

# Social Housing Sector Toolkit

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**The Royal Borough of Kensington and Chelsea** are a longstanding member of the local Violence Against Women and Girls (VAWG) and Housing Operational Group, which is part of the local VAWG Strategic Partnership for delivering a coordinated community response to violence against women and girls in the London Borough of Hammersmith & Fulham, the Royal Borough of Kensington and Chelsea and

**Southwark Council** is the first local authority housing department to acquire DAHA Accreditation in 2018. Southwark Council receives the largest amount of homeless applications in London from customers fleeing domestic abuse. They have a long standing partnership with Solace Women's Aid, who deliver **Southwark Advocacy & Support Service** (SASS). **Solace Women's Aid** are commissioned by Southwark Housing Solutions (SHS) to provide co-located advocacy service for all victim/survivors approaching the Housing Solutions service for housing advice, assistance and support. They also played a leading role in the co-production of the homelessness services for people fleeing domestic abuse in light of the introduction of the Homelessness Reduction Act (HRA). Solace runs the 'Somewhere safe to Stay' Hub for VAWG affected women at risk of street homelessness. This hub, developed in partnership with SHS, provides street outreach, prison in-reach, emergency accommodation and tailored resettlement support to women with multiple disadvantage.

## Purpose of the chapter

This toolkit is a reference guide for professionals working in the social housing sector including local authority housing solutions services, housing management, registered providers (housing associations), domestic abuse services and for victim/survivors to describe what they can expect from their local authority's housing service.

The term Housing Solutions Service (HSS) is used throughout this document to refer to a local authority's housing service. This term will vary across local authorities. This toolkit describes the housing legislation and homelessness duties held by local authorities. It highlights some of the challenges that victim/survivors experience in accessing accommodation when they are homeless or threatened with homelessness as a result of domestic abuse. It also considers initiatives for engaging social housing landlords and professionals working in homelessness at both a national and local level.

### **Why do victim/survivors need social housing?**

Many victim/survivors of domestic abuse are currently forced to flee their homes to seek safety with minimal prospects of finding stable housing. This often requires having access to economic resources necessary to cover the costs of starting over, including paying a deposit fee, making regular rent payments as a sole tenant and purchasing household items. Victim/survivors without the financial means to cover these costs may have no other option than to remain with the perpetrator.

Experiences of economic abuse – including where the perpetrator controls finances, takes out debt in the victim/survivor's name, or damages property that accrues charges – creates additional challenges to the victim/survivor's financial capacity to secure safe and stable accommodation.

The affordability of housing and changes to welfare benefits creates further disadvantages for victim/survivors, who are disproportionately women. Key findings from a 2019 report by Women's Budget Group highlight that women in general struggle to access housing in private rented and privately-owned markets:

- There is no region in England where the average home to rent is affordable for a woman on median earnings,
- Across England, average rents take 43% of women's median earnings and 28% of men's,
- Reforms since 2012 have broken the link between rent and housing benefit levels, with 90% of private renters on housing benefit in 2015 facing shortfalls.

This same report shows that cuts to social security also disproportionately impact on women:

- Women make up 60% of housing benefit claimants and so are being disproportionately affected by these cuts,
- Universal credit is also having a negative impact. The five-week waiting period on application is leaving many people in rent arrears. Tenants on universal credit are six times more likely to fall behind on rent than other benefit claimants.<sup>i</sup>

Having a safe and stable home is essential for achieving freedom from the perpetrator and overcoming the impacts of domestic abuse. Social housing is more secure than private rented accommodation and has 'social rent', which is on average 50% of the market rate linked to local wages.<sup>1</sup> This offers much needed security to victim/survivors to begin the process of rebuilding their lives.

## **The Social Housing Sector**

Local authorities' housing services offer help to people approaching the council as homeless. For households that are owed a duty under housing legislation and who have nowhere else to go, a council may make an offer of social housing accommodation.

Social housing accounts for 17% out of a total of 23.5 million households in England.<sup>ii</sup> Social housing is housing provided by local authorities and registered providers and offers greater security of tenure than in the private rented sector.<sup>iii</sup> Tenancies are either lifetime or fixed-term (normally 5 years with a presumption to renew) and possession can only be sought where there has been a breach of the tenancy agreement. Tenancies can be held solely or jointly.

The housing management functions of social housing providers brings them into contact with people on a regular basis through estate and tenancy management, repairs and maintenance services and rent collection and management of arrears. This also includes safeguarding responsibilities and tackling antisocial behaviour (ASB). As domestic abuse intersects with both, housing providers have a key role to prevent harm to victim/survivors and their children, and for taking action against perpetrators. For further information on this, see the DAHA and perpetrator management toolkits.

## **Help from the Local Authority**

### **Homeless Legislation**

Part VII of the Housing Act 1996 is the legislation that covers homelessness. If someone makes a homeless application the local authority will provide interim accommodation if they have reason to believe the applicant is eligible and homeless and has a priority need while they carry out enquiries into their homeless application. Section 184 of the Housing Act 1996 places an obligation on local authorities to make enquiries into what duties, if any, may be owed.

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<sup>1</sup> Social rents vary from area to area and are set using a government formula. This creates a 'formula rent' for each property, which is calculated based on the relative value of the property, the size of the property and relative local income levels. Landlords have flexibility to set rents up to 5% above the formula rent (10% in the case of supported housing) – this is known as the 'rent flexibility level'. Formula rent is also subject to rent caps, which vary according to the size of the property.

The Housing Act 1996 has been amended several times over the years. The most significant of these was the introduction of **the Homelessness Reduction Act 2017 (HRA)**. The HRA introduced new duties that local authorities must fulfil. The new duties apply where an eligible person is either threatened with homelessness or actually homeless. In either situation they should be assessed and issued with a Personal Housing Plan (PHP). The PHP contains reasonable steps to be taken by the local authority or individual in order to prevent or relieve homelessness. PHP should adapt and update throughout the life of the application to reflect progress and be used as a milestone tracker to achieve an end result.

### **Prevention duty**

If an eligible person is threatened with homelessness within 56 days, the local authority must take reasonable steps to help the applicant to ensure that accommodation does not cease to be available for their occupation. This may be by securing their current accommodation for a further period of at least 6 months. If this is not possible or appropriate the local authority will try to secure suitable alternative accommodation for a period of at least 6 months. This will normally be in the private rented sector. This duty is owed for up to 56 days and normally ends when accommodation is secured or when the person becomes homeless.

### **Relief duty**

Where it has not been possible to prevent homelessness or where the person is already homeless at the time of application, they will be owed Relief Duty if eligible. The local authority must take reasonable steps to help the applicant to secure suitable accommodation for at least 6 months. This will normally be in the private rented sector. This duty is owed for up to 56 days and normally ends when accommodation is secured or when the 56 days has elapsed.

### **Prevention and relief duties and domestic abuse**

Local authorities should consider whether securing accommodation in the private rented sector is the best outcome for victim/survivor. Where a victim/survivor previously held a social housing tenancy this will result in a detrimental loss of security of tenure (53% of women lose their secure tenancy after accessing a refuge service).<sup>iv</sup> Where a victim/survivor has moved several times in the private rented sector as a result of domestic abuse it must be considered whether it is likely that the tenancy will be sustained.

## Main Housing Duty

If enquiries determine that an applicant is eligible, homeless, in priority need, not intentionally homeless and are not being referred to another local authority, the full housing duty will be owed [s193(2)] by the local authority. This means they will be provided with suitable temporary accommodation and will be entitled to reasonable preference for an allocation.

The housing legislation - the Housing Act 1996, Part VII as amended by the Homelessness Act 2002, The Homelessness (Priority Need for Accommodation) (England) Order 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017 – provides the statutory foundation for actions that local authorities must take to prevent homelessness and provide assistance to people threatened with, or actually, homeless.

184 Inquiry into cases of homelessness or threatened homelessness

The duty to make enquiries is contained in s184.

1. If the local housing authority have reason to believe that an applicant may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves -
  - (a) whether the applicant is eligible for assistance, and
  - (b) if so, whether any duty, and if so what duty, is owed to the applicant under the following provisions of this Part.
2. They may also make inquiries whether the applicant has a local connection with the district of another local housing authority in England, Wales or Scotland.
3. On completing their enquiries the authority shall notify the applicant of their decision and, so far as any issue is decided against their interests, inform them of the reasons for their decision.

The main threshold tests carried out to determine who the local authority owes a duty to includes whether the person is:

- Homeless or threatened with homelessness. This includes the council making inquiries into the reason that led the person to become homeless in the first place,
- Eligible for assistance – This includes the council making inquiries about whether the person is eligible for state assistance because they are British citizens or their right to reside in the UK gives them access to public funds,
- In priority need – please see below,
- Not intentionally homeless – the council may find the person intentionally homeless if they deliberately did something that caused them to become homeless, such as being evicted for ASB or not having paid rent when the person could have afforded to,

- Where someone is at risk of abuse or violence in an area where they have a local connection, they cannot be referred to that area (s.198, Housing Act 1996).

### **A note on priority need and domestic abuse**

There are five straightforward categories for identifying an applicant as having priority need:

- having dependent children,
- being pregnant,
- aged 16-17,
- homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster,
- a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student');

Priority need is not automatically granted to all victim/survivors of domestic abuse unless they fall under a straightforward category listed in chapter 8 of the Homelessness Code of Guidance.

In 2002, the government amended the homelessness legislation through the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002. This extended the priority need categories to include a 'person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out'.<sup>v</sup>

However, this does not automatically include every victim/survivor who is homeless as a result of fleeing domestic abuse. Through Freedom of information Act responses from 168 councils, homelessness charity Crisis and the All-Party Parliamentary Group for Ending Homelessness found that an estimated 1,960 domestic abuse victim/survivors were denied housing assistance because they did not qualify for 'priority need'.<sup>vi</sup>

The meaning of 'vulnerability' in homeless priority decisions stems from the Supreme Court decision in *Hotak v Southwark LBC : Kanu v Southwark LBC : Johnson v Solihull MBC* [2015] UKSC 30, and is based on whether the person would be significantly more vulnerable if homeless than the average person.<sup>vii</sup>

The priority need comparator is applicable to other issues such as domestic abuse. Variation exists in how local authorities apply this case law to decide on priority need, which means that not every survivor experiencing domestic abuse will be identified as vulnerable. *Panayiotou v London Borough of Waltham Forest* will assist DA services in ensuring that the new test is being correctly applied.<sup>viii</sup> Further information about this case can be found [here](#).

An overview of the homelessness legislation can be accessed [here](#).

## **Homelessness Code of Guidance for Local Authorities**

Local authorities must apply the legislation with regard to the Code of Guidance.<sup>ix</sup> As HSS have to use the code in their decision-making process domestic abuse services should ensure they are referring to it when holding local authorities to account. There are three chapters of the code that are particularly relevant to domestic abuse.

Chapter 6 – Homelessness or threatened with homelessness

Chapter 8 – Priority need

Chapter 21 – Domestic abuse

## **Allocation of Social Housing**

There are two main ways that social housing is allocated.

The majority is allocated through the local authority's Housing Allocations Scheme - often by Choice Based Letting (CBL) - and alternatively by direct offer. Local authorities will use either points or banding to prioritise between applicants for an allocation. Applicants who are eligible and homeless are entitled to a reasonable preference for an allocation. Most local authorities will award greater priority to homeless applicants who are owed the main housing duty [s193(2)] although this is for the individual local authorities to decide. Applicants who need to move on welfare grounds are also entitled to a reasonable preference for an allocation [166A(3)(d)]. Housing authorities may want to give victim/survivor priority for an allocation under this category where they need to move as they are at risk but the risk is not immediate and the victim/survivor can remain in the accommodation awaiting an allocation.

The other main way that social housing is allocated is through management transfer. Social landlords who undertake management transfers will have their own criteria for doing so. Domestic abuse services or victim/survivors who are interested in a management transfer will have to contact the landlord for information.

In November 2018 the MHCLG issued statutory guidance for local authorities on social housing allocations.<sup>x</sup> Local housing authorities are required to have regard to it in exercising their functions under Part 6 of the 1996 Act (allocations). Local authorities are encouraged to review their existing allocation policies and revise them, where appropriate, in the light of this guidance as soon as possible.

## **Outreach at Refuge Services**

Where local authorities have refuge services in their borough, they should consider delivering housing options advice sessions for residents at these locations. Refuge services are not settled accommodation and should not be considered reasonable to continue to occupy in the medium or long-term.<sup>xi</sup>

Most residents occupy on a 6-month fixed-term licence. As it is inevitable that residents will be required to move-on from the refuge service, it is in everyone's interest for the local authority to engage with the resident long before they are required to leave. In order to do so the HSS should work with the refuge service to see if they want the HSS to deliver regular advice sessions for residents. The HSS should emphasise the benefits of this to the refuge service. Residents will receive earlier assistance with finding alternative suitable accommodation, including those that do not have a priority need. It also helps victim/survivors to make informed and realistic decisions about their housing and gives them more time to consider their options

### **Social Housing Tenants in Refuge Services**

It is often the case that victim/survivors lose their security of tenure as a result of leaving council or housing association accommodation due to domestic abuse. A victim/survivor in these circumstances can make a homeless application but this will not preserve their security of tenure. HHS and refuge services are therefore advised to pursue options that preserve the victim/survivor's security of tenure. Victim/survivors who pay rent through housing benefit can be advised and supported to apply for dual housing benefit to cover their rent and refuge at the same time. These should be considered from the beginning of their stay at the refuge service as more time is likely to increase the chances of a successful outcome. The following options should be considered:

- Pan-London Housing Reciprocal,
- Other regional managed housing reciprocal agreements,
- Management transfer,
- Mutual exchange.

### **Example of a local authority delivering a Whole Housing Approach to domestic abuse**

Southwark Council's Housing Solutions service is visited by 30,000 people every year seeking housing advice, assistance and support. As of January 2020, the council had 2,698 homeless households living in temporary accommodation.

Since 2014 the council has been working in partnership with the Domestic Abuse Housing Alliance (DAHA), Shelter and Solace Women's Aid to design a Whole Housing systems approach for people who are approaching the Housing Solutions team, are fleeing domestic abuse and seeking accommodation through the homelessness services.

These initiatives have been designed and co-produced in partnership with Southwark's Homelessness Forum consisting of all partner agencies involved with homelessness and domestic abuse services locally and nationally. For example, the group co-produced a bespoke

PHP for domestic abuse, which is used by Southwark Council's Housing Solutions service with all people approaching the service as homeless due to domestic abuse.

The following key initiatives are part of the design of Southwark's Whole Housing system approach:

- Achieved DAHA accreditation, becoming the first homelessness service in England to do so. It took two years and the robust framework changed the council's approach towards the provision of its homelessness services including its quality, speed and empathy.
- Solace Women's Aid are commissioned to provide co-located advocacy service for all victim/survivors approaching the Housing Solutions service for housing advice, assistance and support. This service is provided five days a week.

The co-located advocate holds the following responsibilities:

- Completes the PHP
- Conducts homeless interviews in partnership with the Housing Solutions team
- Provide advocacy on for temporary accommodation, private rented accommodation and social housing

Solace Women's Aid took a leading role in the co-production of the homelessness services for people fleeing domestic abuse in light of the introduction of the Homelessness Reduction Act (HRA). They helped to test new approaches at all stages of the homelessness journey, helped to design the PHPs, interview techniques and inputted into publicity offered including homelessness leaflets, the website and letters.

Southwark Council was one of three early adopter councils to implement the Homelessness Reduction Act. The council implemented the Homelessness Reduction Act from 2016 and has been visited by over 270 councils since then to learn from their practice:

- The council's Housing Allocations Scheme complies with the duties in the HRA and recognises the need for safe accommodation for victim/survivors. Priority is provided for people sleeping rough and people fleeing domestic abuse. This new Housing Allocations scheme has been designed in partnership with Solace Women's Aid,
- Annual, compulsory domestic abuse training is delivered by Solace Women's Aid to all officers based in the Housing Solutions service. The training is enhanced and is similar to courses upskilling staff to become Domestic Abuse Champions,
- Shelter are commissioned to offer independent advice and advocacy services for all people approaching the Housing Solutions service and offer this service alongside Solace Women's Aid. This service includes conducting mystery shopping and quality file audits of the Housing Solutions service on an annual basis, which have highlighted challenges victim/survivors face and resulted in improvements made to the quality and provision of the service,

- Homeless Link are commissioned to conduct a series of customer focus group meetings every three months over a two-year period. This included capturing feedback from victim/survivors which then helped to shape the design of the service
- Stonewall Housing are commissioned to provide independent advice and advocacy service to people from the LGBT+ community two days a week and based within the Housing Solutions service office. The Housing Solutions service has also commissioned the provision of three supported bed spaces with Stonewall Housing for young homeless people in the LGBT+ community who may have been homeless as a result of domestic abuse.

The provision of these independent advice and advocacy services has increased the customer satisfaction for customers approaching the Housing Solutions service for homelessness assistance to 89% for the 2019/2020 financial year.

### **Policy on housing victim/survivors of domestic abuse**

It is the council's policy to always re-house people fleeing domestic abuse into accommodation. If a victim/survivor is a non-priority need homeless customer, they will be offered temporary accommodation followed by the provision of a private rented sector property with a tenancy often for a two-year period. The victim/survivor will remain on the Choice Based Lettings Housing Register and can bid through this system when suitable properties are advertised. The customer will be placed into priority Band 4 on the Housing Register and it is possible the customer may not secure a Southwark Council property. However, the customer will always be provided with private rented accommodation in the future to ensure the customer is not forced to return to live with the perpetrator of the domestic abuse.

Southwark Council will never allow a person fleeing domestic abuse to return to live with the perpetrator of the domestic abuse.

If a victim/survivor is fleeing domestic abuse and is a priority housing need customer, they will be offered temporary accommodation followed by the provision of a private rented property with a tenancy often for a two-year period. The victim/survivor will remain on the Choice Based Lettings Housing Register and can bid through this system when suitable properties are advertised. All people fleeing domestic abuse who are priority housing need through the homelessness legislation will always be offered a Southwark Council property following this customer journey.

### **Outreach work with women experiencing complex, multiple needs**

The council commissions Solace Women's Aid to provide outreach services and work for women living rough on the streets of Southwark, women leaving prison without secure accommodation to go to following release from prison and women forced to work in the sex industry. This service is provided through a gendered, feminist lens to ensure that appropriate services are provided.

This includes offering women from this cohort emergency accommodation with the offer of floating support delivered by Solace Women's Aid. This has resulted in no woman having to leave prison without accommodation, preventing them from being forced to sleep on the streets of Southwark or returning to the perpetrator.

Women can then start to re-build their lives once they have been released from prison in accommodation with support and the aim of this work is to prevent re-offending going forward.

It is Southwark's aim to eliminate rough sleeping and work to a policy that offers all women sleeping rough with secure accommodation. The Domestic Abuse Outreach Worker works in partnership with St Mungo's to ensure no women sleeps on the streets of Southwark. This also extends to women involved in prostitution.

### **Accommodation for women sleeping on the streets of Southwark**

Solace Women's Aid manages a four-bedroom property in Southwark as a 'Somewhere Safe to Stay Hub' for women sleeping on the streets of Southwark. This accommodation is part of the council's initiative to ensure that no women sleeps on the streets of Southwark. Support is provided 24 hours a day, 7 days a week and move on accommodation is guaranteed for this client group.

### **Rhea Project – dedicated housing stock for domestic abuse**

Southwark Council has worked in partnership with Solace Women's Aid to design and deliver an innovative project with self-accommodation dispersed across Southwark and neighbouring council's, which Solace Women's Aid has helped to locate. This accommodation is then offered to women fleeing domestic abuse who have approached the Housing Solutions service for homelessness assistance. The accommodation is managed by Solace Women's Aid with floating support provided by Solace Women's Aid and tailored towards the self-defined support needs of victim/survivors.

Move on accommodation is then provided by the Housing Solutions service for all victim/survivors who are accommodated through the Rhea project. This move on accommodation is guaranteed as part of the project to encourage space to become available for other women to move into the Rhea project accommodation, allowing a greater number of women to benefit from this innovative project. The tenancy offered is a secure council tenancy for each victim/survivor accessing Rhea.

Other initiatives and policies that the council have adopted that have benefited victim/survivors include:

- Work to eliminate the use of Bed and Breakfast accommodation has taken place since the introduction of the HRA in November 2017, and has ensured that no woman fleeing

domestic abuse or homeless family is forced to live in this type of accommodation, often far away from support networks and sharing facilities with strangers.

- Working to eliminate the use of expensive Nightly Paid temporary accommodation. This type of accommodation is very expensive to the customer and the council with the average cost for this type of accommodation being almost £1,400 per month. The council has reduced the number of homeless households living in Nightly Paid temporary accommodation from 1,177 households as at the 1st April 2019 down to 768 homeless households during January 2020. All of these homeless customers have been provided with tenancies within the private rented sector, usually with the tenancy being issued for a two-year period. The aim is that homeless customers can live in self-contained private rented accommodation for a two-year period and then be re-housed into a Southwark Council property. The council is trying to provide some form of security in the middle of the housing crisis the country is facing.

Southwark Council's Housing Solutions service aims to provide effective and safe solutions for people fleeing domestic abuse using the legislative framework as the base for its work. Many of these initiatives exceed the base level legislative framework in recognition that to be truly dynamic and innovative, local authorities need to design alternative frameworks that are in advance of our shared legal responsibilities. Southwark Council have done this work through a Whole Housing systems approach and welcomes visits from other local authorities and stakeholders to learn from this work.

## Case Study

The following case provided by Solace Women's Aid study shows the story of a woman and her children supported through Southwark Housing Solutions into the Rhea Project.

*My name is FH. I fled from my husband and his brother.*

*My husband had mainly been verbally abusive to me. I came to the UK 9 years ago after an arranged marriage. The only means of income I had was the child benefit with which I had to feed my 2 children. I was also sexually abused and was 4 months pregnant with my third child. I have medical issues so have been classed as a High Risk pregnancy.*

*My husband had been having an affair and he had left the family home to be with his new girlfriend. I was then a further victim from my husband's brother who was still living at the property. My brother-in-law continued the verbal abuse in front of my children and treated me like a slave. I felt rejected from my husband and I was frightened to go home because of my brother-in-law. I noticed my eldest daughter was coming very protective over me.*

*My only friend advised me to go to Southwark Council to see if they could help. I was referred to Solace and I spoke to the IDVA there who was very supportive. I was taken into a private room which was very welcoming and had lots of information available. I completed the assessment and was given safety advice.*

*I was feeling unwell and very tired. It was a long day but the IDVA supported me through the process and was advocating to try and get temporary accommodation as soon as possible. I was given temporary accommodation by Southwark Council. The accommodation was in Tower Hamlets and I felt very isolated as I was taken to an area I didn't know. I was scared and worried if I had done the right thing. The temporary accommodation was situated on the third floor and the corridor was very dark. We were given shared accommodation so only had one room for me and my children. I was very scared to stay there, and it was very far from the only friend who was supporting me.*

*When I came back to Southwark council for my homeless appointment a few days later, I explained my concerns to the housing IDVA and she then recommended me for the Rhea project.*

*Arrangement was made for the following day for me to meet the Rhea support worker. Again, I was very frightened, as I was not sure where we were going. The support worker took me to the property. When I entered the property I was so surprised at how much room I had. I asked the support worker if I was sharing the property. I was told the whole flat was for me and my children. I was so happy and I was crying. I could see the smiles on my children's faces.*

*I have been in the Rhea project only for a couple of months. However, by having the support, I now have full access to all the benefits which I am entitled to. I have also been issued with a National Insurance Number which my husband never applied for me. I never knew I could access benefits, I now have enough money to feed and clothe my children. I am not too far from my friend who I see on a daily basis. My children are so happy. I love seeing their smiley faces when I take them to school.*

*I feel safe and no longer in fear when I walk through the door. My children are more relaxed and we are all looking forward to the baby being born. This is the first time since I have been in the UK that I can plan for the future. I want to improve on my English and to eventually go into education once the baby is born.*

*My health has improved and I have more energy to do daily tasks. I am very grateful for all the support from Solace and feel safe to know they will still be supporting me until I move on to a permanent property.*

*Resident in Rhea project.*

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