

## **Improving access to social housing for victims of domestic violence**

Refuge welcomes the opportunity to respond to this consultation on improving access to social housing for victims of domestic violence.

Refuge is the country's largest provider of specialist services for women and children escaping domestic violence and other forms of gender violence. Refuge opened the world's first refuge in 1971 in Chiswick, West London. 46 years later, Refuge supports almost 10,000 women and children a year and more than 6,000 women and children on any given day.

The services Refuge provides include:

- A national network of 42 refuges, spread across 23 local authority areas, which can provide safe accommodation and specialist support to 1,400 women and children a year.
- 20 community outreach services and 17 independent domestic, sexual and gender-based violence advocacy services, which specialise in supporting women through the criminal and civil justice systems.
- A network of culturally specific, multilingual services, including: refuges for women and children of Asian, African and Caribbean descent; an advocacy service for clients of Eastern European descent and community outreach services for clients of Vietnamese descent.
- Specialist services for victims of modern slavery, 'honour'-based violence and FGM.
- Child support workers, who provide emotional and practical support for children and their mothers across our services, as well as organising play and educational activities.
- The Freephone, 24-Hour National Domestic Violence Helpline, run in partnership between Refuge and Women's Aid, which receives an average of 236 calls per day.

## **Overview**

Refuge welcomes this draft guidance, the current system is not working and the impact of insufficient access to social housing for victims of domestic violence cannot be overstated. Increasing access to and priority for women who experience domestic violence in relation to social housing will mean more women and children can escape their perpetrator and can rebuild their lives and regain their independence more quickly.

This consultation response sets out Refuge's three key recommendations: that the guidance be accompanied with robust accountability and appeals mechanisms so local authorities can be challenged when they do not follow the guidance; that the guidance apply to all victims of domestic abuse, not only those in refuges; and that the guidance ensure victims of domestic violence who have rent arrears do not have their priority for housing removed or downgraded. Refuge has also responded in detail to the questions relevant to its work (questions 1, 3 and 5).

## **The importance of social housing for victims of domestic violence**

Refuge strongly welcomes efforts to reduce the barriers women fleeing domestic violence face when trying to access social housing. The current system is failing and victims of domestic violence are not able to access the safe, stable homes that they need. The shortage of social housing and lack of sufficient priority for victims of domestic violence acts as a huge barrier both to women leaving abusers and to women rebuilding their lives after fleeing abuse. In Refuge's experience too often women feel like they have no choice but to stay with abusive partners or return to them because of the enormous difficulties in finding safe, stable, affordable housing.

Refuge's specialist frontline workers report a myriad of problems and difficulties when helping and supporting women finding appropriate housing, including social housing. Local connection criteria being inappropriately

applied, women being unable to meet the high thresholds for additional priority and housing staff not being aware of legal obligations and current guidance regarding victims of domestic violence are all major challenges.

Refuge consulted with a group of its frontline staff (refuge workers, independent domestic violence advocates (IDVAs) and outreach workers in services across the country) in preparation for this consultation response. . They were unanimous in saying that housing was the biggest problem they faced when trying to help their clients be safe and regain their independence. Frontline workers said that due to vastly different interpretations of the law and guidance, gate-keeping behaviour and refusal to meet their obligations on the part of many local authorities, resulted in Refuge's specialist workers having to spend approximately half of their working hours helping women access appropriate housing and secure their housing entitlements.

Frontline staff also reported that before assisting their clients to navigate the social housing system they had to 'prepare them for an inevitable battle' as securing entitlements to social housing is now almost always a long and difficult struggle. Improvements to the current system to ensure victims of domestic violence can access the social housing they need are therefore required urgently.

## **Key recommendations**

### **1. Ensuring new guidance is followed**

Refuge welcomes many of the proposals cited in this consultation for new guidance, however is concerned that unless accompanied by strong mechanisms to hold local authorities to account for following the guidance as well as an effective appeals process, they will have little impact in practice. Refuge's frontline staff already encounter great difficulty when trying to ensure local authorities comply with existing law and guidance. Some points set out in the consultation document are indeed already required under law but are not being implemented as local authorities seek to 'gate-keep' their limited housing resources. For example, the requirement that women fleeing domestic violence are not subject to blanket residency criteria is clearly established in case law<sup>1</sup>. However, this judgment is frequently not adhered to by local authorities. Guidance must be accompanied with robust accountability and appeals mechanisms to ensure it is implemented by local authorities and leads to meaningful change.

In Refuge's experience current systems to appeal and challenge local authority decisions lack teeth. When the charities' frontline workers attempt to challenge local authorities which do not meet their obligations to victims of domestic violence they have few avenues to pursue. Changes to legal aid and the complexity of the relationship that Refuge's specialist services hold with local authorities (many of which are also the commissioners of domestic violence services) often means that even the last resort option to judicially review decisions is very limited.

Refuge recommends a robust appeals system is implemented alongside any new guidance to ensure these welcome changes deliver improved social housing options for victims and survivors of domestic violence. The DCLG should also ensure that there are consequences for local authorities who do not implement the guidance as intended.

### **2. Guidance must apply to all victims of domestic violence**

Refuge is concerned that the guidance is aimed only at victims of domestic violence living in refuges, which are only a small fraction of the women experiencing domestic violence, and recommend strongly that the guidance apply to victims of domestic violence more broadly.

---

<sup>1</sup>See HA, R (On the Application Of) v London Borough of Ealing [2015] EWHC 2375 (Admin).

There are numerous of reasons why it is not appropriate to focus on women in refuges exclusively, not least that there is a national shortage of refuges and not all women who need to access a refuge are able to. The DCLG guidance should not discriminate against victims dependent on which service they access and must change the guidance to ensure it applies to all victims of domestic violence.

### 3. Rent arrears

Refuge is concerned that the consultation is silent on the issue of rent arrears. In Refuge's experience, too often women who are the victims of domestic violence are given reduced priority for social housing because they have rent arrears. The problem is particularly great when local authorities discharge their housing duties via housing associations, which commonly have very strict and inflexible policies regarding rent arrears.

It is an important principle that debt should not take precedent over a woman's need for housing in order to be safe and begin to rebuild her life after domestic violence. Furthermore, current policies fail to take into account that a woman may be in rent arrears as a direct cause of domestic violence. Financial abuse is a form of domestic violence and often leaves women without access to and control over their income. In addition, there is a clear link between domestic violence and loss of income and employment<sup>2</sup> which may also lead women into falling into rent arrears and other debt. The guidance should ensure that rent arrears do not reduce the priority for housing (including property owned by housing associations) of women who have experienced domestic violence.

#### Consultation questions

##### **Question 1: Do you agree with the proposal to use statutory guidance to recommend the exemption of victims of domestic abuse housed in refuges, and other forms of safe temporary accommodation, from any residency requirement?**

Refuge strongly agrees that statutory guidance should require local authorities to exempt victims of domestic abuse (regardless of whether they have stayed in a refuge or not, see point three above) from any residency requirements. Case law already requires that victims of domestic violence are not subject to any residency requirements (see, HA, R (On the Application Of) v London Borough of Ealing [2015] EWHC 2375 (Admin)) yet Refuge frontline staff report that the majority local authorities disregard the law and attach local connection criteria, regardless of domestic violence

Refuge frontline staff also report a postcode lottery with regard to the application of residency requirements and local connection criteria, as well as difficulties arising when local authorities dismiss current law and guidance (see point two above). Staff have highlighted that many local authorities dismiss claims for housing assistance as soon as residency requirements are not met without assessing any relevant exemptions, including risk of abuse. For example, one refuge worker said 'local authorities often refuse to help at all if a woman has fled from another area. I try to advise them of the legal requirements but sadly I have had several councils hang up on me when I say this.'

##### **Question 3: Views are sought on the advantages and disadvantages of this proposal to apply the 'medical and welfare' and the homelessness reasonable preference categories to victims of domestic abuse who are living in refuges.**

Refuge recommends that victims of domestic violence are always regarded as having additional preference for social housing without having to meet the criteria of any further categories.

<sup>2</sup> See for example, TUC – Domestic Violence and the Workplace  
[https://www.tuc.org.uk/sites/default/files/Domestic\\_Violence\\_And\\_The\\_Workplace\\_0.pdf](https://www.tuc.org.uk/sites/default/files/Domestic_Violence_And_The_Workplace_0.pdf)

Creating a domestic violence additional preference (high priority) category for victims of domestic violence would create a much clearer and more straightforward system which goes further to achieving the aim of this consultation that 'victims fleeing domestic abuse should be given as much assistance as possible to ensure they are able to re-build their lives away from abuse and harm.'

A domestic violence additional preference category would have a particularly positive impact on victims of domestic violence who do not have children. At present single women are very rarely able to qualify for the social housing they need.

If the DCLG pursues the proposals to apply the medical, welfare and homelessness categories, it must ensure that the thresholds are not set so high that few women are able gather the evidence needed to meet them. For example, in regard to the medical category, in Refuge's experience the adverse psychological impacts of domestic abuse are rarely fully taken into account and anxiety and depression are often dismissed as an inevitable part of domestic violence. One of Refuge's frontline workers reported: 'I would try and raise the priority of survivors with housing by sharing a woman's medical needs, pointing out mental health issues. What I was often told was that this didn't count, as women fleeing domestic violence are so likely to have mental health issues and that this was to be expected. Housing officers would refuse to raise their priority even though there was clear evidence of PTSD and depression as they felt this was part of the abuse and not part of someone's needs around health.'

**Question 5: Do you agree that the guidance should encourage local authorities to use their existing powers to support their tenants who are the victim of abuse to stay in their homes if they wish to do so?**

Any encouragement for local authorities to use powers to support women and their children to stay in their homes must be proceeded with with great care. It is crucial that these powers are not used as a gate-keeping mechanism to prevent women applying for and accessing social housing. Refuge is concerned that local authorities could be encouraged to support a woman and her children to stay in her home even when it is not safe and alternative housing would be in her best interests.

Women and their children should only be helped to stay in their homes if they choose to and it is safe for them to do so. It is vital that victims of domestic violence have choices about where to live and are helped to understand those choices and any risks to which they are exposed. Assessing safety can be complicated and women should always be able to access the help and support of specialist domestic violence agencies to have an informed discussion. For example, Refuge runs sanctuary schemes in some areas for women who want to stay in their homes. Sanctuary schemes often involve physical changes, like new locks and security cameras being installed within a woman's home. Women who chose sanctuary schemes delivered by Refuge always have a specialist worker who will develop a customised safety and support plan which will consider whether sanctuary is the best option to take and our specialist will then put in place measures to reduce the risk of a violent partner re-assaulting her.

Refuge frontline staff report that some local authorities are currently encouraging women and their children to stay in their homes in order to discourage them from making a homeless application. We are seriously concerned that at a time when there is an acute social housing shortage, local authorities will attempt to support more and more women to stay in their homes by default, rather than prioritise them for social housing. The guidance must be clear that local authorities must be guided by the informed choices and best interests of victims of domestic violence and that housing availability must not be a factor in any decision making. There must be a robust appeals system in place to ensure that any inappropriate decision making taken by the local authority can be formally reviewed and challenged. In addition, the guidance should state that for a woman who is experiencing domestic violence, remaining in her home will only be a safe option for a minority of victims and must not become a local authority's default response to domestic violence.

In Refuge's experience, local authorities rarely use their powers to evict domestic violence perpetrators. Local authorities should use these powers when they are appropriate. Refuge's frontline workers report that housing officers are much more likely to encourage women to independently apply for non-molestation orders or occupation orders through the civil courts so a perpetrator can no longer access a property, rather than use their powers of eviction. This puts the entire onus on the woman and does not take into account the reality that some dangerous perpetrators disregard the orders women are able to obtain and instead escalate their violence. Further, it does not consider the difficulties for a woman to obtain a non-molestation order or occupation order, including the highly restrictive access to legal aid.

Refuge supports local authorities using eviction powers in appropriate cases, although safeguards must be put in place. Again, local authorities must be guided by the best option for each woman, rather than be guided by the aim of reducing demand on housing. Refuge would urge the DCLG to require local authorities to provide detailed training on the eviction powers they have when violent perpetrators are identified and how to use them appropriately. Decision making by local authorities must be guided by the best option for each woman, rather than by the aim of reducing demand on housing

### Summary

In summary, Refuge welcomes this guidance but fears it will not significantly improve access to social housing for victims of domestic violence unless the following recommendations are implemented:

1. The guidance is accompanied by robust mechanisms to ensure local authorities are held to account for implementing the guidance and decisions can be appealed
2. The guidance applies to all victims of domestic violence, not just the small minority who stay in a refuge
3. The guidance ensures that victims of domestic violence with rent arrears are not excluded from social housing or housing association properties
4. The guidance should create a high priority category for social housing for victims of domestic violence
5. The guidance should be clear that local authorities should only support a woman to stay in her home when this is her choice and she is safe to do so. Remaining in her home will be a safe option for a small minority of women and safeguards will be needed to ensure local authorities do not encourage women to stay in order to reduce demand on social housing.

**For any further information on any of the points above please contact Ellie Butt, Senior Policy and Public Affairs Manager [elleanor\\_butt@refuge.org.uk](mailto:elleanor_butt@refuge.org.uk)**