

Private Rented Sector Toolkit

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Domestic Abuse Housing Alliance (DAHA) received funding from the Department for Digital, Culture, Media and Sport to develop and deliver the first national Private Rented Sector (PRS) project on domestic abuse from 2017 to 2019. The project was extended as part of the Whole Housing Approach project with further funding received from the Ministry of Housing, Communities and Local Government.

A dedicated PRS DAHA Development Manager with significant experience in the PRS was recruited to develop and implement a framework for raising awareness with national and local stakeholders.

Purpose of this toolkit

This toolkit highlights the challenges that victim/survivors experience in private tenancies and considers initiatives and offers guidance for engaging landlords and professionals working in the private rented sector (PRS) at a national and local level.

It is a reference guide for professionals working in the PRS including landlord professional bodies, local authorities (community safety teams, environmental health, private housing teams), private landlords and letting agents.

It is also a guide for specialist domestic abuse services who are ideally placed to be the lead service for delivering the initiatives set out this guide.

Overview of the Private Rented Sector

There are 4.6 million households living in the PRS in England, accounting for 19% of all dwellings.ⁱ Two decades ago, this figure was just 10% and the rapid growth of the sector is showing no signs of slowing down.ⁱⁱ Indeed, there are now more households with children living in the PRS than in social housing.ⁱⁱⁱ

1 The Whole Housing Approach

The estimated 2.5 million private landlords in England and Wales operate within distinct markets and submarkets which span the UK regions, resulting in a diversity of accommodation and landlords.^{iv} 45% of landlords own just one property, representing 1 in 5 tenancies.^v In contrast, 17% of landlords own nearly half of the PRS, from those with a modest portfolio of five to build-to-rent corporate landlords who operate multiple purpose-built blocks.^{vi}

Why address domestic abuse in the PRS?

Domestic abuse is just as prevalent in the PRS as any other tenure of housing, yet the sector to date has largely been overlooked in terms of its role in the Coordinated Community Response (CCR) to domestic abuse. Private landlords and their agents can be the first to know that domestic abuse is occurring. This may be because a tenant has told them directly or it might come from a third party such as a neighbour or letting agent. There can also be other indicators such as unexplained damage to a property; requests for repairs, especially recurring repairs; requests for lock changes or the presence of broken locks; noise complaints or anti-social behaviour reports; and rent arrears.

A perpetrator might **control** how the victim/survivor acquires or spends money, they might **exploit** their income and spend money set aside for bills, and might try to **sabotage** their employment and resources.^{vii} Perpetrators of economic abuse can intentionally create economic vulnerabilities which they can later exploit to reinforce the coercive control, for example by stealing the victim/survivors' money, creating costs, and generating debt.^{viii}

This includes when a perpetrator generates rent arrears, which the victim/survivor may not be aware of. Economic abuse also creates challenges for covering everyday living costs and maintaining payment of bills, such as rent.

This in turn increases the risk of eviction. A study within the social housing sector have found that 63% of tenants experiencing domestic abuse had received a Notice of Seeking Possession due to rent arrears.^{ix}

Making the link between rent arrears and domestic abuse as early as possible can help prevent the generation of further arrears and the risk of eviction. For more information about the link between domestic abuse and rent arrears, please see the Economic Abuse toolkit.

Research carried out by the University of Bristol for DAHA shows that more needs to be done in the PRS to tackle domestic abuse. Their analysis included in-depth interviews with 251 victim/survivors of gender-based violence and abuse, more of whom were living in a private rented property than any other tenure (38%).^x

They found that tenants living in the PRS received inconsistent advice about their legal rights when trying to remain in the home, relied on permission from the landlord to implement safety measures and were often unable to change the locks. Many found that the only way to remove the perpetrator from the tenancy was to leave the home and end the tenancy completely, due to difficulties in obtaining court orders and accessing legal aid. Financial 'penalties' naturally

followed, including the cost of starting over in new accommodation, being liable for all the rent, bills and any damage caused by the perpetrator and legal fees.

The quotes given in textboxes throughout this toolkit are taken from this report and show that private landlords are in a unique position to see warning signs of domestic abuse and that their response to victim/survivors can have a significant impact on their ability to achieve safe and stable housing.

Landlords are not expected to be specialists or 'hands on' in the same way as a social housing landlord, however they could have a significant impact and improve outcomes for victim/survivors.

It can be difficult for victim/survivors to tell someone else about what is happening to them. Perpetrators often intentionally isolate victim/survivors as part of the abuse. Victim/survivors may also blame themselves for what is happening. They may be scared that talking to others will make their situation worse and could lead to reprisals from the perpetrator.

Offering a helpful response requires a basic awareness of what domestic abuse is and a couple of simple strategies for responding to it if it is suspected or if a tenant reports this directly.

Landlords should only speak to the suspected victim/survivor when they are alone and never in front of others, because they may be the perpetrator, or they may tell the perpetrator. A willingness to listen, hear what the person wants to happen and to believe them is described by victim/survivors as a helpful response. Considering how landlords and estate agents can use their powers to help and sharing information about the national and local domestic abuse services available is vital in helping to keep victim/survivors safe.

See the document DAHA Guidance for Landlords on Domestic Abuse in the Resources section for further information about how the PRS can help.

Staying in or leaving a PRS property – tenancy-related barriers for victim/survivors

The Bristol University research highlighted issues with **joint tenancies** that made it difficult for victim/survivors to obtain safe accommodation and rebuild their lives, finding that ***"barriers to justice in relation to housing issues stemmed, in the main, from the fact that where a victim/survivor and perpetrator were on a joint tenancy agreement or mortgage, both parties were classed as a single legal entity"***.^{xi}

Without a transfer of tenancy through the courts, there is no current method to remove a perpetrator from a joint tenancy and allow the victim/survivor to keep it. The only way to separate from the perpetrator is to end the tenancy completely, resulting in a precarious situation for the victim/survivor and potentially escalating the risk. There is no option for a victim/survivor to end a tenancy during a fixed term without the agreement of all parties, which

means that the perpetrator would have to know about a victim/survivor's plan to leave and agree to it, placing the control in their hands and leaving victim/survivors trapped.

There are significant barriers to obtaining a transfer of tenancy in the Family Court to enable a victim/survivor to legally remain in the property on their own. A court order is necessary for the transfer of a secure or assured tenancy and the court only has power to transfer under certain circumstances, for which proceedings can be costly, lengthy and uncertain. For example, if the tenancy is held by married partners, the transfer would have to be done as part of divorce proceedings and therefore could take over a year and will not take effect until the divorce is finalised. For those who do not meet the means test requirements for legal aid, for example some who are in paid work, they would need to represent themselves during proceedings or pay for representation which can cost many thousands of pounds.

Landlords in the PRS have additional powers to seek possession. Where there are certain breaches of the tenancy, for example because of anti-social behaviour from the perpetrator or significant rent arrears caused by the perpetrator, landlords may be able to seek possession of the property through the courts which could terminate the tenancy for all parties. This course of action may be preferred by some victim/survivors as it removes the onus on them from taking action against the perpetrator. If this route is taken, it's recommended that landlords speak to the victim/survivor first to find out how this will impact on them. Where a landlord has other stock, they may consider offering the victim/survivor another property that is unknown to the perpetrator. Consideration needs to be given to the victim/survivor's ability to afford rent payments on their own and factored into decisions before action is taken.

Similarly, there is currently no fool-proof way to prevent a perpetrator from serving notice to end the tenancy. An Occupation Order is one way to deter a perpetrator from ending a tenancy, however, the onus is on the victim/survivor to take legal action against the perpetrator and this would have to be done very quickly. If the order is breached and notice is served, there is no legal way to stop the notice from being accepted.

Occupation Orders also give an option for victim/survivors to remain in the property without the perpetrator temporarily, however as research has shown, they cannot guarantee the safety of the victim or offer a longer-term solution to their housing needs. They are also slow and costly to obtain. Orders typically cost in the region of £1,500-£3,500 and subsequent hearings to obtain a transfer of tenancy would come at further cost. Victim/survivors who are married may also face the costs of divorce and financial dispute hearings. There is no guarantee that an Occupation Order would be made, and for some victim/survivors, these orders merely give breathing space for alternative accommodation to be sought.

“So I got an occupation order for him that lasted...two months I got, two months to look for a flat and he couldn’t come back.”¹

In response to this issue, the National Housing and Domestic Abuse Policy and Practice Group have proposed a new, more accessible process for a victim/survivor to apply to the court for a transfer of tenancy to their sole name, through their response to a Government consultation regarding tenancy reform.^{xii} This new system would include a scale of presumption that the tenancy would be transferred, for example, it has been suggested that where the perpetrator has been convicted of an offence against the victim/survivor, the court would be bound to order the transfer. Measures proposed include good practice guidance that would set out the need for communication with the landlord.

Options for leaving a tenancy are also limited, and, even where victim/survivors are able to leave this can come at a great financial and emotional cost, including a great impact on children.

“I’ve been there all my life. When my parents left I took it over, it’s my house. So I don’t see why we should to be the one to uproot, I’ve got my kids settled in school and I don’t want to upset them, they’ve been through enough.”

Financial penalties include losing money from deposits due to damage caused by the perpetrator, still being liable for rent and bills after leaving and the costs of moving into a new property.

“I needed to buy a complete new household more or less, furniture and everything, I was sleeping on the floor, this place was unfurnished when I moved in, I lived on the floor ... so I had to buy almost everything. And the rent is so expensive, so it went all on my credit cards. Then I had the solicitor costs on top of that as well.”

Victim/survivors sometimes rely on the understanding and cooperation of their landlord in order to leave to safety and the landlords rely on powers being available to end the tenancy. The National Landlords Association has raised concerns about the ability of landlords to do this following the abolition of Section 21 of the Housing Act 1988.^{xiii}

¹ This quote – and the other victim/survivor quotes inserted throughout the text, unless otherwise indicated – is taken from University of Bristol research undertaken as part of the ‘Justice, Inequality and Gender-Based Violence’ project.

Current responses in the PRS

There is currently no legal requirement for private landlords to act or report domestic abuse, however where children, young people and vulnerable adults are affected or it's suspected that such persons are being affected by domestic abuse, action can be taken as part of the local authority's safeguarding procedures. As a matter of good practice, safeguarding concerns should not be dismissed and should be passed to specialist organisations for assessment, collation, monitoring and action.

PRS professionals can also assist in other ways than flagging concerns to official channels. Consultations with victim/survivors shows that they have found support from their landlords incredibly useful.^{xiv} The following quotes are from victim/survivors and gives a sense of what this support looked like and the impact it had on them:

“The landlord’s been brilliant, changed all the locks, locked him out. Probably wasn’t supposed to do that, but I was living in fear that he’d come back in the middle of the night and take everything or do something worse... I think the letting agency don’t really like it, but they do not hold the key to this house... So I have a problem with them as well. I didn’t want them to hold the key because he could go into the branch, produce the document saying I’m the joint tenant, get the key, come in the house... either beat me up or take the furniture or abduct my child.”

“I ended up spending over £600 in solicitors’ fees and didn’t get anywhere. And my solicitor... cos I’ve said about you know going to court and things, and he said oh no that’s not a good idea. And of course, when you look back... at the time you don’t know what’s good advice and what isn’t.... in that sense I felt let down... because it’s just so hit and miss whether you get a good solicitor or not.”

Some victim/survivors reported that as a private tenant, they were unable to change the locks at the property without prior agreement from the landlord and/or letting agent for fear of facing a penalty, leading them to feel unable to protect themselves (and their children) and thus unsafe in their own home.^{xv} One route of support is through agreeing to Sanctuary Scheme works, which is a domestic abuse initiative that includes enhanced security measures installed to a property to enable victims/survivors the option to remain at home. This option is only appropriate when the perpetrator is no longer living or accessing the property. These are often installed at no cost to the landlord.

“The domestic abuse advocate said you need to do that [additional security measures], and that’s one of the first things I did, I phoned up the landlord.”

Implementing Domestic Abuse Initiatives in the PRS

Background

Standing Together Against Domestic Violence is a domestic abuse charity that pioneered the Coordinated Community Response in England. As a partner of the Domestic Abuse Housing Alliance (DAHA), they received funding from the Department for Digital, Culture, Media and Sport to develop and deliver the first national PRS project of its kind from 2017 to 2019. A PRS DAHA Development Manager was recruited to develop best practice in relation to domestic abuse within the PRS. The post holder had significant experience in the PRS and Standing Together offered expertise on domestic abuse.

This initial project focused on developing relationships with the three main Landlord Professional Bodies in the UK: National Landlords Association (NLA), Residential Landlords Association (RLA) and Association of Residential Letting Agents (ARLA). The flowchart on the next page outlines the work with these national membership bodies. Collaborative efforts to raise awareness with private landlords, letting agents and the property management sector occurred through a variety of media including social media, editorial articles in professional journals, training videos and the delivery of over 30 presentations and keynote speeches at their regional meetings. A domestic abuse policy was also produced and adopted by the NLA.

Further funding from the Ministry of Housing, Communities and Local Government (MHCLG) as part of the WHA project extended this work for a further 18 months. The focus of this project enabled further mapping of the PRS in England and engagement with the national membership bodies. It introduced for the first time work at a local level with three local authorities which are part of the WHA pilot sites: Stockton-On-Tees, Cambridgeshire and three London Boroughs (Westminster, Kensington and Chelsea and Hammersmith and Fulham).

This pioneering work has had a vast reach and created significant potential for preventing homelessness and supporting victim/survivors to remain in existing tenancies, where it is their choice and is safe and affordable to do so. This work is still very much in its infancy and there are opportunities to further develop and establish new initiatives to improve how the PRS responds to victims/survivors.

2017 - first national PRS project is developed, led by DAHA



PRS DAHA Development Manager established relationships with the three main Landlord Professional Bodies: the National Landlords Association (NLA), Residential Landlords Association (RLA) and Association of Residential Letting Agents (ARLA)



Moral and business cases for refining the response to domestic abuse set out, leading to partnership work to improve awareness of domestic abuse among NLA, RLA and ARLA members, who have a combined reach of 90,000 PRS landlords and professionals at letting agents



Working in partnership, guidance and resources were developed for private landlords that considered their role in supporting tenants who are experiencing domestic abuse.



Training, adopted policy and guidance enables landlord bodies to raise awareness among their members about their unique role in responding to domestic abuse.



Domestic abuse training incorporated in NLA and RLA foundation course and a policy guidance fact sheet which was circulated to their members. All three organisation ran communications campaigns on domestic abuse.

Local initiatives

The following activities were undertaken as part of the WHA pilot in the three pilot sites:

Stakeholder mapping

Key to building relationships within the PRS is making connections with private landlords and letting agents in the local area. One route for doing so is through the local authority and the various teams that come into contact with them. This often includes the Community Safety Partnership, environmental health and private housing departments. They may be in contact with private landlords through their duties relating to tackling antisocial behaviour or through work on community cohesion initiatives and through community and property specific enforcement activities. In areas where there is a social housing shortage crisis, the private housing team may also procure properties from the private sector for use as temporary accommodation and as part of a final offer made where a duty under the Housing Act 1996 has been accepted.

As part of the WHA project, a mapping exercise was undertaken to identify the national and local contact points with PRS stakeholders.

See the Resources section for the result of this stakeholder mapping.

The role of specialist domestic abuse services

The project lead for work undertaken with the PRS ideally has expert knowledge in domestic abuse. Specialist domestic abuse services offer this expertise in their local area. Local areas looking to establish a dedicated role are encouraged to include their local domestic abuse services in initial talks as part of planning for any project.

Local areas are also encouraged to [contact DAHA](#) who can offer guidance on planning and implementing such a project.

See the Resources section for Standing Together Against Domestic Violence's job description for the PRS DAHA Development Manager post.

Embedding the PRS in local domestic abuse strategies

PRS should be included in local domestic abuse and/or VAWG strategies and action plans. As a first step, this includes speaking to the local domestic abuse and VAWG Lead at the local authority, where this role exists. In

Making links with the local domestic abuse partnership is also a good starting point. Their membership usually consists of a mix of statutory and voluntary services including the local specialist domestic abuse services.

This group often has oversight responsibility of local strategies and action plans. Their monitoring of domestic abuse should ideally capture activities and outcomes relating to any PRS work or initiatives happening locally.

Raising awareness with local PRS stakeholders

Presentations and talks

Local authority landlord forums bring together a mixed audience of landlords, including private landlords, and are therefore a direct way of getting key messages to them in a local area. These forums provide an opportunity to target a landlord audience, explain what domestic abuse is and explain what a helpful response looks like.

The presentation should include a clear message that landlords are not expected to be specialists or 'hands on' in the way of social housing, however they could have a significant impact and improve the response for victim/survivors. Landlords can provide support mainly through signposting to local specialist domestic abuse services and the National Domestic Abuse Helpline and should be referred to the DAHA Guidance for Landlords on domestic abuse (included in the Resource section).

Most local authorities already work closely with the main membership bodies (NLA/RLA and ARLA) and the value of these partnerships should be considered further in terms of domestic abuse. The national bodies have expressed an interest to get further information to their members on domestic abuse. Contact can be made with each of them to present at their regional meetings and raise the issue and guidance with local members. Presentations have been given nationally and were well received and are therefore included as a key part of this toolkit.

Resource production

The DAHA Domestic Abuse Guidance for Landlords mentioned earlier was introduced in October 2019 and provides a reference point for landlords to understand more about domestic abuse and what they should do to try to help and support. It is recommended that local authorities adopt this guidance and circulate it widely amongst the landlords that they know exist in their area considering all available circulation lists and with reference of course to GDPR contact permissions. For example, Licensed Landlords and agents, Accredited Landlords, those who attend and want to be contacted about local landlord forums and 'any other' that a local authority holds contact data for and have expressly said that they can be contacted.

Developing a domestic abuse e-book with Fixflo

Recognising the role that letting agents have as a property manager for private landlords, the PRS DAHA Development Manager worked with Fixflo, a property software designed to enable tenants to report repairs to a letting agent. [A free e-book for letting agents](#) was co-created on domestic abuse and the letting industry, highlighting how they can make a difference.

"We must all work together to try and eliminate domestic violence. Letting agents deal with people's homes and therefore may spot some of the tell-tale signs of domestic abuse during inspections and property visits. Helping agents to understand and spot these signs and, in what can be very difficult personal situations, educating them on how to respond is really important." (Fixflo – property maintenance and repairs)

Media work

Engaging with PRS-specific media can be a highly effective way of reaching out to landlords, either on a national or local level. Most landlord bodies and teams have newsletters that are circulated to registered landlords, and these can be used to raise awareness about domestic abuse and steps landlords can take to support their tenants.

It is also possible to reach out to landlords and other PRS professionals through other media avenues, which can be identified in collaboration with landlord bodies. For instance, the NLA has [a podcast which the PRS National DAHA Development Manager appeared on](#).

In addition to any PRS-specific work occurring in the region, messaging should cover:

- A definition of domestic abuse and facts about prevalence
- Why landlords need to be aware of domestic abuse and how their tenants may be affected
- What steps landlords can take to support their tenants, including:
 - Providing information on a flyer about the local domestic abuse service in addition to the National Domestic Abuse Helpline number at tenancy signup;
 - Considering that management issues may be due to domestic abuse rather than antisocial behaviour;
 - Approving Sanctuary Scheme measures if requested by a tenant or support worker;
 - Remembering that malicious damage to a property is quite rare, and may be a consequence of domestic abuse.
- Where landlords can access further information and support. The National Domestic Abuse Helpline (0808 2000 247) can be called by anyone who is concerned about someone they know. If landlords want to know more about services available in their area they can also call

the Helpline. Landlords can also be directed to the DAHA Domestic Abuse Guidance for Landlords, which is explained in more depth below.

An example of a newsletter produced as part of the WHA project and circulated to landlords are included in resources.

Training PRS professionals

An essential and valued way in which local authorities support their landlords is by delivering training on various subjects associated with being a landlord. As part of the WHA project, the PRS DAHA Development Manager devised a half-day training course for the PRS.

The Development Manager met with each local authority to identify what training was already on offer and scheduled in training deliveries alongside this with a view of building this into existing training plans and frameworks in the longer term.

Local authority environmental health, private sector housing, animal welfare, pest control, noise nuisance teams, and any other team that delivered frontline services to tenants living in the PRS were invited to attend the training.

The training content goes into detail about what domestic abuse is, how to spot the signs and covers what a helpful response looks like that is appropriate to the remit of the PRS.

It is recommended that domestic abuse training delivered to PRS teams in other local areas as part of a WHA approach includes a lead trainer has expertise on domestic abuse (i.e. is from a local specialist domestic abuse service). Ideally the training should be attended by a lead or manager from the local authority as part of sharing knowledge and building further collaboration.

Feedback gathered from training deliveries to local PRS teams during the WHA project included:



The course was very useful. Prior to training I was under the impression domestic abuse only involved physical abuse



The training was really informative and part of it really hit home. More needs to be done to tackle domestic abuse



Very useful training and opportunity to work jointly to raise awareness of this important topic in the private rented sector

Future initiatives to progress work with the PRS

The use of safeguarding conditions within PRS Licensing Regulatory Schemes and Voluntary Landlord Accreditation Schemes

Some local authorities operate PRS Licensing Regulatory Schemes and Voluntary Landlord Accreditation Schemes and these can be a positive mechanism for identifying landlords to work in partnership with who have management practices that reliably meet the minimum standards as set out in the scheme.

Local Authorities that operate these schemes could include safeguarding conditions. Possible safeguarding conditions to consider include:

- Application of safeguarding conditions to housing licences (Housing Act 2004 Part 2 and 3 Schemes).
- Safeguarding training requirement for licence holder and manager included as a condition of licence.
- Condition to refer any identified 'adult at risk' (vulnerable adult) and a legal consequence of breach of licence condition.
- Support and advice embedded with enforcement, where needed, to get tangible results.
- Include reference to a Local Authorities 'Safeguarding Good Practice Guidance' which would underpin and reinforce to licence holders the safeguarding arrangements within an individual area.
- Local Authority Accreditation Schemes/Codes of Conduct/Landlord Charter

The overriding objective of adopting such conditions would be to increase a landlord's understanding of safeguarding, which includes cases of domestic abuse. By offering training to landlords on domestic abuse as part of this scheme, there will be further opportunity for the PRS to become more upskilled and confident to act.

This can be further supported by local arrangements being put in place for landlords to report matters of concern relating to the tenants within their properties. It is not expecting them to become anything more than an 'alerter' to safeguarding concerns.

Consideration should be given to the role of specialist domestic abuse services for any alerts made to the local authority. See the Co-Located Housing Advocacy toolkit for ideas on how this could best work.

Resources

- PRS DAHA Development Manager job description
- Domestic Abuse Guidance for landlords in the private rented sector launched October 2019
- Stakeholder mapping
- PRS landlord mapping
- Improved responses to domestic abuse in the PRS
- Local Authority Landlord Newsletter example

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