



**domestic
abuse
commissioner**

10th May 2022

Written evidence from the Domestic Abuse Commissioner: Department of Levelling Up, Housing and Communities consultation on local connection requirements for social housing for victims and survivors of domestic abuse

About the Domestic Abuse Commissioner

The Domestic Abuse Act 2021 establishes in law the Office of the Domestic Abuse Commissioner to provide public leadership on domestic abuse and play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse; to identify adult and child victims and survivors, as well as perpetrators of domestic abuse; and to improve the protection and provision of support to people affected by domestic abuse from agencies and government. The Domestic Abuse Commissioner also co-chairs the National Expert Steering Board for Part 4 of the Domestic Abuse Act led by Eddie Hughes MP, Minister for Rough Sleeping and Housing in the Department for Levelling Up, Housing and Communities.

Introduction

The Domestic Abuse Commissioner welcomes the opportunity to respond to this call for evidence on local connection requirements on social housing for victims and survivors of domestic abuse. Domestic abuse is inherently a housing issue, and for too many victims and survivors of domestic abuse, home is the most dangerous place. Evidence suggests that housing is the primary barrier for victims and survivors attempting to flee domestic abuse,¹ and according to Women's Aid, 70% of victims and survivors of domestic abuse said their housing situation and concerns about future housing, including fears of homelessness or lack of safe housing, prevented them from leaving a perpetrator of domestic abuse.² It is vital that victims and survivors can access safe housing regardless of their tenure type. That means staying safely in their own home if they want to, as well as being able to access housing in a new area if they are no longer safe where they live.

Many survivors escaping domestic abuse need to leave their local authority area in order to be safe. Leaving an abuser is statistically a highly dangerous time, and survivors can face ongoing and severe threats to their safety from the perpetrator, and their family and friends. Research by Janet Bowstead shows that 43% of women who seek help after fleeing domestic abuse do so outside their local area.³ The majority of victims who were placed in a refuge came from a different local authority area to the refuge they moved to.⁴ However, local connection tests as part of the qualification criteria for social housing currently allow local authorities to prioritise applicants who can demonstrate a close association with their local area.

¹ DAHA (2021) Facts and Statistics. Available [online](#).

² Women's Aid. (2020) The Domestic Abuse Report 2020: The Hidden Housing Crisis. Bristol: Women's Aid.

³ [Womens-Journeyscapes-Briefing-paper-6-May-2020.pdf \(womensjourneyscapes.net\)](#)

⁴ [The Domestic Abuse Report - Womens Aid](#)

Detailed consideration of the consultation questions are set out below. Key priorities of the Domestic Abuse Commissioner are:

1. The Domestic Abuse Commissioner welcomes proposals from DLUHC to introduce regulations to enable victims of domestic abuse who need to move to another local authority district to escape domestic abuse to qualify for an allocation of social housing in the new area.
2. The Domestic Abuse Commissioner does however strongly oppose proposals to introduce a time limit on the length of time after a victim has fled domestic abuse. The impact of domestic abuse can be long-term and any measures to introduce a time limit would only serve to leave victims behind and introduce additional burdens on the survivor and the local authority.
3. The Domestic Abuse Commissioner supports calls from the National Domestic Abuse Policy and Practice Group that these measures must be supported by enforcement from the Social Housing Regulator alongside appropriate training and support on domestic abuse for allocations teams.
4. The Commissioner also supports calls that these exemptions should apply not just to survivors of domestic abuse, but all victims of violence against women and girls (VAWG), including stalking, so called 'honour' based violence and forced marriage, sexual abuse, and gang violence.
5. Through the introduction of these measures it is vital that additional evidential burdens are not placed on survivors of domestic abuse to prove their experiences. This includes not requiring a duplication of evidence, particularly where a survivor has already presented as homeless at the same or a different local authority and met the evidential requirements as set out in Chapter 21 of the Homelessness Code of Guidance.

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

The Domestic Abuse Commissioner strongly supports proposals to make regulations to require local authorities to ensure that domestic abuse victims are exempt from any local connection or residency requirements as part of their qualification criteria as applicants for social housing. The government has already set clear guidance that it is not reasonable or practical for domestic abuse victims to be required to satisfy a local connection test in order to qualify for social housing as they often have fled from another local authority where they were previously a resident. However, there are examples of victims and survivors still being denied social housing allocations because they have no local connection. The Commissioner supports calls for proposed regulations to apply to all survivors of violence against women and girls (VAWG), particularly considering those who are fleeing sexual abuse, so called 'honour-based violence' and forced marriage, stalking and gang violence and abuse, who are just as likely to be at risk of further abuse within their local area and need to access safe alternative accommodation in an area where they may have no local connection.

In order to ensure effective implementation of the new regulations, the Commissioner supports calls for DLUHC to equip the Social Housing Regulator to regulate whether and how local authorities are implementing any new regulations and to act against local authorities who are not implementing exemption requirements. The proposed regulations should also be supported by training and guidance to local areas on implementing the regulations, including ensuring that housing application forms require sensitive enquiry into domestic abuse, consistent recording, and safe, appropriate response to disclosures.

Guidance should also recommend that allocations management systems clearly identify and tag applications for survivors of domestic abuse, particularly as they may be presenting as homeless for a myriad of reasons and have many vulnerabilities where domestic abuse may not be their presenting issue. Guidance should specify that information sharing must take place between housing teams, organisations, and local authorities, where survivors may first present as homeless and then sign on to a housing register. This sharing of information should ensure that allocations teams identify survivors early on who should have the local connection disapplied, but also so that evidence already provided by survivors to demonstrate homelessness because of domestic abuse can be re-utilised instead of requiring survivors to undergo the burden of evidencing their experience of domestic abuse repeatedly.

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

The Commissioner supports proposals to define local connection using the definition in section 199 of the Housing Act 1996. However, the proposals in this consultation should have the effect of exemption for survivors of domestic abuse (and other forms of violence and abuse) from any kind of residency requirement, however defined. It does not seem to be necessary to define the condition to exclude it. The reference to residence conditions in the proposed regulations should be in the most general terms, so that such restrictions, however expressed, are disapplied in these cases.

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

The Commissioner strongly opposes proposals for local connection or resident tests for victims and survivors of domestic abuse to be time limited. There are a range of reasons why any such measures would be impractical, over-burdensome, and not reflective of the realities of the experiences of victims and survivors and the long-term impacts of domestic abuse.

Domestic abuse can have extensive and long-term impacts on victims and survivors of domestic abuse. The Domestic Abuse Act 2021, for example, recognises that coercive and controlling behaviour and other forms of domestic abuse can continue post-separation with devastating impacts on victims and survivors. It is therefore not appropriate to set a time limit relating to the time that a victim/survivor has ‘fled’ domestic abuse, as abuse can be ongoing and change over time. Housing professionals who may be tasked with defining when the abuse has ‘begun’ or ‘ends’ are unlikely to understand the nuances and complexities of abusive behaviours that impact on survivors. For survivors to evidence that abuse would likely resume if they were to return to the local area is an impossible burden to carry. Frontline professionals should always assume that if the abuse is significant enough that a survivor has been forced to become homeless and bear the economic, practical, and emotional burden of starting again, then it is significant enough to always be a risk to return at any time.

A time limit would also place additional practical challenges for both local authorities and survivors in terms of determining the time frame within which domestic abuse occurred and providing and approving evidence within a specific time frame, creating a significant administrative burden. It would represent better value for money to have a simple exemption without qualification of any kind.

There may be many reasons why a victim or survivor has ‘fled’ domestic abuse historically but remained in an area in which they are still at risk from the perpetrator – remaining for children to finish at local schools or to be close to elderly relatives, for example. Doing so should not preclude a victim or survivor from their entitlements to the exemption when they do take steps to move to a safe area. Similarly, the perpetrator may have left and later returned to the victim’s local area – while they may not have recently experienced abuse from the perpetrator the victim will still be at risk in this circumstance.

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

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

The Domestic Abuse Commissioner would support the exemption applying where the need to move to a new area relates to reasons connected with domestic abuse. The Commissioner strongly recommends that this requirement should be in line with, and no more burdensome or extensive than, the requirements for evidencing domestic abuse for homelessness applications outlined in Chapter 21 of the Homelessness Code of Guidance. The Commissioner also recommends evidence should not be additionally required if the victim or survivor has already applied as homeless to the same or a different authority because of domestic abuse. DLUHC should equip and require local authorities to establish effective systems and agreements in place to share information within and across local areas, and across organisations, to reduce the circumstances in which victims and survivors are required to repeatedly gather and share evidence with multiple professionals.

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

The Commissioner agrees that victims and survivors of domestic abuse should be able to flee to and from any area of the UK to escape domestic abuse. Due to the limitations of refuge spaces, particularly specialist refuges provided by specialist ‘by and for’ services for victims and survivors with protected characteristics, many survivors are forced to flee extremely far from their local area to access lifesaving refuges, often leading them to flee to another of the UK’s four nations. Survivors also may be required to flee between UK nations due to the high risk of ongoing abuse. Additionally, some survivors may purposefully flee to other UK countries because of family, friends, or other support networks within those countries. None of these circumstances should preclude victims and survivors from accessing their entitlement to the proposed exemption.

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

The Commissioner agrees that the proposed exemption for local connection and residency tests should be applied to domestic abuse victims in privately rented accommodation, privately owned housing, and temporary accommodation, as well as social housing. The Commissioner additionally recommends that the proposed exemption for local connection and residency tests should be applied to survivors who are rough sleeping who may not have a specific form of accommodation from which they are fleeing. All survivors of domestic abuse in any form of accommodation are at a significant risk of economic abuse from their abuser, alongside additional financial burdens from separation such as becoming a lone parent and losing support networks due to fleeing domestic abuse. For survivors who own their own home, they may not be able to access their finances that are wrapped up in their property, often shared with the perpetrator, and may be required to continue their mortgage payments for fear of debt and negative credit ratings, which in turn, makes it impossible to additionally afford PRS rent.

For survivors who privately rent, they may have been dependent on their abuser to afford the rent or may still be liable for the PRS rent even after fleeing, due to being trapped in a fixed-term tenancy with their abuser, which will make it necessary that they continue to pay towards rent and cannot access a shared deposit required for a new PRS tenancy. Additionally, as we are aware that perpetrators often use a shared tenancy as a form of economic abuse and coercive control, through causing arrears and damage to the property, it can be difficult for survivors with a PRS tenancy to access a subsequent tenancy if they cannot access a deposit, have a negative credit rating and/or references, and are in debt due to arrears and damages.

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

Evidence from the National Housing and Domestic Abuse Policy and Practice Group shows there is a vast disparity in the evidence collected by social housing providers in relation to domestic abuse, which can often be overly burdensome on the survivor and can place survivors at a risk of further harm. Evidence collected is often not in line with the recommendations set out in Chapter 21 on the Homelessness Code of Guidance. For example, local authorities have been known to require survivors to have reported abuse to the police, which we know excludes many survivors, and specifically black and minoritized survivors who are less likely to report to the police. Other examples include requiring survivors to evidence physical abuse, which does not reflect the statutory definition which acknowledges that domestic abuse is not only physical but can for example take the form of coercive control or economic abuse.

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

Part of government's role to regulate the implementation of a local connection exemption should include monitoring how survivors are being required to evidence domestic abuse, whether this is in line with Chapter 21 of the Code of Guidance, or whether housing providers

are using burdensomely high evidential thresholds to gatekeep survivors accessing social housing. To achieve this, the government should actively seek feedback from survivors as well as front line domestic abuse services, and second tier membership organisations such as Imkaan, Women's Aid Federation of England, to gather evidence and feedback.

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

The Commissioner is aware of a number of barriers to effective working across neighbouring local authorities. One example is the prioritisation of local demand by local authorities, at the expense of survivors fleeing from other areas. Shortages in social housing in areas with long waiting lists mean local authorities often cannot respond to local demand and can be reluctant to accept people from outside the area, or to give them priority over local people in need of social housing. In some circumstances, survivors will be provided with priority banding, but alongside many others, which still leads to exceptionally long waiting times. A shortage of social housing stock also means local authorities are also more likely to discharge their housing duty into the Private Rented Sector (PRS), regardless of whether the survivor had a social tenancy before applying as homeless, which is disproportionately inaccessible and unaffordable for survivors of domestic abuse for the reasons outlined in detail in response to Q2.

Even in areas where there is a managed reciprocal scheme to facilitate social tenancy moves across areas such as is in place in London, the lack of social housing creates long waiting lists. Safer London research found that many survivors, particularly those with mobility needs or in need of family-size properties, face years of waiting time for an offer of social housing in a safe area.⁵ As a result, survivors are often under pressure to give up their previous social tenancy and accept a private rented sector (PRS) offer, which creates long-term economic and housing insecurity specifically for survivors of domestic abuse. In the absence of a social housing offer, many survivors also stay at risk of further abuse in their social tenancy while waiting for a suitable offer or create 'bed blocking' while remaining in refuge, or unsafe and unsuitable temporary accommodation.

In order to address these barriers, the Commissioner recommends:

1. **DLUHC should introduce guidance to advise neighbouring local authorities to work together to house survivors.**
2. This guidance should promote good practice such as Managed Reciprocal Schemes for social housing, which enable survivors who had a social tenancy to relocate across local authority boundaries and keep a social tenancy in circumstances where the local authority does not have the necessary social housing stock to provide social housing.⁶
3. DLUHC should also support the implementation of other systems to enable neighbouring local authorities to rehouse survivors into social housing when they did not have a social tenancy previously.
4. The Commissioner also support's recommendations for the introduction of mandatory quotas for local authorities and housing associations to ringfence a proportion of lettings per year to survivors of domestic abuse. Solace Women's Aid for instance

⁵ https://saferlondon.org.uk/wp-content/uploads/2020/09/PLHRThreeYearsOn_2020.pdf

⁶ https://www.dahalliance.org.uk/media/10660/14_-wha-managed-reciprocals.pdf

calls for a minimum of 5% of social housing lettings in London to be allocated for women and children fleeing Violence Against Women and Girls.⁷

⁷ https://www.solacewomensaid.org/sites/default/files/2019-10/Solace_SafeasHousesReport_FINAL_0.pdf