

Summary of Responses for Consideration in the Labour Party Manifesto in Relation to Domestic Abuse and Housing

Introduction

On behalf of the Labour Housing Group, Alison Inman (Past President of Chartered Institute of Housing) and Kelly Henderson (Addressing Domestic Abuse) wrote to a range of experts across the housing, homelessness, domestic abuse and legal sectors asking for their 'top three asks' in relation to domestic abuse and housing for consideration in a Labour Party Manifesto.

Responses were received from across the sectors; including a group response from the Domestic Abuse Housing Alliance (DAHA) National Group, which brings together organisations from the domestic abuse and housing sectors. Some National Group members also fed back individually along as did other individuals and organisations who are not part of the National Group. This paper is a summary of all responses categorised into 6 main areas for ease of consideration. The list of respondents can be found at the end of this document.

Suggested Manifesto asks can be found on page 6.

The Issue

By its very nature domestic abuse is a housing issue, directly impacting on a survivor's right to a life free of violence and abuse and the right to a safe and stable home.

This is because:

- Perpetrators create a context of fear and curtailed freedom usually within the home, a place where women and children should feel safe (1), and is tragically, where a victim of domestic abuse is most likely to be killed by her abuser (2).
- Although each survivor's experience is different, housing is the primary barrier for women attempting to leave abuse. 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 abuser, which forces survivors including children, to remain in dangerous, traumatic, and life-threatening circumstances with the perpetrator (3).
- Many victims and 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, including gatekeeping and local connection tests and the loss of secure social housing (4).
- Domestic abuse is a significant trigger of homelessness. It is currently the second most common reason for households approaching English councils for homelessness relief (5). However, once triggered, the ongoing causes of homelessness are structural: the inability to afford or access a suitable settled home in the market; or the inability to keep or access a genuinely affordable socially rented home.

Categories for Consideration

1. Tenancies and Allocations

Joint Tenancies: Where survivors of domestic abuse share a joint tenancy with their abuser, it is legally complex and expensive to maintain their tenancy and home when separating from their abuser, and many are often forced to become homeless as a result. In addition, an abuser can end the tenancy which ends the tenancy for both parties rendering the victim homeless. If the tenancy is with a social housing provider they have options to offer a management move but this is not always offered.

In a bid to prevent survivors becoming homeless due to domestic abuse and to place the burden of leaving on those causing harm, the House of Lords added an amendment to the Domestic Abuse Act (2021) during its bill stages to simplify the legal process for removing a perpetrator from a joint secured or assured social tenancy.

While the amendment was not added to the Bill, the Department for Levelling Up, Housing and Communities (DLUHC) published a consultation on joint tenancies and domestic abuse in May 2022 (6). The National Policy Group (comprised of domestic abuse and housing organisations) responded to a consultation (7).

Since this time, both Scotland and Wales (8) have passed legislation that improves the legal options for survivors of domestic abuse to maintain their tenancy while the perpetrator is removed, and this has set a strong precedent for the UK Government to follow (see Renting Homes (Wales) Act, 2016) which sets out conditions:

- a) preventing a joint tenant from unilaterally terminating a joint tenancy,
- b) permitting a joint tenant to remove a non-occupying joint tenant and:
- c) permitting a landlord to remove a non-occupying joint tenant without in either case ending the tenancy.

Removing Perpetrators from a Tenancy

A review of Ground 2A Housing Act (1985) and Ground 14A Housing Act (1988) (the domestic violence ground) would be useful to consider given they were not reviewed as part of the Domestic Abuse Act (2021) and are not mandatory grounds for possession, only discretionary.

Secure Tenancies

Section 79 of the Domestic Abuse Act (2021) states that if a survivor of domestic abuse leaves their secure tenancy, they should be given a secure tenancy if making an application as homeless, However, a local housing authority can arrange private rented sector or Housing Association accommodation. In the case of meeting the duty via a private sector tenancy, concern has been expressed by housing lawyers that this does not the same level of security and is a potential issue.

Council Allocation Schemes

Council allocation schemes should give high priority to those seeking accommodation as a result of domestic abuse, and not apply exclusions to them.

2. Priority Need & Local Connection

After significant campaigning from Violence Against Women and Girls (VAWG) sector partners, victims of domestic abuse were given automatic priority need if they are homeless because of their experience of domestic abuse through the Domestic Abuse Act (2021). Despite these legislative changes, there is a growing body of evidence of continued gatekeeping from some local authorities, preventing survivors from being given priority status and accessing immediate safe accommodation and ongoing services and support.

Refuge point out that many women across the country are still facing gatekeeping from housing officers and are denied access to support and accommodation. This is the most common issue Refuge's National Domestic Abuse Helpline staff encounter.

Many survivors face additional barriers from local authorities who continue to also apply a local connection test when allocating social housing, against statutory guidance (Chapter 21) (9), which disqualifies a significant proportion of survivors who must flee to an unknown area to become safe.

The National Policy Group responded to the Government's consultation on local connection tests and domestic abuse calling for government to make a statutory exemption for survivors of domestic abuse (and all survivors of VAWG), and the regulation of the implementation of the statutory local connection, priority need and local connection tests (10). However, there has been no subsequent action from the Government to address this significant barrier for survivors made homeless due to domestic abuse.

3. A Gender Informed Homelessness Pathway

The Ending and Preventing Women's Rough Sleeping sub-group of the Life off the Streets programme highlight a pressing and high-risk equalities issue within the current rough sleeping response.

It is well documented that domestic abuse is one of the leading causes of homelessness amongst women. There is also a strong body of qualitative data, as well as compelling new quantitative data, which demonstrates that women's rough sleeping is significantly under-represented in current statistics, and current provision is failing to address and provide for women's rough sleeping.

To better understand the scale and diversity within women's rough sleeping and hidden homelessness, local authorities should be encouraged to undertake a gender-informed count/census and ensure that domestic abuse survivors' experiences of homelessness are captured in existing homelessness statistics. Many women experiencing homelessness remain uncounted as they often have no option but to resort to sofa surfing, staying with relatives, friends or strangers. But rather than this speaking to a lower rate of homelessness amongst women, it speaks to unidentified need.

Women sleeping rough carry the added burden of gender-based violence and abuse before, during, and after their time on the streets. Hiding from harm can mean that women are hidden from support services and missing from homelessness statistics. For many the only offer off the streets is to go into mixed accommodation, where women may continue to be exposed to male violence and abuse. Without identifying and responding to women's experiences of rough sleeping as distinct from men, which requires a distinct response, we will not end rough sleeping.

The All-Party Parliamentary Group (APPG) for 'Ending Homelessness' report (11) following an inquiry into whether Government is on track to meet its manifesto commitment to end rough sleeping highlights specific interventions to ensure Government's strategy is supporting women who sleep rough or at risk. (Recommendations can be found in the document on pages 27 – 33).

There is a need for specialist, gender and trauma-informed services with gender-specific beds available in mixed homelessness services. This should include funding for specialist domestic abuse support for people who are Black, Asian and from other minoritised backgrounds whose provision has been particularly hard hit by falling local authority spending - research by Agenda and AVA found only a small number of services specifically for women from these groups who face multiple disadvantages.

There is a need to halt No Recourse to Public Funds (NRPF) conditions for survivors fleeing domestic abuse who approach homelessness services for assistance and work with the Domestic Abuse Commissioner's Office to implement recommendations from its 'Safety Before Status' report (12).

In relation to refuges, Solace Women's Aid estimates that a total annual investment of £181million is needed to fund a national network of refuge services which meets the needs of women and children, and a further £228million to fund community based support services – at a total investment of £409 million a year. In 2021, the shortfall in funding for refuge and community services was £200million.

4. Genuinely Affordable Housing to End Homelessness

To seriously tackle homelessness there is a need to deliver the scale of genuinely affordable housing needed to end homelessness. There are now over a million households on official social housing waiting lists. However, the National Housing Federation's People in Housing Need report (2021) (13) stated that the number of people in need of social housing in England had reached 4.2 million, which equates to 1.6 million households, significantly more than on the official waiting lists. In 2021-22, only around 7,500 new social rent homes were built, a decline from 37,700 in 2011-2012.

Research commissioned by Crisis and the National Housing Federation shows the need to increase the supply of social rent housing by at least 90,000 homes per year in England for the next 15 years, and research by Heriot-Watt University in modelling future projections of homelessness shows one of the biggest measures to reduce homelessness would be to invest in Local Housing Allowance rates.

Whilst the issue of housing supply is specific to domestic abuse specific, any approach to tackling homelessness as an issue would have positive impacts in relation to domestic abuse (given that domestic abuse is the second highest cause of homelessness for women). Crisis commissioned Heriot-Watt University to project future levels of homelessness if there is no significant shift in policy, and the model predicts 300,000 households could be homeless next year (14).

Funding to address the lack of social housing and increased capital funding towards safe accommodation and commissioned support services would help address some of the challenges social landlords face in tackling domestic abuse.

A national response is needed to tackle empty homes with a National Empty Homes Strategy and the establishment of a national working group (with associated funds) to identify the over 200,000 empty homes in the country with a view to ensure they are brought to a decent standard; whereby local authorities rent them to people as permanent social homes. There are already some local authorities with positive approaches to tackling empty homes that could be further explored.

5. Language, Stigma, Training and Good Practice

The language of social housing is important and plays a key role in the stigma of social housing, highlighted in a report by Denedo and Ejiogu in 2022 (15) which sets out recommendations. The importance of framing housing as a human right is essential if we are to address stigma attached to social housing. The stigmatising language often used in relation to domestic abuse is further compounded when overlaying victim-survivors with social housing. There is a need for a culture change across the housing sector with the emphasis on 'home' and what this means as opposed to asset associated terms like 'property ladder'.

Many have recommended that the government consider specific funding to increase domestic abuse expertise and access to legal services within the housing sector with the purpose of providing improved and tailored support to victims of domestic abuse. The current legal mechanisms are complex, expensive, and lengthy, with cases often taking over a year to resolve. Further scrutiny is required to guarantee legal routes are streamlined, accessible and designed to improve the outcomes of victims.

The Social Housing White Paper (2020) (16) stated the Government will include domestic abuse as part of the regulatory requirements social landlords must meet. The Regulator of Social Housing will undertake a consultation on what this should include in Spring 2023. There is a need for a robust culture change training and awareness programme across local housing authorities and social housing providers including each local authority in England has a trained domestic abuse specialist in their housing team.

6. Legal Mechanisms to Support Survivors

The current legal mechanisms to address some of the issues that survivors face in relation to housing are often complex, expensive and lengthy, with cases often taking over a year to resolve. Further scrutiny is required to guarantee legal routes are streamlined, accessible and designed to improve positive outcomes for victims.

Manifesto Asks

- A commitment to supporting survivors who share a joint secure or assured social tenancy with their abuser, so that survivors can maintain their tenancy and their home, while placing the responsibility of leaving on perpetrators of abuse.
- A review of Ground 2A (Housing Act, 1985) and Ground 14A (Housing Act, 1988) to consider mandatory grounds for possession.
- A commitment to support local authorities to implement the automatic priority need to survivors of domestic abuse, and to make a statutory exemption for survivors of domestic abuse from local connection or residency requirements as part of their qualification criteria for applicants of social housing.
- Recognise and respond to women's rough sleeping as a distinct and urgent problem which requires a distinct and urgent response, if the wider ambitions to end rough sleeping for good are to be realised. This must include gender informed homelessness pathway and women-only accommodation offer across the country.
- A commitment to building 150,000 new socially rented homes a year. This includes sufficient family-size homes.
- A commitment to create a dedicated fund for delivering a variety of affordable housing tenures for domestic abuse victims-survivors, including homes for single people and families, with relevant security measures in place. This will offer people a route out of abuse, and options for long term good quality homes that are safe and in turn reducing the burden on local authorities. It is recommended this includes a commitment from Government to have a set annual target to deliver these homes, and publicly publish outcomes on an annual basis.
- Frame Housing as a human right and use the language of 'home'.
- Include domestic abuse specifically in the Regulator of Social Housing's Regulatory Requirements (currently set out by the Government in the Social Housing White Paper, 2020).
- Create culture change training and expertise across the housing sector.
- Streamline legal responses to support survivors.

Respondents

- Liz Davies – Solicitor, Garden Court Chambers
- Dr Mercy Denedo - Assistant Professor, Durham Business School
- Domestic Abuse Housing Alliance National Group *
 - Against Violence & Abuse (AVA)
 - Agenda Alliance
 - Angelou Partnership
 - Birmingham & Solihull Women’s Aid
 - Chartered Institute of Housing (CIH)
 - Commonweal Housing
 - Crisis
 - Domestic Abuse Housing Alliance (DAHA)
 - The DRIVE Partnership
 - Generation Rent
 - Gentoo Housing Association
 - Homeless Link
 - National Housing Federation (NHF)
 - National Federation of ALMO’s
 - Peabody Housing Association
 - Refuge
 - Resolve ASB
 - Respect
 - SafeLives
 - Shelter
 - Single Homeless Project (SHP)
 - Solace Women’s Aid
 - Standing Together Against Domestic Abuse
 - St Mungo’s
 - Surviving Economic Abuse (SEA)
 - Women’s Aid Federation of England (Women’s Aid)
- Andrew Lane - Barrister, Cornerstones
- Donna McCarthy- Partner, Devonshires
- Dr Kirsten Hall - Centre for Research into Violence and Abuse, Durham University

* Crisis, National Housing Federation and Refuge also submitted information outside of the National Group.

**Submitted to Labour Housing Group by Alison Inman and Dr Kelly Henderson
February 2023**

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14. [crisis homelessness projections 2017.pdf](#)

15. [https://www.durham.ac.uk/business/media/durham-university-business-school/research-centres/centre-for-organisations-and-society/Stigma-and-Social-Housing-in-England---consultation-report-\(final-version\)-24082022-3.32-MB.pdf](https://www.durham.ac.uk/business/media/durham-university-business-school/research-centres/centre-for-organisations-and-society/Stigma-and-Social-Housing-in-England---consultation-report-(final-version)-24082022-3.32-MB.pdf)

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