered or might be helpful for an applicant to establish they are a veteran and are vulnerable as a result of their service. In 2020, 10 councils include these details on their websites. In 2020, 19 councils referred applicants to veteran specific support, up from 1 in 2016. Bruce Holborn from the RBL states that Kirton-Darling and Carr's research has resulted in 'tangible improvements to the support offered to veterans in London [that] [...] can be attributed to the high quality research and meaningful recommendations to arise out of the work of the VAPC and Kent Law School' **[p]**.

5. Sources to corroborate the impact (indicative maximum of 10 references)

[a] Email Testimony from Shelter, 12 March 2018, and submission to the Communities and Local Government Select Committee inquiry into the role of local authorities in the private rented sector (2018): **R1** cited on pp. 4, 6, and 15.

[b] Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill, HC Deb, 19 January 2018 (Second Reading), referring to **R1** and Shelter campaign at col. 1175. See pdf for annotation.

[c] Testimony from Member of Parliament, August 2018, pdf.

[d] House of Commons library briefing papers; CBP-7328, annotated with reference to **R1** on pp. 23, 24, 26, 31; CBP-8135, pp. 5, 16, 17, 18, 19, 20, 26, 28, 31, 32; CBP01917, pp. 13, pdf.

[e] Media Reports. See e.g. 'Grenfell Tower first: Britain's housing laws "inadequate" and "outdated", finds Shelter report', *The Independent*, 14 November 2017; 'Housing law "inadequate", new research prompted by Grenfell disaster shows'. ITV Report, 14 November 2018; 'Housing law deemed "inadequate" in research prompted by Grenfell Tower blaze', Press Association release, 14 November 2017, pdf.

[f] Parliament UK news release, (Fitness for Human Habitation) Bill 2017-19, 1 August 2018, pdf.

[g] Tower Blocks UK Fire Safety Checklist and website, pdf.

[h] Emails from Tower Blocks UK, 30 July 2020 and 20 October 2020, pdf.

[i] mySociety, FixMyBlock: Alpha report (September 2019), pp. 8, 30; mySociety, FixMyBlock Discovery report (June 2019), p. 5, pdf.

[j] Email from TowerBlocks UK on behalf of mySociety, 18 August 2020, and acknowledgment on website, pdf.

[k] 'Independent report says the capital's local authorities could do more to help homeless veterans', UK Government News, 21 December 2016, pdf.

[l] Testimony on behalf of the London VAPC, 25 October 2020, pdf.

[m] Ministry of Housing, Communities and Local Government, Statutory guidance: Improving access to social housing for members of the Armed Forces, 27 June 2020 [38-43], referencing Royal British Legion, *Supporting the Armed Forces Community with Housing in England: A Best Practice Guide*, p. 13, pdf.

[n] Shaun Bailey, Mayor's Question Time, 'Armed Forces Champion' 13 July 2017, pdf.

[o] Armed Forces champion for London announced as updated Veterans' housing report published, Gov. UK. 16 July 2019, pdf.

[p] Email and letter from Royal British Legion, 28 August 2020 and 23 October 2020, pdf.