

Domestic Abuse Bill

Written evidence to the Public Bill Committee from the National Housing and Domestic Abuse Policy & Practice Group

June 2020

Chaired by The Domestic Abuse Housing Alliance (DAHA)



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until women & children are safe



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Contents

Overview of our recommendations	2
Ensure automatic priority need applies to all survivors of domestic abuse	3
Local connection	5
Secure funding future for refuges and domestic abuse services.....	5
Regulation standards for housing.....	6
Domestic abuse experts in housing options teams	6
DHRs should explore further into housing/homelessness.....	6
Equal access to housing options and refuge for women with no recourse to public funds (NRPF)...	7
Secure Move on accommodation	8
Tackling barriers survivors face to leaving abusers	9
Empowering survivors to stay in their homes.....	10
Homelessness Strategies and Supported Housing strategies linking to VAWG strategies.....	13
There needs to be a ‘whole housing’ approach to domestic abuse	113

Overview of our recommendations

The National Policy and Practice Group brings together the extensive knowledge and experience from each of our individual organisations across the homelessness, housing and domestic abuse landscape. The COVID 19 crisis has laid bare the lack of protection for victims and survivors of domestic abuse and demonstrated the urgent need for coordinated action to meet their needs. We are therefore clear that the following recommendations for the Domestic Abuse Bill are vital to ensure that survivors can access the safe housing they need:

1. The government amendment on automatic 'priority need' status within the Domestic Abuse Bill must be amended to reflect the wording of the APPG for Ending Homelessness' amendment (NC13) and should apply to all survivors, regardless of immigration status.
2. The Bill is amended to ban local connection restrictions on survivors when accessing refuges and other forms of housing, and guarantee housing allocations for survivors without 'residency requirements'.
3. Ensure that the proposed statutory duty in the Bill truly secures the future of the national network of specialist refuges, and does not lead to survivors being housed in unsafe and unsuitable forms of accommodation, as well as delivering the funding required for services for children, community-based support, prevention and work with perpetrators.
4. The Bill is amended to grant secure tenancies to all domestic abuse survivors who bring to an end a secure tenancy in order to de-link from or escape an abuser. The bill should protect survivors who remain in their home, ensuring that survivors are granted a new secure sole tenancy in place of an existing secure joint tenancy.
5. Address barriers to accessing legal aid, in relation to the means test, so that survivors can access advice to enable them to remain in their homes.
6. Take action to ensure that the process of transferring a tenancy is more straightforward in situations of domestic abuse where the survivor wishes to remain in the home. In our response to the MHCLG consultation, *A new deal for renters*, we proposed a new mechanism for a transfer of tenancy which would address some of the barriers survivors face.¹
7. [Regulatory Standards for Housing Providers](#) should include (within consumer standards) a requirement to recognise and respond to domestic abuse.
8. A domestic abuse expert should be located within housing options teams and ongoing and robust training, in collaboration with specialist domestic abuse organisations, to be delivered on an ongoing basis.
9. Domestic Homicide Reviews (DHRs) framework should strengthen the analysis of housing situations of victims and perpetrators by:
 - Including housing tenure type of the victim and perpetrator on the data collection form, which Community Safety Partnerships submit to the Home Office, so that data, trends, and patterns can be identified.
 - Including expert housing stakeholders from the homelessness, private rented and privately owned sectors as members of the Quality Assurance Panels, which meet monthly.
 - Creating an accreditation process for DHR chairs with the requirement that they have expert knowledge in domestic abuse and the housing context to improve their ability to facilitate robust panel analysis to identify housing recommendations and write more insightful reports.
9. Provide equal access to housing options and refuge to women with no recourse to public funds (NRPF).
10. Welfare reforms policies must not create additional barriers to women leaving an abuser, particularly as some of these measures increase the scope for economic abuse: the benefit cap, single payment of Universal Credit in joint claims and repayments of benefit advances need urgent attention.
11. Homelessness Strategies and Supported Housing strategies must align with and be developed alongside Violence Against Women and Girls (VAWG) strategies (or Domestic Violence and Abuse strategies) on both a local and national basis.
12. A 'Whole Housing' approach to domestic abuse should be delivered alongside the Bill:

¹ National Group response to MHCLG's New Deal for renting (2019), <https://www.dahalliance.org.uk/resources/our-national-group-responses/>

- To ensure there is a full suite of housing options for survivors of domestic abuse and one which enables agencies and organisations to work together more collaboratively. Effective prioritisation and coordination of this approach will ensure that they look at the long-term security of the survivor, as well as managing short term crisis situations.
- The ‘whole housing approach’ needs to be supported by an increased supply of genuinely affordable accommodation.
- Provision of sufficient secure move on accommodation: Consider how the whole housing approach will encourage agencies to work in tandem with each other to look at the long-term security of the survivor, as well as managing short term crisis situations
- Facilitate the removal of perpetrators from the family home: MHCLG should develop best practice (including funding mechanisms) in the provision of alternative accommodation for perpetrators to better enable survivors to stay safely in their own homes if they wish to do so. This should include interventions which sit alongside the provision of housing to assess and manage risk and hold perpetrators to account.

We’re clear that these changes and this focus are fundamental in the safe exit and successful rebuilding of lives for children, families and individuals that are affected by domestic abuse. Furthermore, these recommendations will require a strong oversight from the Domestic Abuse Commissioner.

Our detailed recommendations, views and responses are highlighted in the following sections of this report.

Ensure automatic ‘priority need’ applies to all survivors of domestic abuse

There is a strong link between domestic abuse and homelessness. **In 2018/19 23,570 households who accessed homelessness support had experienced or were at risk of, domestic abuse. One in five of Crisis’ clients who are women report that domestic abuse was the direct cause of their homelessness.**²

Women’s Aid’s No Woman Turned Away project, which provides additional support to women struggling to access refuge spaces, found that **nearly one quarter (23.1%) of women prevented from making a valid homelessness application were told it was because they would not be in priority need.**³

Currently, unless a person experiencing domestic violence can prove they are “more vulnerable than an ordinary person would be if they became homeless” they would not be defined as being in priority need and eligible for an offer of settled housing. Provision of settled housing for survivors is essential to ensure access to the economic resources needed to rebuild lives. This is imperative, given that a lack of economic security and access to these resources is the primary reason that women return to an abusive partner.⁴ Eliminating the need to return to an abuser in these circumstances would reduce unnecessary experiences of repeat homelessness. Giving all survivors automatic priority need for housing would therefore complement the Homelessness Reduction Act and the Government’s wider strategies on homelessness prevention and protecting people from domestic abuse.

Proving you are homeless due to domestic abuse can be distressing and re-traumatising for survivors. During the APPG for Ending Homelessness’ inquiry into domestic abuse and homelessness in 2017 there was clear evidence of local authorities consistently failing to provide people fleeing from domestic abuse the help they need and of the ‘vulnerability test’ being used as a gatekeeping tool. Furthermore, research by the APPG for Ending Homelessness found that **nearly 2,000 households fleeing domestic abuse in England each year are not being provided with this assistance because they are not considered in ‘priority need’ for housing.**⁵

² Ministry of Housing, Communities and Local Government, Live Tables on Homelessness. Available online

³ Miles, C & Smith, K (2018), *Nowhere to turn, 2018, findings from the second year of the No Women Turned Away project*. Bristol: Women’s Aid. The analysis in this report is based on case work data from 264 women

⁴ https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc_May-2018.pdf

⁵ This is based on an FOI from 168 English local authorities. The number of additional households is estimated based on data received from a data request and FOI to all English Councils. The data returned covered the first three quarters since the introduction of the HRA to account for households who had received both prevention and relief duty, and to inform understanding of the number of households expected to reach a Main Duty decision under the HRA. Responses were received from 168 local authorities (52%). Councils were categorised into quartiles based on their overall homelessness footfall with the data returned used to estimate a range of additional households for each quartile. These were summed to give an overall figure. Annual statistics for the HRA are not available and therefore seasonal variation was not accounted for. The estimated provided a low, mid and high figure with the mid-point figure used in this report. The full range suggests an indicative annual estimate of 970 (low), 1960 (mid) and 5190 (high) households

The APPG for Ending Homelessness' Co-Chairs Bob Blackman and Neil Coyle have laid an amendment to the Domestic Abuse Bill which would ensure that **anyone in a household who applies for homelessness assistance due to experiencing domestic abuse would qualify for automatic priority need and have a legal right to a safe, permanent home (NC13).**

The Government have submitted their own amendment to the Domestic Abuse Bill which would require survivors to physically make the application for homelessness assistance themselves to receive automatic priority need status. We have concerns that this amendment fails to guarantee adequate protections to victims of domestic abuse.

The APPGEH's amendment makes clear that priority need status for settled housing can be granted regardless of whether the homelessness application is made directly by someone in the household who was experiencing domestic abuse. Allowing another household member to make the application provides a vital safeguarding mechanism for people fleeing abuse, as it will not always be safe for victims of abuse to make the application in person in the first instance.

We are calling on the Government to commit to revising their amendment to reflect the wording of the APPG for Ending Homelessness' amendment and ensure that **priority need status for settled housing can be granted regardless of whether the homelessness application is made directly by the individual who was experiencing domestic abuse in a household.** Extending automatic priority need status to survivors in England will be hugely beneficial, aligning with legislation in Wales and more closely with legislation in Scotland where priority need status has been removed altogether.

Whilst we would strongly welcome this change, the Bill must also guarantee a safe and secure home for people with no recourse to public funds. We recommend measures to lift the Habitual Residency Test for accessing homelessness assistance and No Recourse to Public Funds status for this group.

Local Connection restrictions are banned for survivors in refuge services

- Many survivors escaping abuse need to leave their local authority area in order to be safe. Leaving an abuser is statistically a highly dangerous time, and survivors face ongoing and severe threats to their safety from the perpetrator, and their family and friends.
- Women and children escaping to refuge, in particular, will often need to cross local authority boundaries to remain safe. On one day in 2017, over two thirds of women resident in refuge services in England had come from a different local authority area⁶.
- Government guidance on homelessness⁷ makes clear that local connection rules should not apply in cases of domestic abuse. We remain highly concerned, however, about the inconsistency between local authorities across England in meeting their obligations to house women fleeing domestic abuse from another local area. This includes:
 - Councils imposing ‘local connection’ restrictions on their refuge funding contracts. Such restrictions include ‘capping’ the number on non-local women able to access the refuge, or requiring a specific proportion of women in refuge to be from the local authority area.
 - Homelessness teams refusing to support women escaping abuse because they are not from their local area. Nearly a fifth of women supported by Women’s Aid’s No Woman Turned Away project in 2016-17 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 area⁸.
 - Local housing teams de-prioritising survivors who don’t have a local connection within their housing allocation policy.
- The government already requires local authorities to make exemptions to local connection requirements or ‘residency tests’ for certain groups in their social housing allocations criteria (and people owed a duty under the homelessness legislation can access social housing registers) – including for members of the armed forces⁹ and those seeking to move for work¹⁰.
- To tackle these inconsistencies, a statutory bar on local authorities imposing local connection restrictions on refuges or any temporary or permanent accommodation should be included within the Bill, to sit alongside MHCLG’s proposed statutory system.
- We urge MPs to support Women’s Aid’s amendment to bar local authorities from imposing dangerous ‘local connection restrictions’ on survivors of domestic abuse in their application of the homelessness legislation or in their social housing allocations criteria.

Secure funding future for refuges and domestic abuse services

The pandemic could not have come at a worse time for specialist services who have faced years of funding crisis and are now operating in a 'perfect storm' of lost fundraising income, additional costs of remote working, increasing complexity of caseloads, and staff shortages. We remain concerned that emergency funding announcements have been piecemeal, have yet to reach the frontline and continue to call ring-fenced funding for specialist services led ‘by and for’ BME women, Deaf and disabled women, and LGBT+ survivors. In addition to crisis funding now, COVID 19 has also demonstrated the need for resilience and long-term sustainability – particularly as services predict increased demand for support when lockdown measures lift.

Whilst we welcome the Bill’s statutory duty on local authorities to deliver support in accommodation based services, the future of community based services is uncertain. There remain many questions about how the duty will resolve the challenges facing the national network of specialist women’s refuges and deliver the funding required for services for children, community based support, prevention and work with perpetrators. Currently, the government’s impact assessment states the duty will cost £90 million per year, yet there is no clarity about how this figure was calculated. Women’s Aid estimated in 2019 that 173.8 million is needed to ensure the national network of

⁶ Women’s Aid, Data on Service Provision, 2017. Accessible [online](#).

⁷ Ministry of Housing, Communities and Local Government (2018), Homelessness Code of Guidance for Local Authorities.

⁸ Women’s Aid, Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project, 2017 - 19% of 404 women supported by the NwTA project.

⁹ The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012

¹⁰ The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015

refuge services is sustainable, safe and can meet the needs of all survivors and their children. This figure will need to be reviewed, particularly as demand is expected to rise post-lockdown, and delivered alongside sustainable funding for community based services, specialist support for children and young people, prevention and work with perpetrators.

Regulation Standards for Housing

[Regulatory Standards for Housing Providers](#) should include (within consumer standards) a requirement to recognise and respond to domestic abuse. The latest femicide census shows that 68% of survivors were killed in their own home by a current or ex-partner. Housing providers therefore have a significant role to play in the detection of domestic abuse and prevention of domestic homicides. Research by Henderson (2019) found that almost 65% of housing providers state their response to domestic abuse is situated within an anti-social behaviour (ASB) framework. Some indicated that there was not a separate policy for domestic abuse. While domestic abuse is a form of ASB, this label is problematic as it can position survivors as part of the problem and doesn't distinguish between their support and safety needs, and the positive engagement and enforcement actions to be taken against the perpetrator.

Domestic abuse experts in housing options teams

There remain significant concerns with the level of understanding and expertise in tackling domestic abuse within local authority housing teams.

We welcome the Homelessness Reduction Act (HRA) which came into force in April 2018 and recognise that in some local authorities this has had a significant impact on their practice and response to domestic abuse.

For the HRA to succeed there needs to be a whole housing approach to domestic abuse at a local level, to offer families a suite of options that reflect their specific needs. There also needs to be in-depth understanding and specialist training on domestic abuse, and partnership working with domestic abuse services, to ensure that survivors get the right response, first time. We remain concerned about the considerable variation in the response that survivors continue receive from housing teams in this regard. Women's Aid's Nowhere to Turn report in 2018 found that, of 97 women fleeing domestic abuse who approached their local housing authority for support, 78 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, that there was 'no duty' to the woman and her children, and outright refusal with no rationale given. In 11 of these cases the housing authority did not consider the domestic abuse to be a significant risk factor to merit a homeless application, with 8 women "being told to return to the perpetrator" and 3 women told to "come back when the situation got worse."

The report highlights that inadequate responses from housing authorities present barriers to survivor's access to safety, with women reporting victim blaming attitudes and poor responses from statutory services who do not have a comprehensive understanding of domestic abuse.¹¹ We recommend:

- A domestic violence and abuse expert be located within local housing teams.
- A consistent response across Housing Options teams should be adopted to remove any post code lottery in how domestic abuse cases are handled and the support offered to victims.
- Local Authorities should be encouraged to seek [DAHA](#) Accreditation as it is the UK benchmark for how housing providers should respond to domestic abuse in the UK.

DHRs should explore housing/homelessness further

- **Including expert housing stakeholders from the homelessness, private rented and privately owned sectors as members of the Quality Assurance Panels, which meet monthly.**
All elements of the whole housing approach and the main tenure types should be covered within the DHR statutory guidance so that all DHRs cover housing issues as a matter of course and local, regional and national trends and patterns can be identified and drawn out. Expert professionals from each sector should be invited to sit on the Quality Assurance Panel.

¹¹ Women's Aid, Nowhere To Turn: Findings from the Second Year of the No Woman Turned Away Project. Women's Aid, 2018

- **Creating an accreditation process for DHR chairs with the requirement that they have expert knowledge in domestic abuse and the housing context to improve their ability to facilitate robust panel analysis to identify housing recommendations and write more insightful reports.**

This would increase awareness of DHR chairs and ultimately local authorities as to how they address better housing within a review. Improvements in the DHR findings and recommendations in relation to housing would be a useful learning and advocacy tool for landlords, banks and the range of other stakeholders in the whole housing approach. Training to accredit chairs should be reintroduced and should include the whole housing approach. DHR outcomes should include a robust action plan where agencies are held accountable to complete specific actions. These should be monitored by the Community Safety Partnership. The overarching view could be the role of the new DA Commissioner, depending on the level of power they hold.

- **Including housing tenure type of the victim and perpetrator on the data collection form, which Community Safety Partnerships submit to the Home Office, so that data, trends, and patterns can be identified.**

There should be an annual comprehensive analysis of DHR findings overall which includes aspects relating to housing. There should be a central database of all published DHRs so that those that include housing-related learning are easily accessible to housing professionals. This would help to develop best practice and service excellence across the sector. A best practice example of this was a DHR undertaken in East Sussex where an event was held in response to the findings that were related to housing in terms of the reports being treated and responded to as anti-social behaviour rather than as domestic abuse. DAHA successfully encouraged housing providers that attended to undertake accreditation to improve their response.

Equal access to housing options and refuge for women with no recourse to public funds (NRPF).

- We support recommendations made by leading organisations working ‘by and for’ migrant women to ensure equal access to refuge and other housing options for women with NRPF.
- The NRPF rule prevents people subject to immigration control from accessing certain public funds, including support to meet their housing costs. We support calls to lift NRPF restrictions for survivors of VAWG. We are deeply concerned that this means that migrant women with insecure immigration status cannot access safe and secure accommodation, even in refuge. While some women who have NRPF can access assistance from social services if they have children, during 2016/17 only 766 out of 11,187 vacancies (5.4%) posted on Routes to Support¹² were able to consider applications from women with NRPF¹³ due to the funding pressures these services face and their lack of access to statutory financial support.
- The Destitution Domestic Violence Concession (DDVC) provides women on spousal visas who can prove they have left their marriage due to domestic abuse with access to welfare benefits for up to three months, so they can access safe accommodation such as a refuge and other essential economic resources whilst they apply for settled status in the UK and de-link their immigration status from the abuser. However, this provision is limited to women on spousal visas who have limited leave to remain. Women who are from the European Economic Area or who are on other types of visas, such as Student Visas or Work Visas, are not eligible. Three months is not a sufficient length of time for UK Visas and Immigration to consider their application or for refuges to feel confident the woman will be funded for the entire length of her stay in a refuge.
- In 2016/17 No Accommodation Network (NACCOM)’s members provided accommodation to approximately 1,900 people including a large proportion of destitute refused asylum seekers and others who couldn’t access mainstream housing or support. They had to turn away at least 1,000 people, and this is likely to be a significant underestimate as not all services record this information¹⁴.
- We know that consequently these women are then faced with an impossible choice of either remaining in a violent situation that may be life-threatening or becoming destitute. Increasingly we are also concerned that women with insecure immigration status who report domestic abuse to the police are being questioned on their legal status and those who may unintentionally be an ‘over stayer’ or in breach of the conditions of their visa may be threatened with deportation or sent to detention centres. It is important to bear in mind that refusal of

¹² “Routes to Support”, the UK violence against women and girls service directory is the new name for UKrefugesonline (UKROL), the UK-wide online database which contains information about domestic abuse and other violence against women services which available for women and children throughout the UK along with up to date refuge vacancies

¹³ <https://www.womensaid.org.uk/survival-beyond-report/>

¹⁴ <https://naccomm.org.uk/submission-appg-ending-homelessness-recommendations-change/>

the perpetrator to renew a spousal visa or apply for indefinite leave to remain for the survivor is a form of control and many survivors become overstayers as a consequence of the abuse. Women trafficked into the UK will by definition not have leave to remain.

- In addition, BME women and women with NRPF are often under-represented in-service use and provision. ‘By and for’ services for BME women have been disproportionately impacted by the changes to funding and commissioning over the last few years. Specialist BME services are vital as they provide dedicated spaces for BME women and have expertise about the specific forms of violence, such as Female Genital Mutilation (FGM) which have a disproportionate impact on BME women and girls, as well as the structures which shape women’s experience of abuse such as discrimination, racism, and gender dynamics within family and community structures¹⁵. A survey of women using specialist BME domestic abuse services found that 89% of women (126 women) said they preferred to use abuse services with a BME refugee specialism. They particularly valued being with other BME women who had experienced abuse, being able to communicate in their own language and the specialist expertise of staff.

Secure move on accommodation

- **A key aim of the [whole housing approach](#) is to encourage agencies and organisations to work in tandem with each other ensuring that they look at the long-term security of the survivor as well as short term crisis management.**

In too many domestic abuse cases, agencies feel their only role is to move a survivor into some form of accommodation without considering the long-term picture. One survivor could be passed through multiple types of accommodation over a short period of time before being able to acquire a more secure tenure. There is little consideration of the psychological, physical and economic impact this can have on them and their families.

Welfare reforms need reviewing to stop them being a barrier to secure move on accommodation

- **Address aspects of welfare policy which make it very difficult for women to find a decent, settled home**

Several aspects of welfare policy are posing barriers to people finding an affordable, good quality place to call home. Areas which we think need to be addressed include:

- Exempting survivors from the benefit cap. The cap limits the total income from benefits that claimants can receive to £20,000 per year (£23,000 per year in London) with any ‘excess’ deducted from housing benefit. [Research by the Chartered Institute of Housing](#) shows what a devastating impact this is having on households of all kinds. In some cases, it has left people with as little as 50p per week for their housing costs. For survivors, the cap increases the barriers they face in leaving an abuser and also restricts their ability to find a safe new home or move on from refuge, as their benefits may not cover the costs of housing - either in social housing or the private rented sector. This can lead to ‘bed blocking’ - where survivors who are ready to leave a refuge are stuck in the service, blocking spaces that other survivors fleeing abuse desperately need.
- The five week wait for Universal Credit is also a severe barrier to escaping and it can be even lengthier for survivors who have escaped without ID and documentation, or who have no bank account due to economic abuse. Specialist VAWG services are reporting that delays to applying for and accessing Universal Credit are worsening due to COVID 19. This is leaving women and children without enough money to buy food and other basic essentials, and services are seeing women who are considering returning to the perpetrator because they do not have enough money to live. We therefore call for advance payments of Universal Credit to be converted into grants and the five week wait to be removed.
- We support calls by the Women’s Budget Group for LHA rates to be increased to reflect the median (50th percentile) local private rents.¹⁶ Annual updates should be made to the local housing allowance (LHA) rates so that rates rise in line with inflation to cover 50% of market rents on average, enabling greater access to women trying to find a home in the PRS, particularly in areas where they face a long wait for a social rented home

¹⁵<https://1g7dqy2unor827bgjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/NWTA-Full-report.pdf>

¹⁶ Women’s Budget Group (2020), *Crises Collide: Women and Covid-19*

- **Ensure that survivors of domestic abuse can access Flexible Funding to help pay for rent deposits and furnishing their new home**

Survivors who leave relationships at a moment of crisis often have to find large amounts of money - frequently thousands of pounds - to cover transport, rental deposits and costs associated with starting over, and other emergency expenditure at short notice. Limited financial support is currently available, if it is available at all. The impacts of economic abuse often compound this need. Starting from scratch can be impossible, leading to a survivor being financially unstable, narrowing their options and increasing the risk of them returning to the perpetrator or getting into serious debt with pay day loans¹⁷. A brief intervention that includes flexible funding (part of a whole housing approach) can restore a family's equilibrium and prevent the devastating repercussions associated with homelessness.¹⁸ For example, increased funding for local welfare support - as advocated for by the Trussell Trust and partners - could play a vital role in providing rapid support for families in financial crisis.¹⁹

- **Do not freeze benefits whilst claims are being investigated – particularly in domestic abuse cases**

Universal Credit has created some serious risks for those fleeing domestic abuse, in particular features such as joint claims, as discussed in a recent report²⁰ from Women's Aid. However to secure move on accommodation one of the main concerns is benefits being frozen whilst fraud claims are investigated. Anecdotally we know perpetrators are making malicious allegations of benefit fraud which will freeze their victims' access to money and has serious knock on impacts and implications.

- **Rethink current benefits sanctions and appoint a DVA specialist in job centres**

Current welfare reforms and sanctions have a significant negative impact on single parent families and can be a detriment in helping them back to work²¹. This is negatively affecting women experiencing domestic abuse. Additional barriers for single parents include challenges in accessing work (e.g. a lack of childcare or flexible work); greater reliance on emergency loans and foodbanks when sanctioned; affordability of travel and childcare leading to fears of being sanctioned.

Tackling barriers to housing through the family justice system

Housing providers and financial institutions are in a unique position to identify and respond to domestic abuse in their communities. Furthermore, through publicity and campaigns they can raise awareness of the issue to ensure communities show zero tolerance to perpetrators of domestic abuse and support and help those that need it. The DAHA accreditation looks at how housing providers can do this and provides best practice examples. At Peabody and Gentoo, two of the founding partners, this approach has had a significant impact on reporting rates and understanding of domestic abuse.

Economic abuse is likely to leave people with a damaged credit rating, as well as a burden of debt repayments, potentially resulting in homelessness through eviction or rent arrears. Some individuals may be completely without an income. One in five people in the UK experience economic abuse in an intimate partner relationship²². This form of abuse has myriad impacts on victims, hampering their ability to escape and damaging their ability to access housing. The practical barriers to escaping or recovering from economic abuse are numerous, especially where the victim has been burdened with debt repayments, often accrued by their abusive partner without their knowledge. Perpetrators may engage in controlling behaviours in relation to debt which may include concealing the extent of the debt or refusing to let their partner pay on time, if at all. As a consequence, coerced debt is linked to credit damage which may then act as a barrier for economic abuse victims to rebuild their lives. For instance, a bad credit score may prevent them from accessing credit, being employed in some industries, renting or buying a home or setting up utilities.

¹⁷ <http://www.cpag.org.uk/content/what-replacing-social-fund>

¹⁸ Flexible Funding as a Promising Strategy to Prevent Homelessness for Survivors of Intimate Partner Violence, Cris Sullivan, Heather Bomsta, Margaret Hacskayo, 2016

¹⁹ <https://www.trusselltrust.org/wp-content/uploads/sites/2/2020/06/Briefing-Strengthening-local-welfare-support-during-the-COVID-19-outbreak.pdf>

²⁰ https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/Women_s_Aid_TUC_Financial_Abuse_Report_March_2015.pdf

²¹ <https://www.gingerbread.org.uk/policy-campaigns/publications-index/unhelpful-unfair-impact-single-parent-sanctions/>

²² Sharp-Jeffs, N. (2015) *Money Matters: Research into the extent and nature of financial abuse within intimate relationships in the UK* London: The Co-operative Bank/Refuge

Perpetrators may deprive victims of access to their own bank accounts by confiscating their bank card or changing their pin and deny them access to a joint bank account, rendering them unable to access funds (especially in an emergency). This can be a huge barrier for those wishing to flee who do not have the financial means to access transportation and other services. The complicated situation of those experiencing economic abuse will be exacerbated by the policy of a single payment for joint claims of Universal Credit. Our recommendations are aimed firstly at reducing the impact of the abuse, and secondly at supporting people to rebuild their lives.

Empowering survivors to stay in their homes

We welcome the Home Secretary's announcement on 11th April 2020 of £2million funding to support survivors. During this announcement, the Home Secretary stated, "I'm clear about this – perpetrators should be the ones who have to leave the family home, not the supposed loved ones whom they torment and abuse." We agree that survivors and their children should not have to lose their home and we know in many cases a lack of access to economic resources means that leaving is not an option. Survivors often have to leave belongings behind, supportive networks are lost and children face the loss of friends and the disruption of finding a new school.

a) Access to legal advice – legal aid

Research by the University of Bristol²³ examining the needs of private renters and homeowners experiencing domestic abuse found that many survivors had to leave their homes against their wishes. They found that perpetrators had refused to leave the tenancy/mortgage and survivors were unable to take basic action for their safety, such as changing the locks, and thus felt unsafe in their own home. The researchers established the root of the problem: *"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. This had both financial and safety implications for the victim-survivor."*

Issues pertaining to tenancies and mortgages are fundamentally legal issues and hence must be addressed in the legal realm. As such it is imperative that survivors are able to access legal advice and representation. Currently, the legal aid means test prevents access to legal aid for many survivors. For example, those who own their home, receive wages from work or have recently received compensation may be considered over the legal aid means assessment threshold, even though in practical terms they don't have the means or can't access the relevant assets in order to pay for the necessary legal assistance. The means test does not account for the ways in which a perpetrator can use economic control to prevent access to an asset or create debt. These barriers to legal aid which overlook economic abuse have made it increasingly difficult for survivors to be represented in private family law cases, and hence survivors are unable to participate effectively in proceedings and just outcomes may not be achieved.

The government should exempt domestic abuse survivors from the legal aid means test with immediate effect to ensure that all who need to make an application for a protective order or take action to retain their home can do so. This is supported by the recent recommendation by the Home Affairs Select Committee that the government should ensure that legal aid is granted automatically to domestic abuse victims in respect of any application for protection during the Covid-19 lockdown.²⁴ Proper access to legal assistance to vindicate their rights could enable more domestic abuse survivors to retain their homes and avoid homelessness.

b) Addressing legal barriers

The previously mentioned research from the University of Bristol demonstrated the importance of occupation orders to remove the abuser from the home. These orders are useful for homeowners and renters, and the study found that one in five of the homeowners interviewed relied on these orders. They can also be a crucial first step for those attempting to apply for a transfer of tenancy, which is discussed in greater detail below.

²³ Justice, housing and domestic abuse, the experiences of homeowners and private renters (2019), Sarah-Jane Walker, https://www.dahalliance.org.uk/media/10214/bristol-uni-housing-and-dva-briefing-final-210819_report.pdf.

²⁴ House of Commons Home Affairs Committee, Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home, Second Report of Session 2019–21

There has been a marked reduction in the numbers of occupation orders being granted by the family courts over the past few decades: in 2003, the ratio of occupation order applications to orders made was 92%, whereas in 2018 this had decreased to only 48%. Concurrently, there has been a 77% reduction in applications for occupation orders over the same time period.²⁵ Consideration must be made into why this has happened to ensure that any issues or barriers will not translate to Domestic Abuse Protection Orders (DAPOs) when used to suspend an abuser's rights to occupation.

c) Tenancies

A survivor may live in a home where the tenancy is in the perpetrator's sole name or held jointly. For tenancies held solely by the perpetrator, they can surrender the tenancy without informing the victim. Currently, to transfer privately rented or social housing tenancy rights, either from perpetrator's sole tenancy to survivor's sole tenancy, or from a joint tenancy to the survivor's sole tenancy, a court order is required. In the private rented sector, a survivor is unable 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 survivor's plan to leave and agree to it, placing the control in their hands and leaving survivors trapped.

We know that housing providers sometimes expect the survivor themselves to get the consent of the perpetrator for a tenancy transfer, which puts survivors at risk of harm. This is due to the housing sector's lack of knowledge of domestic abuse. As we detailed in our recent consultation response, existing provisions available to social housing providers, such as ground 14a, are insufficient to meet the needs of survivors and alternative mechanisms are needed.²⁶ There is an opportunity in the Domestic Abuse Bill to address these difficulties and present potential legal solutions, and we support amendments seeking to do this.

A transfer of tenancy can be applied for by the survivor under Part VII of the Family Law Act 1996, however there are significant barriers to obtaining a transfer of tenancy through the family courts. Research²⁷ has shown that Family Law Act remedies are expensive and slow to obtain for survivors, often creating further debt through legal fees (refer problems with accessing legal aid, above). As a group, we proposed a new mechanism through which a survivor could apply for a transfer of tenancy through the family courts in our response to MHCLG's recent consultation, 'A new deal for renting.'²⁸

We call for a broader and more straightforward mechanism for the transfer of tenancy to the survivor in situations of domestic abuse where the survivor wishes to remain in the home, and it is financially viable for them to do so. This would apply regardless of marital status or the presence of children, where the survivor shared or shares a household with the perpetrator and the perpetrator is the sole tenant, or the joint tenant with the survivor. This could incorporate a scale of presumption that the tenancy would be transferred. For example:

- If the perpetrator has been convicted of a domestic abuse related offence (for example, violence, harassment, coercive control) against the survivor, the court will order the transfer of tenancy.
- If a Domestic Abuse Protection Notice (as proposed in the Domestic Abuse Bill) has been made against the perpetrator, there will be a strong presumption that the tenancy should be transferred, which the perpetrator must rebut.
- Where the perpetrator is subject to some form of injunction or restraining order in relation to the survivor, there will be a presumption that the tenancy should be transferred, which the perpetrator must rebut.
- Where the court is satisfied on the evidence that the perpetrator has carried out domestic abuse, there will be a presumption that the tenancy should be transferred, which the perpetrator must rebut. We call for this

²⁵ <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2019>

²⁶ National Group response to MHCLG's New Deal for renting (2019), <https://www.dahalliance.org.uk/resources/our-national-group-responses/>

²⁷ Justice, housing and domestic abuse, the experiences of homeowners and private renters (2019), Sarah-Jane Walker, https://www.dahalliance.org.uk/media/10214/bristol-uni-housing-and-dva-briefing-final-210819-_report.pdf.

²⁸ National Group response to MHCLG's New Deal for renting (2019), <https://www.dahalliance.org.uk/resources/our-national-group-responses/>

evidence requirement to be based on the domestic violence 'gateway' evidence requirements applied in accessing legal aid.

This should apply equally to social tenancies (secure or assured) and to private sector tenancies and must be underpinned by access to legal advice and representation through legal aid.

d) Owner occupiers

Homeowners face additional barriers in maintaining safe accommodation compared to those who are in social housing or privately rented accommodation because they are linked to the perpetrator through a financial product. Perpetrators have significant power when it comes to homeownership, with legal rights under consumer, contract, property, family and trust law and the ability to exercise control at arm's length. For example, joint mortgages give perpetrators economic control through the ability to overrule the survivor and withhold payments, preventing access to payment holidays, renegotiation of interest rates, release of equity for legal representation, and sabotaging the mortgage.

Inevitably, survivors are forced to use the family courts to override the perpetrator's controlling behaviour and will often need to apply for a financial order regarding the division of the property through the family court. These financial proceedings are slow, expensive and too often traumatic, and many find their homes have been repossessed before hearings have concluded.²⁹

Survivors who are able to obtain a court order instructing the transfer of a privately owned property or resale face further barriers if the perpetrator refuses to comply and sign the paperwork. They are then faced with further trauma and the legal costs of going back to court to try to enforce the order, a lengthy and costly process which often has little consequences for the perpetrator. Often, perpetrators will deliberately delay a sale, re-mortgage or negotiation of interest rate knowing that the victim is unable to afford payments on their own. This frequently causes mortgage arrears and eventually repossession and homelessness. Alternatively, when a victim is successful in keeping their home, they then face additional barriers with mortgage providers assessing them as ineligible for a sole mortgage due to affordability criteria which is underpinned by guidance and regulations of the Financial Conduct Authority.³⁰ There is a need to work across government departments and with the financial sector to address this.

It is important to recognise the connection between the family courts, access to legal aid and the housing needs of victims of domestic abuse. The courts can be used to further economic abuse, as described recently by Surviving Economic Abuse.³¹ There is an opportunity in the Bill to address these difficulties and present potential legal solutions.

e) Removing perpetrators from the family home – developing housing pathways

There is a need for a perpetrator strategy to ensure that quality, coordinated responses from the statutory and voluntary sectors are consistently available across England and Wales to address perpetrators' behaviour effectively. This includes addressing the housing needs of perpetrators, particularly where this would be in the best interests of survivors and better ensure their safety and wellbeing. The lack of availability of accommodation pathways for perpetrators is limiting options available to victims-survivors.

In some cases, in order to safeguard victims and families, alternative accommodation needs to be found quickly for the perpetrator away from the victim's home, especially where a Domestic Violence Protection Order/Notice (DVPN/DVPO) or other protective order has been issued by police or the courts, following a serious incident or release from prison. A failure to identify appropriate accommodation options in these situations can prevent or delay the removal/separation of the perpetrator from the home, elevating or prolonging the risk of harm.

²⁹ Privately Owned Housing (POH) Toolkit, written by Surviving Economic Abuse for the Whole Housing Approach, https://www.dahalliance.org.uk/media/10653/7_-waha-privately-owned-housing.pdf

³⁰ Privately Owned Housing (POH) Toolkit, written by Surviving Economic Abuse for the Whole Housing Approach, https://www.dahalliance.org.uk/media/10653/7_-waha-privately-owned-housing.pdf

³¹ <https://survivingeconomicabuse.org/wp-content/uploads/2019/11/SEA-response-MoJ-Family-Justice-Call-for-Evidence-August-2019.pdf>

In identifying housing pathways for perpetrators the following principles must be met:

1. It is safe and in the best interest of the adult and child victims-survivors
2. It is the survivor's choice to remain in their home
3. Adequate support is offered to the adult and child victims-survivors
4. There is an adequate and ongoing multi-agency response to the perpetrator to hold them to account, involving risk assessment and management, challenging their behaviour and offering support where it is safe to do so.

In applying these principles and assessing risk, the particular circumstances of BAME women, who are more likely to experience abuse from multiple perpetrators, who may all be located within the home and/or in the immediate community, must be taken into account.³²

There is a need for MHCLG to take a policy and funding lead on this issue to promote best practice and ensure housing and homelessness teams and those dealing with domestic abuse work together to develop specific, risk-managed accommodation pathways for perpetrators where this is required to ensure the safety of victims-survivors and their families.

Homelessness Strategies and Supported Housing strategies linking to VAWG strategies (or Domestic Violence and Abuse strategies).

- The whole housing approach can only work effectively if both national and local housing and homelessness strategies are aligned with VAWG and DA strategies. Disappointingly the government's cross-department VAWG strategy came to an end in March 2020, and the lack of joined-up government action to tackle VAWG during COVID 19 has been stark. We continue to urge the UK Government to renew and deliver a fully funded VAWG Strategy, and to ensure it reads across the government's work on supported housing, rough sleeping and homelessness. This will reduce siloed working in these areas, encourage collaboration and ensure there are no unintended consequences of various housing policies on survivors of domestic abuse.
- There should be guidance on how to do this and best practice examples. In the tri-borough example mentioned earlier, there is a Housing Operational Group which brings together best practice from both the LA and housing providers to discuss what this looks like and actively work together to improve the whole housing approach at the local level.
- The impact of the new designate Domestic Abuse Commissioner is already evident, and during the pandemic the Commissioner has been crucial in standing up for victims and survivors of domestic abuse, as well as specialist frontline services. The passage of the Bill will formalise the role's powers but they must go further and, crucially, must underpin a clear framework of national accountability for the resourcing, quality and provision of services. That is why the role should sit under a VAWG Strategy. This would not only recognise that different forms of violence and abuse women face are interlinked and a cause and consequence of women's inequality, but recognise that the best local area VAWG services are planned and delivered in an integrated way.
- Giving the DA Commissioner statutory powers to monitor statutory agencies and local authorities, to ensure that these organisations are accountable to the National Statement of Expectations, providing appropriate and safe services which are accredited to nationally recognised standards, as well as compelling them to engage in the Commissioner's work, will provide a clear, consistent and effective approach

There needs to be a 'whole housing' approach to domestic abuse to ensure there is a full suite of housing options.

The Whole Housing Approach recognises the range of advice and options in any area which are required to safely address domestic abuse. The aim is to reduce homelessness, promote tenancy sustainment, create early intervention and provide suitable move on options for families affected by domestic abuse.

³² https://safelives.org.uk/sites/default/files/resources/National%20Scrutiny%20Panel%20Guidance%20BME%202017_0.pdf

A [Whole Housing Approach toolkit](#) was published in March 2020 and includes a section for each of the model's twelve components. The toolkit offers practical guidance and resources to implement the approach in local areas and to deliver consistent practices for domestic abuse across England.