

Briefing on antisocial behaviour (ASB) & domestic abuse

Written by the [National Housing and Domestic Abuse Policy and Practice Group](#), building on our [joint letter](#) responding to the [Renters' Reform White Paper](#), and responding to the House of Commons Levelling Up, Housing and Communities Committee's report [Reforming the Private Rented Sector](#) and the government's [Anti-Social Behaviour Action Plan](#).

We welcome the government's commitment through the forthcoming Renters' Reform Bill to “reset the balance of rights and responsibilities between tenants and landlords”, and we support efforts to ensure the Bill addresses anti-social behaviour (ASB) as a significant issue impacting landlords, tenants, and wider communities. This Bill is also a critical opportunity for policy makers to protect tenants who are victims-survivors of domestic abuse, or in need of health or social care support, who now make up an increasing proportion of private renters due to the shortage of social housing.

While we welcome and support the government's approach of maintaining the ASB eviction ground 14 as discretionary, we strongly advise against plans to expand the ground's definition to “any behaviour ‘capable’ of causing nuisance or annoyance” as expressed in the ASB Action Plan. These changes could have dangerous consequences for tenants in need of additional support including victims-survivors of domestic abuse who are four times more likely to have ASB complaints made against them¹, often due to the misidentification of domestic abuse as ASB. Relaxing ASB eviction grounds would only serve to place victims-survivors of domestic abuse, as well as other vulnerable tenants at risk of abuse or exploitation or in need of health or social care support, at an increased risk of eviction, homelessness, and harm, and would not address the causes or impact of ASB.

Our National Group makes clear recommendations for how government can use the Bill to support landlords and managing agents to address ASB effectively, without causing harm and homelessness to the most vulnerable tenants. This includes:

- keeping Ground 14 discretionary
- not expanding the ground's definition to “any behaviour ‘capable’ of causing nuisance or annoyance”
- a commitment to the professionalisation of the PRS which ensures landlords and managing agents are equipped to fulfil their legal obligations to their tenants
- introducing a pre-eviction ASB protocol for landlords and managing agents
- developing accompanying guidance for landlords and managing agents on responding to ASB (including links between ASB and domestic abuse).

For more information, please contact our National Group Chair, Deidre Cartwright, by emailing d.cartwright@standingtogether.org.uk

¹ Jackson (2013), cited by Henderson, K. (2019) p.60. *The role of housing in a coordinated community response to domestic abuse*, Durham theses, Durham University. Available from: <http://etheses.dur.ac.uk/13087/> and SafeLives (2018), p.39. *Safe at Home*, Available from: <https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20Report.pdf>

National Housing and Domestic Abuse Policy & Practice Group

The [National Housing and Domestic Abuse Policy and Practice Group](#), led by the [Domestic Abuse Housing Alliance \(DAHA\)](#), brings together 29 expert organisations across the housing, domestic abuse, and violence against women and girls' (VAWG) sectors representing commissioning, charity, and policy perspectives. We support statutory agencies, government departments, and the private sector to deliver safe and suitable housing for survivors of domestic abuse. We are well-placed to support you to fulfil the ambitions underpinning the government's landmark Domestic Abuse Act of ensuring all survivors are given the protection and support needed to escape their abusers and transition into safe independent lives.

Our recommendations

To ensure the Renters' Reform Bill works to achieve its ambitions to "reset the balance of rights and responsibilities between tenants and landlords" it must ensure it protects victims-survivors of domestic abuse and minimises the balance of harm against them and other vulnerable groups. To achieve this, we advise the government to take on the following recommendations:

- 1) **We welcome plans to keep eviction ground 14 discretionary, but we urge government not to lower the ground's threshold to "behaviour 'capable' of causing nuisance or annoyance".** We need clarity from government on how people who are wrongfully accused of ASB will be protected from unfair evictions in practice. To ensure that the needs of victims-survivors and other tenants with additional support needs are assessed thoroughly and compassionately, we advise government to increase the capacity of the courts and put in place safeguarding mechanisms to prevent evictions of victims-survivors of domestic abuse, among other vulnerable tenants.
- 2) **We recommend government include within the primary legislation a requirement for professional standards for PRS landlords and managing agents.** This is to ensure PRS professionals are equipped to fulfil their legal obligations to tenants, particularly those most vulnerable. This should be supported by requiring all PRS landlords and managing agents, and particularly those managing licensed properties, to access training which includes how to respond to ASB (and related domestic abuse), the establishment of a pre-eviction protocol for ASB, and guidance on addressing ASB (including links to domestic abuse, mental health and other support needs) which could be accessed through the property portal.
- 3) **It is vital that the government produce detailed guidance on ASB that can be accessed through the proposed Property Portal.** Like guidance currently being drafted by DLUHC for the Social Housing (Regulation) Bill, this would include clear examples of the overlap of ASB and domestic abuse, and recommendations for how landlords, managing agents and judges can identify domestic abuse, signpost to appropriate support agencies, and minimise the risk of eviction. We recommend that the government create a panel of experts, including the Domestic Abuse Housing Alliance (DAHA), to develop this guidance.

Links between ASB and domestic abuse

Tenants who are experiencing domestic abuse are four times more likely than other tenants to have ASB complaints made against them². This is often due to the misidentification of domestic abuse as ASB. For example, neighbours who hear frequent shouting, screaming, or banging, might contact the council, landlord or police to report suspected ASB when some of the residents (most often women and children) are suffering from domestic abuse and may be at serious risk of harm including homicide. When housing, police, or other multiagency professionals do not recognise these reports as domestic abuse and continue to treat them as ASB, they risk criminalising, isolating, evicting, and ultimately causing homelessness to victims and survivors, instead of offering safeguarding and support.

Domestic abuse is a widespread and dangerous crime: in England and Wales on average two women a week are killed by their partner or ex-partner. Responding to domestic abuse as ASB has dangerous and life-threatening consequences for the victims as it reframes them as perpetrators, isolating them from professional support and misses opportunities to support victims, including their children. Survivors of domestic abuse often feel shame and fear of disclosing abuse because they fear that they will be judged, not believed, and they might not know that support is available. Receiving warning letters from their landlord regarding noise complaints leads many victims to hide the situation even more and therefore serves to protect their abuser. Domestic abuse is already the leading cause of homelessness for women, and the second leading cause of homelessness overall. The additional heightened risk of eviction for ASB will only exacerbate the lack of safety and housing security for victims-survivors of domestic abuse.

These tragic outcomes have been evidenced in numerous Domestic Homicide Reviews (DHR), including a recent DHR³ which showed that the police and local council had received multiple calls by members of the public about noise from the victim's property. Despite the noises clearly indicating domestic abuse, professionals did not enquire further, and continued to respond to complaints as noise nuisance and antisocial behaviour. As detailed within the DHR findings, by misidentifying domestic abuse as ASB, the professionals isolated and criminalised the victim and missed vital opportunities to safeguard and support her, which could have prevented her homicide.

This is further evidenced by the information shared by the Domestic Abuse Housing Alliance's (DAHA) housing providers and local authorities members, who have provided case studies⁴ showing that the landlord is often the first to be informed of domestic abuse through residents reporting noise nuisance and perceived ASB.

Links between ASB and other vulnerabilities

Misidentified ASB does not only cover situations of domestic abuse. There are many circumstances where the nuisance and annoyance perceived by neighbours are linked to other vulnerabilities or circumstances that are beyond the tenants' control. There will also be many victims-survivors of

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<http://etheses.dur.ac.uk/13087/> and SafeLives (2018), p.39. *Safe at Home*, Available from: <https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20Report.pdf>

³ Yorkshire Evening Post (2019), covering the DHR of Sinead Wooding "Teresa" published by Leeds CSP <https://www.yorkshireeveningpost.co.uk/news/crime/leeds-mum-killed-controlling-husband-planned-leave-him-review-findings-2516991>

⁴ Case studies have been collected by the Domestic Abuse Housing Alliance and can be provided on request.

domestic abuse who also experience other vulnerabilities and might be wrongly suspected of causing ASB. ASB is often linked with mental ill health, and it can intersect with neurodivergence and how people interpret others' behaviour. It can also be linked with families living in overcrowded homes, or people who are being victimised by a neighbour or someone else in their home.

Shelter's legal team have many case studies from reported judgments to demonstrate the complications and impracticalities of applying a blanket policy to ASB claims which will fail to take into consideration the tenants' particular circumstances.

In the same way that responding to domestic abuse through ASB grounds will further isolate the victim of domestic abuse and not address the underlying issue, eviction threats will not resolve the underlying issues faced by tenants with other vulnerabilities, which are so often misidentified as ASB. If granted, evictions will only displace and exacerbate the issues as well as increasing pressure on local homelessness services.

It is therefore vital to consider any response to ASB with caution and always consider the potential vulnerabilities and personal circumstances that tenants find themselves in. To do this, government must retain the discretionary nature of ground 14 evictions and reconsider its proposed definition of "capable' of causing nuisance or annoyance".

Next Steps

We urge government and parliamentarians to consider our recommendations in current debates on ASB and Renters' Reform. For more details or suggested questions and to arrange a meeting, please contact the National Group Chair, Deidre Cartwright, d.cartwright@standingtogether.org.uk.

Signed Members of the National Housing & Domestic Abuse Policy and Practice Group

Against Violence & Abuse (AVA);	National Housing Federation (NHF);
Agenda Alliance;	National Federation of ALMO's;
Angelou Partnership;	Peabody Housing Association;
Birmingham & Solihull Women's Aid;	Refuge;
Chartered Institute of Housing (CIH);	Resolve ASB;
Commonweal Housing;	Respect;
Crisis;	SafeLives;
Domestic Abuse Housing Alliance (DAHA);	Shelter;
The DRIVE Partnership;	Single Homeless Project (SHP);
Employers Initiative on Domestic Abuse (EIDA);	Solace Women's Aid;
Ending Violence Against Women (EVAW);	Standing Together Against Domestic Abuse;
Generation Rent;	St Mungo's;
Gentoo Housing Association;	Surviving Economic Abuse (SEA);
Hestia;	Women's Aid Federation of England (Women's Aid)
Homeless Link;	