

**The National Housing and Domestic Abuse Policy and Practice Group Written Evidence to the Department of Levelling up, Housing and Communities (DLUHC) consultation on local connection requirements on social housing for victims of domestic abuse
May 2022**

About our National Group

In November 2017 the first National Housing and Domestic Abuse Policy and Practice Group was convened, led by the Domestic Abuse Housing Alliance (DAHA). This was the first time representatives from major Homelessness, Housing and Domestic Abuse organisations formally met to discuss how to work together nationally to tackle domestic abuse and better connect these policy areas. The main aims of this group are to ensure that:

- The experience of survivors of domestic abuse is more prominent in the housing sector and helps shape improved and enhanced service delivery.
- Women and children can access secure housing and good quality services when experiencing domestic abuse; and
- Co-ordination exists between the housing and Violence Against Women and Girls (VAWG) sectors with regards to domestic abuse.

The group seeks to find consensus, share best practice, and influence policy and practice on domestic abuse and housing in England and devolved authorities. We recognise that those who have experienced domestic abuse or violence and other forms of abuse in the home, have insight and knowledge that service providers can learn from to improve joined up multiagency working. It is for this reason that we aim to ensure survivors' perspectives are embedded in the effective planning, delivery, and monitoring of partnership initiatives.

The group has representatives from the domestic abuse, LGBT+, housing and homelessness sectors. It includes:

- | | |
|--|--|
| <ul style="list-style-type: none">• Against Violence & Abuse (AVA)• Agenda• Birmingham & Solihull Women's Aid• Chartered Institute of Housing (CIH)• Crisis• Domestic Abuse Commissioner for England• Domestic Abuse Housing Alliance (DAHA)• The DRIVE Partnership• Galop• Gentoo Housing Association• Homes England• Homeless Link• Imkaan | <ul style="list-style-type: none">• National Housing Federation (NHF)• National Federation of ALMO's• Peabody Housing Association• Refuge• Resolve ASB• Respect• SafeLives• Shelter• Standing Together Against Domestic Abuse• St Mungo's• Surviving Economic Abuse (SEA)• Women's Aid Federation of England (WAFE) |
|--|--|

Introduction

The National Group welcomes the opportunity to submit evidence to the Department for Levelling Up, Housing and Communities (DLUHC) on this important consultation regarding local connection requirements on social housing for victims of domestic abuse. By its very nature domestic abuse is a human rights issue, directly impacting on a survivor's right to a life free of violence and abuse and the right to a safe and stable home¹. Perpetrators create a context of fear and curtailed freedom usually within the home, a place where women and children should feel safe², and is tragically, where a victim of domestic abuse is most likely to be killed by her abuser³. Although each survivor's experience is different, housing is the primary barrier for women attempting to leave abuse⁴. In a recent Women's Aid survey, 70% of women said their housing situation and concerns about future housing, including fears of homelessness or lack of safe housing, prevented them from leaving an abuser⁵.

All survivors' safety and housing needs are different, with some survivors requiring access to lifesaving refuges and long-term social housing to become safe from their abuser and rebuild their lives, while others need to stay safely within their own home, to maintain employment, access their children's school, family, and support networks, and maintain stable housing. Because of these differences in need, survivors require a range of housing and support options that enable them to have the viable choice to remain within their accommodation, if it is safe and their choice to do so, or to access alternative safe accommodation. For this reason, our National Group worked together to develop the Whole Housing Approach⁶ to domestic abuse, which is a local approach that brings housing and specialist domestic abuse services together to provide a range of safety and support options for survivors in any tenure type or housing circumstance to address their housing and safety needs. We have seen a substantial increase in local authorities taking on a Whole Housing Approach in response to their new Part 4 duties under the Domestic Abuse Act 2021 (DA Act).

Many survivors, including children, who are forced to flee their home and local area to become safe from domestic abuse face barriers to accessing safety and housing stability in a new local area. This includes some local authorities continuing to apply a local connection test when allocating social housing, which leads to the disqualification of a significant proportion of survivors who must flee to an unknown area to become safe. Therefore, we strongly recommend that the Government makes regulations to require local authorities to ensure that victims of domestic abuse are exempt from local connection and residency requirements. However, Government must monitor local authority implementation of these provisions and recommend that allocations teams are trained and supported to implement these changes. This should be a part of housing providers' wider response to domestic abuse, as set out through the DAHA accreditation framework and a part of a local authority's Whole Housing Approach to domestic abuse.

Additionally, we advise that these exemptions should apply not just to survivors of domestic abuse, but all victims of violence against women and girls (VAWG), including stalking, so called 'honour' based violence and forced marriage, sexual abuse, and gang violence. It is also imperative that the evidential burden is not placed on survivors to prove their experiences of domestic abuse within a set time limitation, and should not require a duplication of evidence, particularly where a survivor has already presented as homeless at the same or a different local authority and met the evidential requirements as set out in Chapter 21 of the Homelessness Code of Guidance.

We also recognise that even where residency and local connection tests are not applied to survivors of domestic abuse, they still struggle to be given priority banding, and 'compete' with many other vulnerable individuals who also receive priority banding. This leaves many survivors in uncertain and unsafe temporary and interim accommodation for significant amounts of time, often leaving survivors with no other option to return to their abuse, or access unaffordable and uncertain PRS

accommodation, where benefit caps and housing benefit restrictions and discrimination make this sector even more unaffordable and inaccessible for many survivors. Through the process of being forced to accept PRS accommodation, many survivors are forced to give up their secure tenancy status and their position on priority waiting lists.

All these issues are inextricably linked to the crisis of a significant lack of social housing, which we recognise as a much wider issue beyond the scope of this consultation. However, it would be remiss of this group not to identify the social housing crisis as the fundamental problem from which many of these complex housing issues arise, which cannot be fully resolved without addressing this wider issue. Within our consultation response we provide recommendations that are specific to the current barriers for survivors linked to local connection and residency tests, but our response also identifies and responds to the wider housing barriers that are linked to this.

Consultation question responses

Q1) [For local authorities]. Does your social housing allocations scheme incorporate the statutory guidance of domestic abuse victims to ensure that appropriate priority is given to victims of domestic abuse, including those who are being accommodated in a refuge, or another form of safe temporary accommodation? Please provide details.

Q2) The government proposes to make regulations to require local authorities to ensure that domestic abuse victims are exempt from any local connection or residency requirements as part of their qualification criteria for applicants for social housing. Do you agree?

Q3) [For local authorities] Does your social housing allocations scheme make use of current flexibilities within the allocation legislation to ensure that victims of domestic abuse and those who are in refuges are not disadvantaged by local connection requirements? Please provide details.

Q4) [For respondents who have applied for social housing] Have you ever been disqualified for social housing allocations by a local authority on local connection grounds despite being a victim of domestic abuse? If so, please provide further information such as the grounds on which you were disqualified

We agree that Government should make regulations to require local authorities to ensure that domestic abuse victims are exempt from any local connection or residency requirements as part of their qualification criteria for applicants of social housing. We are aware that there is a vast disparity in whether and how local authorities apply the current code of guidance regarding local connection for victims of domestic abuse. However, we strongly recommend this should apply to all survivors of violence against women and girls (VAWG), particularly considering those who are fleeing sexual abuse, so called 'honour-based violence' and forced marriage, stalking and gang violence and abuse, who are just as likely to be at risk of further abuse within in their local area and need to access safe alternative accommodation in an area where they may have no local connection.

We also recommend that Government actively regulate whether and how local authorities are implementing the regulations and must take action against local authorities who are not implementing exemption requirements. While we know that many local authorities are working hard to fulfil their statutory requirements to support survivors of domestic abuse, we have also been made aware by front line domestic abuse services supporting survivors, that there are local authorities who do not implement their statutory requirements or have actively sought to work around their statutory requirements as a form of gatekeeping. For example, this includes some forms of gatekeeping in response to local authorities' new duty to grant priority need to all victims of domestic abuse under the

new Domestic Abuse Act 2021. As demonstrated from the Women's Aid No Woman Turned Away Project, of the 166 women supported through the project in 2020, over 30% of those who contacted a social housing team were prevented from making a valid homeless application on the grounds of domestic abuse, for reasons including that they had no 'local connection' to the area.¹

Without Government actively regulating how local authorities implement their requirements to exempt survivors from the local connection test, the burden will fall on survivors to first understand their housing rights and options, and to then contest the local authority's decision and to take legal action against the local authority. Survivors who are experiencing abuse and homelessness, and who often may face difficulties accessing legal aid for legal advice and support, are often not able to take on the responsibility of holding local authorities to account for their statutory obligation to survivors.

Although we advise Government to take a more proactive role in regulating how and when local authorities implement their statutory duties, they will inevitably not capture every case and survivors will need to take the responsibility of legal action. To achieve this, legal aid must be more accessible to survivors of domestic abuse, and we share sector partners' welcome of the Ministry of Justice's forthcoming review of the aid means test and share the recommendation that the Government consider a legal aid means test exemption for survivors of domestic abuse with immediate effect.

We also advise that Government should provide guidance to local areas regarding how social housing providers should implement the regulations in practice, including ensuring that housing application forms require domestic abuse as a question (at the beginning of a form), recommend training for practitioners asking questions regarding domestic abuse and wider VAWG, and recommend that application/allocation management systems clearly identify and tag applications for survivors of domestic abuse, particularly as they may be presenting as homeless for a myriad of reasons and have many vulnerabilities where domestic abuse, or other forms of VAWG, may not be their presenting issue.

Additionally, we recommend Government advises that allocations teams are trained to implement the regulations and identify survivors of domestic abuse and to enquire about domestic abuse when assessing the individual's needs and circumstances. We also suggest that Government advises internal communications and information sharing between housing teams, organisations, and local authorities, where survivors may first present as homeless and then sign on to a housing register. This sharing of information should ensure that allocations teams identify survivors early on who should have the local connection disapplied, but also so that evidence already provided by survivors to demonstrate homelessness because of domestic abuse can be re-utilised instead of requiring survivors to undergo the burden of evidencing their experience of domestic abuse again.

We also are aware that even where survivors are accepted for allocations of social housing, and a local connection test is not applied, they will often 'compete' with many others for a high priority banding, and as a result, remain on waiting lists for extended periods of time. This leaves many survivors, including children, in uncertain and unsafe temporary accommodation for long periods of time and places survivors in a position of either returning to the perpetrator where they are at a significant risk of harm and homicide, or being forced to seek accommodation through the private rented sector (PRS), despite meeting the criteria for social housing, and in some cases, being forced to give up their secure tenancy status and give up their place on allocations waiting lists.

For many survivors placed in the PRS they have overwhelmingly found that rent is unaffordable, and landlords are much less willing to take on a survivor of domestic abuse (particularly where economic

¹ Women's Aid (2021) Nowhere to Turn 2021: Findings from the fifth year of the No Woman Turned Away project, available at: <https://www.womensaid.org.uk/wp-content/uploads/>

abuse has led to arrears, damage, and negative credit ratings and references, and ongoing benefit (DSS) discrimination). While we recognise that due to a lack of social housing provision, some local authorities may need to offer PRS accommodation, survivors of domestic abuse who qualify for social housing and/or had a previous social tenancy, including secure tenancy status, should not be forced to give up their position on allocations waiting lists due to accepting a PRS offer. Additionally if survivors who previously had a secure social tenancy must accept PRS accommodation instead, and remain on allocations waiting lists, they should be able to maintain their secure tenancy status once provided a social housing offer.

Benefit caps also make the cost of living in the PRS impossible to meet, particularly for women with children, and we know that landlords still discriminate against tenants who are in receipt of universal credit and housing benefit despite the illegality of benefit discrimination. As such, to ensure the increasing number of survivors being placed in the PRS after fleeing domestic abuse can afford a PRS tenancy, we support Shelter and Women's Aid's recommendation that due to the specific and severe impacts of the benefit cap on women fleeing domestic abuse, the Government should award an exemption for survivors of domestic abuse. An exemption of two years would provide enough time for someone to adjust to changes in circumstances after escaping an abuser, and low survivors a period of transition, free of the cap⁷.

Additionally, single people under 35 who claim Housing Benefit or Universal Credit are only entitled to the shared accommodation rate of Local Housing Allowance. Domestic abuse survivors will be exempt of this at the end of the year, but until then, survivors under 35 without children who cannot access social housing are limited to finding a shared accommodation in the private rented sector. This is not suitable for many survivors who have experienced ongoing trauma and abuse and might not feel safe sharing accommodation with people they do not know, in an environment that has not been specifically developed to meet the safety needs and protect the emotional wellbeing of survivors. For young and vulnerable survivors fleeing so called 'honour-based violence' and forced marriage from a considerably young age, living in shared accommodation can place these vulnerable individuals at an increased risk of harm, and does not provide them with the specialist support and additional safety considerations they require. Therefore, we recommend that the exemption is brought forward and includes all victims of all forms of violence against women and girls (VAWG).

We also wanted to bring to Government's attention the linked issue of locality caps and restrictions being written into tenders or contracts for domestic abuse and VAWG services. Although government guidance makes clear that locality caps and restrictions should not be written into tenders or contracts for domestic abuse and VAWG,² the guidance is not consistently applied across England which continues to lead to a 'postcode lottery' of access to refuge and a major risk to the safe operation of this national network of services. In recent years, Women's Aid has witnessed a worrying trend in local authorities introducing 'local connection' rules to tenders, and local refuges being capped on the number of 'non-local' women they are able to accept.³

It is critical to understand that women's refuges are distinctive services that enable women and their children to relocate to escape domestic abuse in a place where they do not have an existing local connection. The very existence of refuges depends on these services' ability to accept women from out of the area, as women will often need to flee from their local area to be safe. Therefore, the ongoing use of local connection tests serve to undermine the principles of the needs-based approach of

² <https://www.gov.uk/government/publications/improving-access-to-social-housing-for-victims-of-domestic-abuse/improving-access-to-social-housing-for-victims-of-domestic-abuse>

³ Women's Aid (2018) *Nowhere to Turn 2018: Findings from the fifth year of the No Woman Turned Away project*

women's refuges, by both refusing refuge to women and children in need and requiring women to seek refuge more locally than they would otherwise judge to be safe.⁴

Q5) Do respondents agree that local connection should be defined by reference to Section 199 of the Housing Act 1996?

We share Shelter's recommendation that if it is necessary to define local connection for the purposes of this consultation, we consider that the definition in section 199 of the Housing Act 1996 is a workable one. However, the proposals in this consultation should have the effect of exemption for survivors of domestic abuse (and other forms of violence and abuse) from any kind of residency requirement, however defined. It does not seem to be necessary to define the condition to exclude it. The reference to residence conditions in the proposed regulations should be in the most general terms, so that such restrictions, however expressed, are disapplied in these cases.

The Government already requires local authorities to make exemption for certain groups from these local connection requirements, or 'residency tests' – including for members of the armed forces⁵ and those seeking to move for work⁶. To accompany our recommendation to make it a requirement that local authorities implement local connection test exemptions for victims of violence against women and girls, we therefore support the amendment put forward by Women's Aid to include a specific bar on local authorities from imposing 'local connection restrictions' on survivors of domestic abuse when accessing refuges and longer-term housing. The proposed amendment is set out in Figure 1 below.

"(1) At the end of section 199 of the Housing Act 1996 (c. 52) (local connection) add –

"(12) A person who is or is likely to become a victim of domestic abuse, is not required to have any local connection to any authority within the meaning of section 199(1) of this Act for the purposes of his or her application".

Figure 1: Proposed amendment for section 199 of the Housing Act 1996 (c. 52)

Q6) Do respondents consider that exemptions of local connection or residency tests for domestic abuse victims should be time limited? If so, what length of time is appropriate, when should the period begin, and who should make that assessment?

No, we do not consider that exemptions of local connection or resident tests for domestic abuse victims should be time limited. We do not advise that any specific length of time is appropriate.

Applying a time limit to local connection or residency tests does not reflect the nature and long-term impact of domestic abuse on survivors, including children. As recognised within the statutory definition of domestic abuse as set in the Domestic Abuse Act 2021, domestic abuse often continues within the circumstances of post separation, including various forms of coercive and controlling behaviour and economic abuse, that is often not identified by non-specialist professionals who may only see abuse through a stereotypical physical abuse lens. Survivors can continue to be at risk from abusers long after leaving the relationship and are at a heightened risk of homicide in this period⁷. Housing professionals who may be tasked with defining when the abuse has 'started' or 'ended' are unlikely to understand the nuances and complexities of abusive behaviours that impact on survivors.

⁴ Bowstead, Janet C. Why women's domestic violence refuges are not local services, 2015, https://www.ohchr.org/Documents/Issues/Women/SR/Shelters/Janet%20C_Bowstead_Critical_Social_Policy-2015-Bowstead-327-49.pdf, pg331.

⁵ The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

⁶ *ibid*

⁷ Home Office (2016), *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Reviews*

Additionally, survivors may be given the impossible burden of evidencing the ongoing nature of the abuse, particularly where it is not physical. Although domestic abuse may have 'ended' due to the survivor's geographical separation from the perpetrator, if the local connection were denied and the survivor was forced to return to her local area, it may be highly likely that she will be placed again at a significant risk of harm. For many survivors of domestic abuse, the risk of harm presented by their perpetrator never ends but can only be mitigated against through distance and safety measures. It would be impossible for any survivor to evidence that abuse *would* resume *if* they were to return to the local area. As professionals, we should always assume that if the abuse is significant enough that a survivor has been forced to become homeless and bear the economic, practical, and emotional burden of starting again, then it is significant enough to always be a risk to return at any time.

Additionally, the time limitation does not take into consideration circumstances where the survivor may have 'recently' experienced domestic abuse when they first presented as homeless and added to the housing register, but by the time they are allocated social housing, which can be years later, they may no longer be considered 'at risk', despite still being homeless and in precarious housing circumstances due to domestic abuse, and could be placed at a significant risk if forced to return to their local area.

Even without a time limit, housing professionals need to be better equipped with the skills, tools, and knowledge to effectively identify and respond to all forms of domestic abuse, which is in line with the new statutory definition of domestic abuse under the DA Act 2021, and to correctly apply their new statutory requirements. Housing providers' effective response to domestic abuse should be supported by a domestic abuse policy and procedures, and wider staff learning and development, including training provided by a specialist domestic abuse service.

Allocations teams, who are most likely to be tasked with considered these applications, should be included within this. Housing providers who achieve DAHA accreditation are required to ensure that all staff across the entirety of housing organisations and teams, including allocations, are provided with the policies, procedures, training, and professional development to support survivors of domestic abuse presenting at any stage in their housing process. We advise that government use guidance to recommend housing providers equip all housing staff and teams to identify and respond effectively to survivors of domestic abuse across their organisation, including allocations teams.

It is also worth noting that time limitations for which exemptions from residency tests would apply, do may not bring many benefits for local authorities and the continued demand in social housing. Due to the need for survivors of domestic abuse to often move areas for a myriad of safety and needs based reasons, there may not be a significant flow of survivors between local authorities⁸. Women leave everywhere due to domestic abuse and are recorded as travelling from every English local authority, and from other nations to access formal support services in England⁹. There is also a strong tendency for women and their families to relocate to the same type of place they were forced to leave.¹⁰ As a result, the average 10,000 domestic abuse journeys made each year have been shown to cancel each other out in terms of net effect on a local or national scale.¹¹ Therefore, time limits on domestic abuse exemptions for residency requirements would not alleviate the pressures on local housing enough to merit their imposition.

⁸ Janet Bowstead, Why women's domestic violence refuges are not local services, 2015, https://www.ohchr.org/Documents/Issues/Women/SR/Shelters/Janet%20C_Bowstead_Critical_Social_Policy-2015-Bowstead-327-49.pdf

⁹ Women's Aid (2018) *Survival and Beyond: The Domestic Abuse Report 2017*. Bristol: Women's Aid.

¹⁰ Janet Bowstead, Why women's domestic violence refuges are not local services, 2015, https://www.ohchr.org/Documents/Issues/Women/SR/Shelters/Janet%20C_Bowstead_Critical_Social_Policy-2015-Bowstead-327-49.pdf.

¹¹ *ibid*

Q7) Alternatively, do respondents consider, instead of having a time limited exemption, that we should provide for ensuring exemptions from local connection or residency tests apply where the need to move to a new area relates to reasons connected with domestic abuse?

Yes, we believe this is a better approach to a time limitation. We strongly recommend that this should be in line with, and no more burdensome or extensive than, the recommendations for evidencing domestic abuse for homelessness applications as outlined in Chapter 21 of the Homelessness Code of Guidance. To reduce the burden on survivors to repeatedly evidence their experiences of domestic abuse, we also recommend that these enquiries should not be made again if the applicant has already applied and been accepted as homeless to the same or a different authority because of domestic abuse.

Therefore, we recommend that the government use statutory guidance to advise local authorities that the survivor should not be burdened with repeatedly evidencing their experience of domestic abuse, and that there should not be a time limitation to when this evidence can be used. We also recommend that the government advise local authority areas to put effective systems and agreements in place to share information within and across local areas, and across organisations, so that we reduce the retraumatising and exhausting burden on survivors who are forced to repeatedly gather and share evidence with multiple professionals across the same and different organisations.

We also recommend that local authority housing teams who are charged with “*determining whether the reason connected to moving is linked to domestic abuse*”, are required to receive the necessary professional development, including training provided by specialist domestic abuse services, to have a basic understanding of the nuances of domestic abuse and, how it may present where survivors experience various forms of coercive and controlling behaviour and economic abuse. Government should recommend that this is a part of housing provider’s wider response to domestic abuse, which includes domestic abuse policies and procedures, as demonstrated by those achieving DAHA accreditation.

Q8) Do respondents agree that the proposed exemption to local connection and residency tests should extend to social housing applications made in England where the victim has fled from elsewhere in the UK?

Yes, survivors of domestic abuse should be able to flee to and from any area of the UK to escape domestic abuse. There is a need for survivors to travel locally as well as nationally to reach safety. Research demonstrates that women are recorded as travelling from every English local authority, and other nations to access formal support services in England.¹² Overall, the distances travelled range from under ten miles in total, to thousands of miles for women who had left partners abroad; and whilst a quarter had travelled under 40 miles so far, a quarter had travelled over 200 miles so far as well¹³. There is clearly considerable variation in the needs and distances survivors must travel to seek refuge and transition into safe and settled independent lives.

Additionally, due to the limitations of refuge spaces, particularly specialist refuges provided by ‘by and for’ specialist services, many survivors are forced to flee extremely far from their local area to access

¹² Idib.

¹³ Bowstead JC. 2017. Segmented journeys, fragmented lives: Women’s forced migration to escape domestic violence. Journal of Gender Based Violence

lifesaving refuges, often leading them to flee outside of their country. Survivors also may be required to flee from their country of origin due to the high risk of ongoing abuse. Additionally, some survivors may purposefully flee to other UK countries because of family, friends, or other support networks within those countries.

Q9) Do respondents agree that the proposed exemption from local connection and residency tests should be applied to domestic abuse victims in privately rented accommodation, privately owned housing, and temporary accommodation? If not, please explain why.

Yes, we believe that the proposed exemption for local connection and residency tests should be applied to domestic abuse victims in privately rented accommodation, privately owned housing, and temporary accommodation, as well as social housing. We additionally recommend that the proposed exemption for local connection and residency tests should be applied to survivors who are rough sleeping and experiencing long-term homelessness, who may not have a specific form of accommodation from which they are fleeing. As outlined within Shelter's consultation response, *"the emphasis must be on the safety of the survivor, and not on the nature of their interest in the property where they have experienced abuse"*.

Survivors of domestic abuse in any form of accommodation, such as privately owning their own home or privately renting, may need to access social housing after fleeing domestic abuse. For many survivors, this will be directly linked to economic abuse, alongside the additional economic burden of becoming a lone parent and economically delinking themselves from their abuser and other support networks due to fleeing domestic abuse. For survivors who own their own home, they may not be able to access their finances that are wrapped up in their property, often shared with the perpetrator, and may be required to continue their mortgage payments for fear of debt and negative credit ratings, which in turn, makes it impossible to additionally afford PRS rent.

For survivors who previously had a PRS tenancy, they may have been dependent on their abuser to afford the rent or may still be liable for the PRS rent even after fleeing, due to being trapped in a joint tenancy with their abuser, which will make it necessary that they continue to pay towards rent and cannot access a shared deposit required for a new PRS tenancy. Additionally, as we are aware that perpetrators often use a shared tenancy as a form of economic abuse and coercive control, through causing arrears and damage to the property, it can be difficult for survivors with a PRS tenancy to access a subsequent tenancy if they cannot access a deposit, have a negative credit rating and/or references, and are in debt due to arrears and damages. As outlined in response to questions 1-4, benefit caps and under 35 restrictions for housing benefits, make it additionally difficult for survivors of domestic abuse to access the PRS if unable to be considered for social housing.

Q10) [For local authorities] What types of evidence do you collect when determining whether an applicant qualifies for social housing in relation to them being a victim of domestic abuse, and what are the reasons for collecting this?

Q11) Is there a need for further statutory guidance with regards to collecting evidence of domestic abuse to support local authorities when considering applications for social housing, to make sure the vulnerabilities of the victim and needs of the local authority are balanced. If so, what might this include?

We are aware from the evidence provided by group partners, that there is a vast disparity in the evidence collected by social housing providers in relation to domestic abuse, which can often be overly burdensome on the survivor and can place survivors at a risk of further harm and in some cases, are not in line with the recommendations set out in Chapter 21 on the Homelessness Code of Guidance.

For example, we have been made aware that some local authorities have been known to require survivors to have reported abuse to the police, which we know excludes many survivors, and specifically Black and minoritised survivors who are less likely to report to the police; or local authorities requiring survivors to evidence physical abuse, which does not reflect the statutory definition and complex nature of domestic abuse, which can often not include physical abuse, even when preceding domestic homicide. The specific experiences and needs of Black and minoritised women often result in survivors in the Black community being disproportionately impacted by poor responses to domestic abuse from statutory agencies. Owing to the campaigning work of Sistah Space, a specialist domestic abuse organisation led 'by and for' women with African heritage, Valerie's Law was recently heard by the Government for the first time on the 29th March 2022. We therefore support the proposals, put forward by Sistah Space, for mandatory cultural competency training in the police and other statutory agencies.

Additionally, survivors continue to highlight concerns that a lack of understanding about the nature of domestic abuse continues to pervade their experiences with housing providers when seeking support. Therefore, we share Shelter's recommendation that the existing guidance in Chapter 21 of the Homelessness Code of Guidance – especially paragraphs 21.12 – 21.17 and 21.20 – 21.32 – is suitable for this purpose.

If this question relates to enquiries to be made at the allocations stage, we do not believe such enquiries should be considered necessary if the applicant has applied and been accepted as homeless to the authority or to a different authority because of the abuse. In those circumstances, the links between the background of domestic abuse and the application to join the housing register will already have been established because of enquiries made in respect of homelessness functions. We appreciate that further enquiries may be necessary where the applicant has not applied as homeless, but has found temporary accommodation with family or friends, or in a refuge, in a new area. In those circumstances, the guidance in Chapter 21 of the Code will be relevant where it is considered necessary to make enquiries into the applicant's reasons for leaving her former home.

We additionally recommend that part of Government's role to regulate the implementation of a local connection exemption should include monitoring how survivors are being required to evidence domestic abuse, whether this is in line with Chapter 21 of the Code of Guidance, or whether housing providers are using burdensomely high evidential thresholds to gatekeep survivors accessing social housing. To achieve this, the government should actively seek feedback from survivors as well as front line domestic abuse services, and their representatives such as Women's Aid Federation of England, to gather evidence and feedback.

Q12) [For local authorities] What are the ways in which you currently work with neighbouring local authorities to ensure there is a proportionate allocation of social housing for domestic abuse victims?

Q13) Are there any barriers that prevents neighbouring local authorities from working together to support domestic abuse victims and their families applying for social housing outside their area?

Due to significant shortages in social housing in areas with long waiting lists, local authorities often cannot respond to local demand, which can mean that allocation teams are reluctant to accept people from outside the area, or to give them priority over local people in need of social housing. In some circumstances, survivors will be provided with priority banding, but alongside many others,

which still leads to exceptionally long waiting times. Due to a shortage of social housing stock, local authorities are also more likely to discharge their housing duty into the Private Rented Sector (PRS), regardless of whether the survivor had a social tenancy before applying as homeless, or currently meeting the threshold for social housing. As outlined in our response to questions 1-4, PRS tenancies are disproportionately inaccessible and unaffordable for survivors of domestic abuse, particularly when economically delinking from the perpetrator, becoming a lone parent, encountering high benefit caps and reported incidents of landlord discrimination, known as DSS discrimination, as outlined by Shelter.

One of the solutions to this issue for survivors who previously had a social tenancy is outlined within the Whole Housing Approach: Managed Reciprocal Schemes¹⁴, which enable survivors who had a social tenancy to relocate across local authority boundaries and keep a social tenancy in circumstances where the local authority does not have the necessary social housing stock to provide social housing. This is based on the Pan-London Housing Reciprocal scheme coordinated by Safer London. Managed Reciprocal Schemes are coordinated by an external agency that keeps track of moves for each social landlord taking part. This is crucial to provide transparency, fairness, and trust, so that local authorities and housing associations taking part in a reciprocal scheme can see those allocations for victims/survivors from outside the area are proportionate. In the absence of a Managed Reciprocal Scheme, survivors who had a social tenancy are dependent on their landlord to build informal links with neighbouring local authorities or housing associations to arrange emergency transfers or reciprocal moves. This can be inconsistent and dependent on social housing stock being available, which again can take a considerably long time.

Managed Reciprocal Schemes are only for survivors who already have a social tenancy, therefore there needs to be other systems in place to enable neighbouring local authorities to rehouse survivors into social housing when they did not have a social tenancy before, and government should recommend that local authorities put these systems in place. Areas that have county-wide, or regional choice-based lettings schemes can utilise them to support survivors to access social housing in a neighbouring area, but again, waiting times can still be long, and it is important to ensure that the process is safe, and survivors are linked in with specialist domestic abuse support in the new area.

Even in areas where there is a Managed Reciprocal Scheme, such as London, the lack of social housing creates long waiting lists. Safer London research found that many survivors, particularly those with mobility needs or in need of family-size properties, face years of waiting time for an offer of social housing in a safe area⁹. As a result, survivors are often under pressure to give up their previous social tenancy and accept a private rented sector (PRS) offer, which as outlined in response to questions 1-4, creates long-term economic and housing insecurity specifically for survivors of domestic abuse. In the absence of a social housing offer, many survivors also stay at risk of further abuse in their social tenancy while waiting for a suitable offer or create 'bed blocking' while remaining in refuge, or unsafe and unsuitable temporary accommodation.

We recommend the government should more strongly advise through guidance, that neighbouring local authorities work together to provide social housing for survivors, through solutions such as Managed Reciprocal Schemes and other systems that include those who do not already have a social tenancy. National Group partners, such as Solace Women's Aid, have also suggested that local authorities and housing associations ringfence a proportion (minimum 5%) of lettings per year to survivors of domestic abuse. Solace Women's Aid for instance calls for a minimum of 5% of social housing lettings in London to be allocated for women and children fleeing Violence Against Women and Girls¹⁰.

¹⁴ https://www.dahalliance.org.uk/media/10660/14_-wha-managed-reciprocals.pdf

Additional recommendations regarding move-on accommodation pathways

There is currently no consistent pathway from refuge into secure housing, and the challenges with move-on mean that women and children ready to leave refuges are not able to, which results in blocking spaces for survivors who need to escape and compounds the overall availability of already limited refuge spaces. Even within the pathways that do exist, there remain severe inconsistencies in local arrangements and wider barriers and challenges that survivors, services, and housing providers face. In May 2021, Women's Aid and the Domestic Abuse Housing Alliance (DAHA) held a series of workshops, funded by the Home Office, on whether there is a need for a national mechanism to 'link up' refuge services and housing providers to improve the move-on process and, if so, how it would work. In these sessions, Women's Aid and DAHA gathered insights into current arrangements for rehousing survivors, the barriers, and challenges to doing this, and how effectively the proposed solution would work.¹⁵

Of the existing arrangements for move-on, local choice-based lettings systems, which enable people on the council's housing list to bid for council and housing association properties, were the most common. However, there is significant variation in how lettings systems work to support survivors who need to move-on from refuge services. Traditionally, the bidding process for properties takes a long time for survivors, owing to the variation in whether councils consider women leaving refuge as requiring reasonable and additional preference on the grounds that they are homeless because of violence.¹⁶ We welcome the changes under section 78 of the Domestic Abuse Act, which states that a person who is homeless as a result of domestic abuse against them is in 'priority need' for housing. Nevertheless, we remain concerned about the consistency in councils adhering to the new provisions and guidance under the Act.

In some areas, there are specific 'second stage' accommodation arrangements – which provide longer-term accommodation, for survivors leaving refuge. It can be provided in a range of different types of accommodation – including groups of flats or single rooms with shared kitchens, and dispersed move-on houses, and all with varying levels of support. This arrangement can facilitate a quicker move on from refuge into second stage and offer ongoing support between tenancies from a trusted and expert domestic abuse worker. The process of establishing a partnership and business model between a registered provider and domestic abuse service for 'second-stage' accommodation can be lengthy, particularly when negotiating conditions for ensuring a 'sustainable tenancy' and liability for arrears and voids.

There are also some refuge and housing providers who successfully establish arrangements where direct housing lets are offered to women requiring move-on from refuge services, from local authorities but most commonly from housing associations. These arrangements appear to provide the most net benefits for all parties involved as they are underpinned by a supportive working relationship between refuge and housing providers. In some cases, specialist services can work with local authorities to establish 'long term temporary accommodation', with five to ten year leases on properties, which women and children ready to leave refuge were offered. In our focus groups, this was significant improvement from leaving women on the 'waiting list' in the local authorities letting scheme.

However, the direct lets model is rarely employed by local authorities, largely because nominations agreements¹⁷ between local authorities and a Registered Provider is approved by the local authority and therefore impacting the lettings activity of a Registered Provider in a local area. The number of

¹⁵ Women's Aid, DAHA, (2020), Improving the move-on pathway for survivors in refuge services, A Recommendations Report. Available at: [improving-the-move-on-pathway-for-survivors-in-refuge-services-wa-daha.pdf \(dahalliance.org.uk\)](https://www.dahalliance.org.uk/wp-content/uploads/2020/06/Improving-the-move-on-pathway-for-survivors-in-refuge-services-wa-daha.pdf)

¹⁶ Ibid

¹⁷ An agreement between the Council and the Registered Provider (RP) by which the occupation of the Affordable Housing Units is approved by the Council and therefore affects the letting activity of a RP in that local authority.

properties that the local authority is entitled to through nominations agreements varies between areas. DAHA's consultation with providers showed that the percentage of properties given to the local authority can range from 100% to 0%, with the most common being 75%.¹⁸ The nominations agreement impacts on whether, and how many, direct lets can be made to survivors who need to move-on from refuge.

Overall, there is a plethora of arrangements in place across local authorities in England to deal with the social housing needs of survivors. The inefficiency and fragmentation of current approaches to move-on accommodation suggests that more coordinated and consistent pathways would help to alleviate pressures on the demand of local housing, as well as stabilise survivors' journey towards settled, independent lives. The existing model is also financially unviable, incurring significant costs in temporary accommodation. In 2017-18, councils spent just under £1 billion (£996 million) on temporary accommodation for homeless households¹⁹.

Clearer local authority allocation schemes are therefore needed to transform our response to the housing needs to domestic abuse survivors. These would ensure survivors are consistently prioritised for all pathways in place in the local area, including through direct lets and local choice-based lettings schemes.

Following, the workshops Women's Aid co-facilitated with DAHA, as well as an analysis of national move-on data conducted in Autumn last year, a proposal was put forward for a national mechanism that would 'link up' demand for move-on accommodation with housing associations who have 'direct let' vacancies – when women and children are ready to leave refuges. We recommend that further funding is made available to further explore the viability of a national mechanism to improve move-on pathways for survivors fleeing domestic abuse.

Leadership at both national and local level is crucial for ensuring local allocation schemes are consistent and effective in enabling move-on from refuge. Women's aid and DAHA's workshops identified that specialist domestic abuse organisations and housing providers – as well as the Housing Regulator and other agencies – are operating with different motivations in this area, and further work is required to develop an effective model that works. We therefore recommend that that a pilot project is established, within a Whole Housing Approach framework, for a 'move-on hub' within at least two cross-border local authorities. This hub, alongside the proposed national mechanism, would support the establishment of new or existing pathways to facilitate move on from refuge, and ensure that ongoing revenue funding is delivered for support services that ensure tenancy sustainment.

¹⁸ Women's Aid, DAHA, (2020), Improving the move-on pathway for survivors in refuge services, A Recommendations Report. Available at: [improving-the-move-on-pathway-for-survivors-in-refuge-services-wa-daha.pdf \(dahalliance.org.uk\)](https://dahalliance.org.uk/wp-content/uploads/2020/12/Improving-the-move-on-pathway-for-survivors-in-refuge-services-wa-daha.pdf)

¹⁹ In 2017-18 councils in England spent 1.394 billion on homelessness. MHCLG, Local authority revenue expenditure and financing England: 2017 to 2018, Revenue outturn housing services (RO4), LA drop-down.