

## **Achieving equality in progressive contexts: queer(y)ing public administration**

### **Abstract**

In many countries, including the UK, the majority of legal impediments to equality for LGBT+ people have been removed, and legislation actively promotes equality for LGBT+ people. While a great deal of research and activism through public administration remains, rightly, focused on achieving political and legal equality in states where this is the case, we suggest that in progressive contexts research and scholarship now needs to move to “queering” everyday public administration. Through an empirical study of housing and homelessness services in Scotland, UK, we show that the insights of queer theory, used to unpack the everyday ways in which administrative processes (re)create compulsory heterosexuality, as well as the continued direct and indirect discrimination LGBT+ service users may face, can open-up a new research agenda for public administration where queer theory can be applied more widely.

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## Introduction

In many countries, great strides have been made in the last two decades in advancing the rights of LGBT+ people.<sup>1</sup> In the UK, this has been a slow process of legal change (Kollman & Waites, 2011; Tatchell, 2017), with marriage being made available to all in England, Wales and Scotland from 2015. In many states law that explicitly discriminated against non-heterosexuals has been removed (Wilson, 2014). Across the EU the Employment Equality Framework Directive (EED) mandates member states to eliminate discrimination in employment against people because of their sexual identity (Siegel, 2019). Laws progressing the rights of gender diverse people are also being advanced. In the UK, sexual orientation and gender reassignment<sup>2</sup> are

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<sup>1</sup> We have chosen this acronym as it is widely accepted among individuals with non-normative sexual and gender identities in Scotland. It identifies lesbian, gay, bisexual, transgender and other people (non-binary, or queer, for example). The shorter acronym LGB is used to be specific when this subset of the population is being described.

<sup>2</sup> These are two of nine “protected characteristics”: sex; race; disability; age; religion and belief; sexual orientation; gender reassignment\*; pregnancy and maternity; marriage and civil partnership.

\* the Act was developed before activism by transgender people was at the forefront of public discourse, therefore the Act uses

two 'protected characteristics' in the Equality Act 2010. This reflexive legislation (Hepple, 2011) does not just make direct and indirect discrimination against these groups illegal, it also places greater duties on public services to: eliminate direct and indirect discrimination and harassment; advance equality of opportunity between people who share protected characteristics; and to foster good relations (Equality and Human Rights Commission, 2017). The Equality Act 2010, and similar legislation, *should* therefore make the lives of LGBT+ people better through everyday public administration.

In contexts where discrimination against people because of their sexual and gender identity is still legal, research rightly focuses on the impacts of resulting discrimination and the ways in which administrators might subvert legal structures to progressive ends. In contrast, in this paper, we suggest that in progressive contexts such as the UK, we now need to look at wider

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this terminology which has now been succeeded by the more general term of gender identity and it does not offer protection to non-binary people, or those who have not yet begun gender transition.

service delivery and public administration and how it might continue to exacerbate discrimination in the everyday practices of service delivery. It could be assumed that many services are “universal” in nature and offered as part of social citizenship (Gregory, 2018). However, as the insights from People of Colour have demonstrated, even universal services can be subject to biases in the subtle ways in which racial and ethnic discrimination plays-out in interactions between service users and providers (see, for example: Adman & Jansson, 2017). Similarly, feminist theory has provided insights into the way patriarchal authority is sustained through the mundane structures of universal services (Lister, 2006). Thus we argue that, the insights of queer theory can usefully explain why an implementation gap persists in advancing LGBT+ equality by unpacking how a heteronormative status quo is recreated in everyday service delivery.

The paper will first of all outline the scholarship on LGBT+ issues from political science and public administration, highlighting the focus on activism to achieve basic legal equality. The paper then outlines

queer theory, highlighting its breadth and wider applicability to issues beyond the experiences of LGBT+ identifying people. However, we argue that in public administration research, queer theory has particular utility in helping us unpack how compulsory heterosexuality is normalised in service delivery to the point of it becoming “everyday homophobia”. The empirical body of the paper presents evidence of the persistent problems of discrimination against LGBT+ people in the United Kingdom, and how such discrimination manifests itself in one service area in Scotland – housing and homelessness services. Our theoretical framing allows us to demonstrate how heterosexuality is (re)created and enforced as the norm through public administration. More problematically, we also show how this leads to homophobic and transphobic abuse being ignored, or handled poorly, and how this is entangled in issues of the presumed heterosexuality of service users. We conclude by suggesting that “queery-ing” public administration in progressive contexts is especially useful in helping us understand the experience of LGBT+ people and their

interactions with public services. We also suggest that queer theory might have broader utility for public administration research for the ways in which it challenges taken-for-granted categories and sensitises us to the ways in which everyday practices reinforce norms.

### **LGBT+ lives and public administration**

To date, much of the work in political science and public administration on LGBT+ issues has rightly focused on issues of basic legal rights and the fight to remove legislation that criminalises homosexuality, such as prohibitions on sex between men. An analysis of journal articles and books by Tadlock and Taylor (2017) showed that political science output closely tracked public debates, and particularly debates about legislative change – so half of the papers they found were published after 2007, with a peak of papers after the 2004 US presidential election coinciding with debates about equal marriage. In states where the basic rights of LGBT+ people are not guaranteed, or in federal states like the United States, where issues of

basic rights are devolved to the sub-national level, scholarship is still working alongside activists to achieve basic equality before the law (Tadlock & Taylor, 2017; Taylor, 2007). The analysis of Tadlock and Taylor showed a more even output of papers about LGBT+ issues in Europe. Arguably, this reflects a different rate of progress in achieving LGBT+ equality in Europe (Siegel, 2019; Wilson, 2014). As such, within non-progressive legal contexts, research focuses on the achievements or barriers to effective activism leading to representation or legislative change (see: Brettschneider, Burgess, & Keating, 2017 for a recent collection of such research); or on understanding mimetic change between organisations or states (Daspit & Zavattaro, 2013; Paternotte & Kollman, 2013)

When we consider research that is not on issues of public opinion or legal rights and equality, this often focuses on staff inclusion and specialist services (see, for example: Colgan, Wright, Creegan, & McKearney, 2009; Richardson & Monro, 2013). In terms of service provision and administration, a substantial literature relates to the specific needs of the gay and bisexual



male population in particular: specialist health and care services for men with HIV/AIDS, and public health interventions among men-who-have-sex-with-men. Queer perspectives on this body of research have suggested the way it problematises and stereotypes certain men and their behaviour is problematic (Lee, Learmonth, & Harding, 2008). There is also a body of research on services for older LGBT+ people, responding to the recognised problem of lesbian, gay and bisexual people having to go back-into the closet when they reach old age and require care services in their home, or in a care home situation (Westwood, 2016). There is also research on the specific problems LGBT+ people may face, such as homelessness, for example in the context of the minimal state provision in North America (Ecker, 2016), and the extensive literature on the victimisation of LGBT+ people (Namaste, 1996), and in-turn the victimisation of people by law enforcement services, especially when sexual or gender identity intersects with race or ethnicity (Johnson, Rivera, & Lopez, 2018).

The literature is sparser when it comes to more mundane, frontline services such as advice and support in housing, or accessing welfare benefits, with limited research on the implementation of legal duties towards sexual minorities in UK local government (Monro, 2010; Monro & Richardson, 2014). In the context of states, such as the UK, with an expansive and progressive framework for equality and human rights (hereafter we will use the UK-term equalities and diversity), we would argue that the policy analysis question that now emerges is understanding the 'gap between a symbolic commitment and a lived reality' (Sara Ahmed, 2017, p. 61). This is pertinent when we consider that it is in bureaucratic discretion and changes to administration that progressive change can be advanced (Flanigan, 2013). Therefore, a specific focus on how public administration and the everyday actions of street-level bureaucrats and their processes can help or hinder the progress of equality, is required.

### **Queer theory and everyday heteronormativity**

Incorporating the insights of queer theory into public administration can make us more aware of how mundane processes enforce heterosexuality, and help us understand why direct discrimination or harassment of LGBT+ people persists. In doing so, we draw on the example of the impact of feminism on policy studies. As a theoretical project, feminism shares the aims of queer theory in aiming to disrupt hetero-patriarchy (Jackson, 2007). Feminist perspectives on policy scholarship have mainly highlighted the lack of feminist insights (Bearfield, 2009). This was a point starkly made in Hawkesworth's plenary address to the 2009 International Interpretive Policy Analysis (an academic community where one would have expected such scholarship to flourish) which highlighted that 15 years after she first raised the issue, public policy research still had not embraced feminist theory (Hawkesworth, 1994, 2009). In public administration, Stivers argued for the utility of feminist theory in understanding public administration almost 30 years ago (Stivers, 1991). This lack of engagement with feminism is also reflected more broadly in political science (Smith & Lee, 2014).

Despite this, gender has become a focus of policy studies in public administration and social policy because of the inroads from the broader women's movement advocating for a gendered policy programme: better maternity rights; free or low-cost, high-quality childcare; support for lone parents; the removal of legal barriers to advancement in the workplace, to name but a few. However, recently Dickinson et.al. (2019) have highlighted the possible utility of feminist theory in improving our understandings of implementation, moving beyond using feminist theory solely to understand issues of gender.

As with feminist theory, we would suggest that queer theory is both useful for understanding the experiences of LGBT+ people and administrative encounters, and that it might have broader application. Queer scholarship is, by its very nature, a broad field and "queer theory is less a formal theory with falsifiable propositions than a somewhat loosely bound, critical standpoint" (Green, 2002, p. 524). It does not offer a specific framework for analysis, but rather with roots in post-structuralism, it seeks to deconstruct norms in a

heteronormative society. For example, in her work on gender, Butler brings in a queer perspective to trouble the taken-for-granted gender binary and emphasise the performativity of gender roles (Butler, 1990). Used in this way, as with some applications of feminist theory, queer theory, or “queer” becomes a verb (McClure, 1992) something that is done rather than is. This has led some to question whether “queer” is an identity in that the application of queer as a verb inherently seeks to disrupt and unsettle such identities (Browne, 2006).

. Applied to understand the lived experience of LGBT+ people, and public administration, queer theory is useful because of the ways in which it challenges heteronormativity. By heteronormativity, we mean a ‘concept [that] has become widely used as shorthand for the numerous ways in which heterosexual privilege is woven into the fabric of social life, pervasively and insidiously ordering everyday existence’ (Jackson, 2006, p. 108). By revealing such heteronormativity, the application of queer theory then seeks to disrupt it, or queer it (Browne, 2006).

In using a definition of heteronormativity such as Jackson's and immediately beginning to "queer" public administration in practice we can unpack the everyday interactions in which heterosexuality is reproduced as a norm. This takes our analysis further than existing frameworks for understanding public administration. For example, in the literature on street-level bureaucrats, Lipsky (1980) used numerous examples from human services. A queer perspective opens-up questions about how bureaucrats are actively making the heterosexual family as a presumed norm in their mundane interactions with service users as part of the street-level creation of policy, which we will return to in our analysis of our data below.

Importantly, queer theory, unlike research in lesbian and gay studies does not seek to aim for inclusion of LGBT+ people ("fitting-in" (Warner, 2004, p. 325)), but rather seeks to explain how people are made to not "fit-in" and queer the practices and presumptions of inclusion. Our attention is thus shifted to the discomfort that occurs when queer lives bump into the assumptions of a heteronormative world. For example,

in using queer theory to analysis the UK Government LGBT Action Plan, Lawrence and Taylor (2019, online) highlight how it advanced a particular homonormative conception of LGBT+ lives to fit-in with heterosexual expectations. The application of queer theory by Ahmed (2013), to understand the experience of people with non-normative identities (black, female, disabled, LGBT+) in normative organisations is also useful here. By focusing on incidents when people have to make complaints against such organisations, Ahmed (2017) highlights the “work” that people have to do to present themselves against such normative assumptions, asserting their difference and then often having their complaint dismissed because of their difference.

In a context of queer activists having to focus on achieving basic rights, research on how everyday institutions normalise othering and oppression may seem a luxury one can ill-afford. However, we argue that a queery-ing of everyday service interactions can reveal new insights that can help advance equality. Because of its roots in activist movements, queer theory is particularly applicable to understanding the

experiences of LGBT+ people and that is how it is used here.

### **LGBT+ lives, discrimination and housing services**

Having outlined the key tenets of queer theory and how we believe it can be used to help explore the experiences of LGBT+ people in administrative encounters, in this section we describe further the context for this research, namely the broader social experience of LGBT+ people in the UK and Scotland, and the legal context on LGBT+ rights and why housing and homelessness services makes a good case study to use queer theory to reveal heteronormativity in administrative processes.

In the introduction to this paper, we noted the massive legal progress made in the UK for people who identify as LGBT+. However, as we note here, broader social progress has not been universal. The most recent British Social Attitudes Survey in 2016 showed a continued increase in the proportion of people who thought same-sex relationships were not wrong at all to 64 per cent, from 47 per cent in 2012 (Swales & Taylor,



2017). This has led some to suggest we are “post-gay” (for a summary of this literature, see: Bech, 2007; Ghaziani, 2014). It cannot be denied that great progress has been made, however there is evidence that LGBT+ people still experience discrimination, or the lasting effects of past discrimination. Many surveys in the UK now routinely ask a sexual identity question giving us better data on the 1.7 per cent of the population who define themselves as lesbian, gay or bisexual (LGB) and the 3 per cent who are non-heterosexual (Office for National Statistics, 2017; Scottish Government, 2017b). These data show a complex picture of ongoing negative impacts on the lives of non-heterosexuals. For example, in the UK LGB people score lower on the main wellbeing indicators, with higher levels of anxiety, and lower levels of life satisfaction than the heterosexual population (Office for National Statistics, 2017; Powdthavee & Wooden, 2015). Scottish data does suggest some greater disadvantage, for example, although a greater proportion of the non-heterosexual population in Scotland is in professional or managerial occupations,

and were more likely to be degree-educated (35 per cent, compared to 30 per cent of heterosexuals), non-heterosexuals were more likely to be unemployed (eight per cent, compared to three per cent of heterosexuals) (Scottish Government, 2017b). As discussed below, they are also more likely to live in the most deprived neighbourhoods in Scotland.

Thus, we have a context of ongoing impacts of discrimination in the lives of LGBT+ people in a context of highly progressive laws that, if implemented in public administration, *should* lead to substantial improvements in the lives of LGBT+ people. This should be the case with housing services as although access is subject to conditions and rationing, once they are accessed, service provision *should be* universal and equal. The statutory framework for equality and diversity outlined in the introduction should also reinforce this aspect of universality.

There is evidence that LGBT+ people are more likely to experience homelessness and are thus more likely to

access homelessness services (Bateman, 2015; Ecker, 2016; Prendergast, Dunne, & Telford, 2001), although in the UK and Scotland it is difficult to get accurate data as this is not recorded in administrative processes (Peter Matthews, Poyner, & Kjellgren, 2019). Under the Homelessness (Scotland) Act 2003 nearly everyone in Scotland who has been made unintentionally homeless has a statutory right to housing from their local housing authority – their local council (Watts, 2014). As well as a statutory duty to house homeless households, housing authorities also offer “Housing Options” advice. This is designed to prevent homelessness and outcomes could be, for example, family mediation to prevent someone leaving home, or advice and support on accessing housing. Scottish Government statistics provide evidence of both the extent of service use. In the year 2016/17, in Scotland with a population just under six million, 50,120 people were given Housing Options support. In the same year 34,100 homelessness applications were made, 66 per cent of whom were single, 46 per cent of whom were men. The majority of applications were from under 34-year-olds.

Only four per cent had slept rough prior to their application, with the majority having been forced to leave the home of family or friends, or been evicted from a private tenancy.

The legal duty in Scotland on local housing authorities to house people experiencing homelessness means many people are housed in social housing. As with homelessness, statistics on the number of LGBT+ tenants in social housing in Scotland are limited. The Scottish Secure Tenancy for social housing which the vast majority of these tenants will have sets out key rights for tenants in legislation. All partners can be added to tenancy agreements and they can also have succession rights if they are named on the tenancy. Tenants also have a right to prompt repairs and ongoing maintenance of their properties. Further, a key role for social housing providers is wider tenancy management. Over the past 30 years, tenancies in social housing in the UK have become more conditional (Fitzpatrick & Watts, 2017), with behavioural expectations on tenants regarding antisocial behaviour and interventions by housing officers to manage

behavioural and family problems (Flint, 2002). In Scotland, the regulatory regime for social housing providers places an expectation that in carrying out these duties, organisations would be mindful of racist, misogynistic, ableist, homophobic or transphobic harassment by tenants and deal with this appropriately, including involving the Police when appropriate (Scottish Government, 2017a). The regulatory Scottish Social Housing Charter, also states landlords must ensure:

“every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”

(Scottish Government, 2017a, p. 6)

Through the structures of homelessness legislation, the regulation of RSLs, and equalities and diversity legislation, Scotland therefore has a robust legislative and policy framework for protecting LGBT+ service users and tenants from harassment, direct discrimination and indirect discrimination. The

questions this paper now seeks to answer are how and why discrimination persists, and how can queer theory help us explain why this occurs?

### **Methodology**

As this research embodies a positionality from queer theory it is important to identify the position of the authors. Matthews identifies as a cisgendered gay man; Poyner identifies as a cisgendered straight man. The data was collected as part of a small project investigating the lived experience of LGBT+-identifying people in central Scotland, and housing and homelessness providers (for more details of the methodology see: Peter Matthews et al., 2019). In total 20 LGBT+ people were interviewed. Participants who identified as LGBT+ and had engaged with housing services were recruited via gatekeeping organisations (homelessness organisations and housing associations; LGBT+ support and activist organisations); social media (Facebook and Twitter); and the dating app Grindr (P. Matthews, 2017). Participants had to identify as LGBT+, have recently

experienced homelessness, or live in one of the most deprived neighbourhoods in Scotland, or both.

Following best practice with interviewing people about homelessness, home and place, a narrative approach was taken asking people where they were living and how they got there and probing from there as to their experiences (Kunnen & Martin, 2008; Peter Matthews, 2012). As well as the interviews with service users and residents, key contacts were interviewed in three homelessness organisations and three housing associations, with a total of eight staff members interviewed. The reticence of organisations to take part in the research because of the topic meant that the strategy to recruit participants was opportunistic with organisations recruited through gatekeepers and regional umbrella organisations. All interviews were recorded and transcribed. A further meeting was held with housing staff and the director of a housing association. This was not recorded, but notes were written-up after the meetings. During the fieldwork period it already became apparent that taking a more critical approach, informed by queer theory, was

needed to counter the heteronormative assumptions of service providers. Acknowledging that a separation between data-collection and analysis is often a false dichotomy in qualitative research, it became apparent during the fieldwork that the same reasons were being used to justify exclusionary practices, and these were challenged by the interviewer to further unpack how categories were normalised in everyday administrative practices.

The transcripts were coded *in vivo* by Poyner and read by Matthews. The key themes were then discussed by the research team for writing-up. During the analysis, the usefulness of queer theory in interpreting the findings became apparent. Firstly, the difference in sexual identity of the analysts meant that different interpretations were brought to the fore. For example, while Poyner interpreted some of the experiences of LGBT+ people as deeply oppressive, as a gay man Matthews regarded these behaviours as the normal self-censorship non-heterosexuals exhibit in a heteronormative society. Thus, the different interpretations began to “queer” taken-for-granted



assumptions by the research team. Queer theory was then brought into the analysis more explicitly through an abductive process (Schwartz-Shea & Yanow, 2013) framing the questions asked of the data, how it was interpreted, and in-turn to understand what this means for administrative practice and policy. In particular, it sensitised us to how heteronormativity was normalised; how queer experiences were ignored, dismissed or framed in homonormative terms; and how queer problems were handled in heteronormative organisations.

### **Lived experience of harassment and discrimination against LGBT+ people**

Before we unpack the administrative encounters of LGBT+ people in housing services, it is important to outline some of their lived experiences which would be relevant to their housing provider or a homelessness service. The lived experience of our participants in homes in deprived neighbourhoods dominated by social housing was not unproblematic. It should be noted that there were many positive experiences of

good quality housing and friendly communities recounted in the research (Peter Matthews & Poyner, 2019). The main problem reported by all participants was antisocial behaviour. This is, to some extent, to be expected – this is a common concern for residents in deprived neighbourhoods, such as: noisy neighbours, or children playing loudly (and occasionally violently) on the streets. However, reports of homophobic and transphobic antisocial behaviour, some of which could be considered aggravated assault, were common in our data. Some of these related to the attitudes of neighbours that led to a perceived threat: “that young lad was horrible - that was the most horrible feeling that I have ever had.” Other participants had received verbal abuse:

“I have had a couple of words with people, like, "dirty faggot" and I have been told when I worked in the shop that I should go and die of AIDS.”

“Over here I have a gigantic Pride flag up on the wall...I was hanging that back up after Pride last summer and it is right next to the window...but the

window was open so you could see back out. Then I heard guys from downstairs shouting up through the window, "gay", or, "faggot", or, "queer", or something – I do not know what it was. I could not quite hear what it was, but it was definitely a slur of some description just as I was standing there with the Pride flag.”

For some residents this escalated to physical violence, in this case transphobic abuse:

“There was a group of teenagers that would come to my house to shout abuse and throw stones at my window. Every window apart from my kitchen and bathroom windows has been smashed at one point or another just because they know that the tranny lives in there.”

This data also revealed, firstly, the way intimidation is internalised in the everyday behaviour of these survivors/victims. The participant who had been called a “dirty faggot” above, lived in fear of youth antisocial behaviour in one neighbourhood, and described how they would: “basically keep my head down and keep

walking – get in the flat and lock the door and that was the routine.” Participants avoided going out at night, and if they returned late at night, would ensure that a friend would drive them home, or use a taxi, to avoid having to walk through neighbourhoods. These experiences limited the everyday freedoms of these residents.

As noted above, landlords have a regulatory duty to effectively manage antisocial behaviour and with their duties to promote equalities should be tackling hate crimes such as these. However, to get this far requires residents and tenants to report issues as hate-based harassment to their landlord. In the data we see the queer work, in the form described by Ahmed (2017) – as well as reporting antisocial behaviour these residents had to exert their difference against a norm that they were heterosexual and/or cisgendered and their sexual or gender identity did not matter. This is apparent in this discussion between the interviewer (I) and the transgender participant (R):

I: what actually happens with the neighbour. Is it a case of abuse?

R: No it is low level harassment in the form of continual banging on the wall and playing computer game background noise as a kind of protest.

I: Do you think that the noise pollution is being done vindictively?

R: Yes it is, yes.

I: Have you approached the neighbour about this issue?

R: I feel too intimidated to do it. At one point someone tried to enter my house, but failed. I do not know what that was about whether that was someone coming to cause trouble. It makes me a bit intimidated about the circumstance.

As highlighted by Ahmed (2017: 90), this work is required by minorities 'because what you come up against is not revealed to others'. A cisgender person would not be fearful that such behaviour had

transphobic motives and have to try and ascertain this themselves to make a complaint about their neighbour that would be treated appropriately. As we unpack and queer the administrative processes, and how these normalised heterosexuality, in our analysis below we can see how this compounded these experiences to result in discriminatory service provision.

### **Attitudes and Practices of Service Providers**

#### ***Policy and procedures***

While in our analysis we wish to criticise routine administrative processes, we must acknowledge that across the housing organisations who participated in the research, there was a recognised need to promote good equalities and diversity in-line with legal and regulatory duties. This ranged from larger organisations who had up-to-date policy and were doing sector-leading work:

“we have a strategy – we are just developing our new strategy at the moment. I hope you can see

we are signed up to Stonewall.<sup>3</sup> As a workplace I would say that we are very, very conscious in promoting ... we are part of purple Friday [LGBT History Month Event] a couple of weeks ago and posting about that. Yes, we push that message very hard, certainly, as an employer.”

Other organisations clearly supported such policies and statements: “it is absolutely crucial that we have very strong and welcoming diversity statements”, and demonstrated reflexive awareness of how much further they needed to go: “ideally, the equality and diversity policy would be far more embedded”.

### ***Collecting data for monitoring and service improvement***

However, it was in more mundane processes that discrimination manifested itself. One of the most basic ways in which organisations can advance equality for minority groups is effective monitoring through data collection and analysis. We recognise that collecting

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<sup>3</sup> Stonewall is a UK-wide LGBT+ charity that accredits employers as being LGBT+ friendly.

data on sexual identity and gender identity can be problematic. Queer theorists and activists have rightly highlighted that the categorisations of LGBT+ are an imposition of categories onto queer lives that have their roots in homophobia (Browne, 2010; Green, 2002, 2010). In a context of explicit homophobia and/or transphobia, service users may get worse treatment because of such data collection, or may fear they may. People may also have concerns about the security and confidentiality of such data. This practical issue can be overcome through simple administrative processes (confidential, self-completion questionnaires, good data security). In the progressive context of the UK, the collection of such data is seen as largely positive in government surveys so we can understand more about the experiences of LGBT+ people (Browne, 2010; House of Commons Women and Equalities Committee, 2019; McManus, 2003; Office for National Statistics, 2017). LGBT+ charities and activist organisations, and the Equalities and Human Rights Commission, recommend the voluntary collection of such data from service users. The goal of such administrative



processes is two-fold: firstly it normalises the disclosure of sexual and gender identity in a routine, controlled administrative process and such disclosures therefore do not have to be gratuitous and public (Kitzinger, 2005). Secondly, it opens up a conversation with service users that a service wants to know about the sexual or gender identity of a service user if it matters. The burden of trust and confidentiality is placed on organisations – they need to ensure they are trusted by service users who share an equalities characteristic so people will feel comfortable disclosing such information.

Equalities monitoring data is usually collected by service users being given a separate monitoring form to complete when they first engage with a service. Under regulatory guidance, RSLs in Scotland were expected to report annually on the sex<sup>4</sup> breakdown of their tenants, the proportion who are disabled, and the proportion from an ethnic minority (Scottish Housing Regulator, 2017). The collection of data on the sexual

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<sup>4</sup> This is just the categories male and female, so would not include gender non-binary people, or those with another gender identity.

and gender identity of service users was not routine in the organisations that participated in this research.

A distinct feature of the housing sector in Scotland is the number of smaller (fewer than 1,000 properties) community-led housing associations (McKee, 2015; Paddison, Docherty, & Goodlad, 2008). In this research, such organisations described how they therefore “knew” their communities very well. An organisation with around 1,000 service users or tenants is likely to have a closer relationship than one with 6,000 service users, for example with staff being on first-name terms with tenants. For these organisations, this meant they “knew” about their tenants who identified as LGBT+, often through informal service interactions:

“We are the only social landlord and factor at the moment in this area, so we have data on all the households (850 households in the area), and through that data alone and through our interactions with our customers, we will know that we have some LGBT tenants”

“just routine interaction you would generally know who somebody's partner is if you wanted access to do a repair and all that kind of stuff”

Two other housing associations had data on sexual identity from surveys, but had not analysed the data based on this category. Only a local authority homelessness service routinely collected such data on their equalities monitoring form as it was part of an organisation-wide form.

Despite not collecting data on sexual and gender identity, organisations did recognise the usefulness of collecting data on equality groups and could give examples of where it had made a difference, for example:

“I think the most obvious one is on language because we have a number of languages in the area now, in particular, we have a number of Polish people that have come in the last five years or so...we have also got Syrian refugees who have recently been housed here, so we have had to make translation available.”

One participant from a community-based organisation recognised there was probably a complacency because they “knew” their tenants well: “I think that we have become complacent in that being small and knowing people well”. Participants did recognise the drawbacks of this:

“I think that kind of information is important because ... how do you know if they are being unfairly treated or disadvantaged in any way if you do not [know] who they are and what is going on with them”

Because organisations were not routinely collecting this data, there was an expectation among service providers that LGBT+ tenants would self-disclose their sexual identity or gender identity in the course of accessing services, if it was relevant, rather than prompting them to disclose this information:

“it is not something we would collect, but being a very small housing association with close links to our tenants and housing officers are very hands-

on and know their tenants really well and people quite often would disclose that very early on”

“we are aware of several of our tenants who are gay and we are aware of it because they are open about it, but it is not an issue”

This was problematic as it presumed that all LGBT+ tenants were publicly “out” and would be happy to disclose in this informal way with little protection regarding confidentiality. Other participants described how they knew about tenants’ sexual identity through everyday management of tenancies and the awareness of household structure, for example through next-of-kin details, for example:

“they could be joint tenants or we would be aware of who was there for succession rights and the relationship for succession rights”

This was problematic because the data was collected indirectly, without the express permission of the service user to have this aspect of their identity presumed.

These examples of well-meaning, but poor practice can easily be understood as poor implementation. It is when we turn to *why* this data was not collected that our analysis using queer theory can unpack how heteronormativity was inadvertently reinforced in administrative practices. When asked why data was not collected some staff were vehemently opposed to asking service users about their sexual or gender identity. One argument was that everyone was treated the same. This ignored the basic premise of equalities data collection -that is only through collecting data that an organisation can become aware of systemic problems. However, heteronormativity was enforced through indirect homophobia and transphobia when the reason given for not routinely collecting this data was the perceived risk of offending people:

“I think they [the staff] would feel that they would not want to offend somebody by asking them”

As Ahmed (2017: 82) writes, ‘queers might be asked not to make others feel uncomfortable’; in this case queers were *not asked*; they were *expected* to not

make others feel uncomfortable. This view presumed heterosexuality, or being cis-gender was the norm and there was expected to be a shame associated with identifying otherwise. As organisations did not routinely ask questions relating to sexual and gender identity they had no experience on which to base this judgement. It was a heterosexist presumption that LGBT+ people should be ashamed. More problematically this view suggested as well that it was wrong that non-LGBT+ people might have to describe, for once, their sexual and/or gender identity, that its normalcy might be questioned and people would take offence. Organisations were afraid of queery-ing the assumption that people were heterosexual and/or cisgender. To tease these issues out, Matthews began to routinely ask if housing organisations asked new tenants about their household structure, and whether new tenants had children. The answer was always yes – they needed to tailor the service to the family size and type. It was pointed out that they therefore routinely asked opposite-sex couples quite intimate questions about their sexual behaviour, albeit in an indirect way.

Heterosexual sex, producing children, could be spoken about with tenants; anything else *could* cause discomfort or offence.

For one participant, this discomfort was related to a broader culture in Scotland that found open discussions of sexuality uncomfortable, and associated these with religion, as they are both sensitive topics:

“It is my experience ... since returning to Scotland is that organisations' staff members generally speaking have no real issues asking people or collecting diversity data unless it is about religion or sexuality”

Other organisations defended their stance by suggesting they would not want to out LGBT+ people accidentally, and that they would: “need to give people confidence as to why we were asking for this information”. As one person suggested:

“If you think the organisation is homophobic, would you be comfortable giving that information?”



This left the organisations in a chicken-and-egg situation: if they were unwilling to ask their tenants' and service users' sexual and gender identity, then it was very difficult for the organisations to demonstrate they were actively not-homophobic in service delivery, or supported LGBT+ people. But because these practices persisted, equalities monitoring processes were, ironically, imposing heterosexuality – service users could share any equalities characteristic, apart from their sexual (and gender) identity. If their gender or sexual identity was important in service delivery – such as the examples of homophobic and transphobic abuse above – service users were expected to do the *work* of asserting their difference against this system that normalised heterosexuality.

### ***Managing antisocial behaviour***

We can now bring together the challenges LGBT+ participants experienced with antisocial behaviour with the unintentional imposing of heterosexuality in the administrative practices relating to equalities and diversity, to show how it resulted in discriminatory poor

practice in dealing with homophobic and transphobic incidents. Without routine recording of sexual and gender identity, service providers were unaware of problems experienced by LGBT+ service users that might have been revealed in patterns of harassment in data. Indeed, some service providers asserted that they did not have a problem with harassment towards LGBT+ people as nothing had been reported to them.

Under Scottish criminal law the line between anti-social behaviour and a criminal act is blurred, and most organisations seek to deal with low-level problems with non-legal sanctions. However, crimes in Scotland can be aggravated if there is evidence they were motivated by hatred towards a victim's ethnicity, disability, sexual identity or gender identity and the police encourage reporting of these incidents so they can be investigated to ascertain if a crime has been committed. This would be seen as a best-practice approach.

Contrary to best-practice of supporting victims to report such incidents to the police, one RSL recounted a tenant who had reported a hate crime to the police –

they had received verbal homophobic abuse. The RSL were concerned that the immediate report to the police had been an over-reaction and described it as “complicated” and they felt “you can overegg something”. Describing their procedures, it was explained:

“In normal circumstances in a one off incident like that we would speak to everyone who was involved to try and calm the waters“

This organisation wished to use their normal procedures for dealing with antisocial behaviour, without involving the police and treating it as a hate incident. If other incidents had been managed in this way, then criminal behaviour would have gone unreported. With a presumption that victims of antisocial behaviour and harassment are heterosexual, unless they declare otherwise, the experience of LGBT+ people becomes complicated for the organisation as they fail to deal with it appropriately.

Best-practice in dealing with antisocial behaviour was also evident and demonstrated the degree of insight

necessary to manage such incidents. One of the best examples was an organisation dealing with antisocial behaviour committed by a tenant who was out as a lesbian:

“I think [they were] fond of crazy parties. I suppose our issue is to how tenants manifest the complaint and do any hidden prejudices come through in the complaint and judgements that they might make about the person...I suppose it is the language someone might use to describe their neighbour - that is the sort of stuff that we have to be sensitive to”

There was no doubt that the disruptive tenants had to be dealt with, but the organisation were also aware of the need to be attuned to how the report manifested itself and ensuring that neighbours were not being homophobic in reporting the incident, noting that the language used by neighbours was neutral and did not comment on the perpetrator's sexuality. This is a good example of the sort of diversity *work* needed to be sensitive to how homophobia may subtly manifest. This

participant later came out as sharing an LGBT+ identity in the interview. Because of this, they were more aware than a non-LGBT+ member of staff might be, that homophobia could manifest itself in different ways including malicious reports of antisocial behaviour from tenants.

### **Conclusion and discussion –queery-ing public administration**

This paper has two aims: firstly to suggest that public administration could be enriched by being informed by queer theory and then to demonstrate this through applying it to understand the experiences of housing services in Scotland for LGBT+ people. Through the case study of housing and homelessness services in central Scotland, we have used the insights of queer theory to reveal the ways in which everyday public administration is part of the institutions that (re)create heteronormativity. Ironically, it was the tools of equality and diversity – the tenant and service user monitoring forms and processes for recording this data – that reinforced heterosexuality. Tenants could share any

other equalities characteristic, but these forms would not allow them to have a sexual or gender identity that was not heterosexual or cisgender. The heterosexual family unit was normalised within administrative procedures, with intrusive questions asked of family composition, but homosexuality remained shameful and unspoken. This meant these service providers were not opening-up a conversation with their service users, saying that they were not homophobic or transphobic and demonstrating this with their processes, and if a service user had a problem related to their sexual or gender identity they had to do something akin to the 'gratuitous reference to her counternormative sexuality' described by Kitzinger (2005: 234). It also meant that service providers could say they did not have a problem with homophobic or transphobic harassment, for example, because they simply did not know about it. Returning to the lived experience of tenants presented above, the repairs provided to the tenant who had their windows smashed by transphobic harassers was a universal service – any tenant would have had their windows replaced promptly in such circumstances.

However, in this case we might suggest that it was a “trans” broken window and that the tenant’s gender identity was directly relevant to the service provided in terms of wider support than just repairing the broken windows.

This demonstrates the need for greater “queery-ing” of administrative processes in our public administration and the implementation of policy, especially in contexts where legislation protecting LGBT+ people is progressive. In contexts with greater legal constraints, bureaucratic discretion in public administration can be both progressive or allow homophobia and/or transphobia to be institutionalised (Flanigan, 2013; Taylor, 2007). In our case, the discretion organisations had to ignore sexual and gender identity in their data gathering practices exacerbated homophobia and transphobia. Although, from this we highlight the need for data collection on sexual and gender identity, we would be the first to acknowledge this is not a panacea. However, implementing this change would remove the administrative discretion we found, that meant organisations could actively ignore the sexual and

gender diversity of their service users. We agree with the view that '[a]ll-pervasive, omnidirectional oppression requires comprehensive, all-in liberation, whether through movements or public policy' (Johnson et al., 2018, p. 620). Thus adequate staff training and support is required to ensure non-LGBT+ staff can respond appropriately, as evidenced in the nuanced response to antisocial behaviour by a lesbian tenant from an officer who identified as LGBT+. Further, staff have to be confident in tackling and challenging homophobic and transphobic behaviour among their colleagues and other service users. We would suggest that the insights of queer theory allow such interventions to be more effective by focusing attention on how heterosexuality is reinforced, rather than just focusing on direct homophobia and transphobia.

This reflects a broader implementation challenge for progressive contexts that have mainstreamed measures to promote equality and diversity into the delivery of public services as it makes frontline workers equalities workers. The use of Ahmed's concept of *equalities work* (Sara Ahmed, 2017) in our analysis



demonstrates how difficult it can be for people who share difference to assert that difference against institutions that (re)create and reinforce “normal” identities. Essential to such work is the ability to listen in a respectful way to the needs and problems of service users and citizens and seek to understand how aspects of their identity may impact on these. As argued by Stivers (1994, p. 366) ‘listening expands justice to include the details of the situation and the significant differences among human beings’. Beginning to listen by changing equalities and diversity monitoring processes and demonstrating an organisational willingness to listen would be a first step in this expansion of justice.

In terms of the wider applicability of queer theory to public administration research, we have used the insights of queer theory solely to unpack and reveal heteronormativity in action in public administration and to understand the impacts of administration on LGBT+ people. We fully recognise the much broader diversity in this field of work (Browne, 2006; Green, 2010). We would hope that our analysis is a starting point to a

more embedded, deeper engagement with queer theory to advance public administration scholarship, developing new theoretical approaches or frameworks, or enhancing existing frames of analysis. In particular, queer theory provides a strong basis to critically explore the categorisation practices of public administration and the impacts these have in practice. We all have complex identities incorporating the categories protected in law in many states – sexual identity; race and ethnicity; age; disability; gender; faith. Yet equalities practice often “others” minority or excluded groups, as in gender mainstreaming policy that attempts to “fix” women (Eveline & Bacchi, 2005). Thus, while queer theory is especially useful in critiquing heteronormativity in public administration, as we have used it here, its broader insights should be used in our scholarship to challenge how norms are created in administrative practices and policies.

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