

'A Safe Home'

Breaking the link between homelessness and domestic abuse

Campaigns report



appg

for Ending Homelessness

This is not an official publication of the House of Commons or the House of Lords. It has not been approved by either House or its committees. All-Party Parliamentary Groups are informal groups of Members of both Houses with a common interest in particular issues. The views expressed in this report are those of the group. This report was researched by Leah Miller and funded by Crisis.

Contents

Endorsements	4
Foreword	7
Executive Summary	9
The link between homelessness and domestic abuse	12
Barriers to a safe home	15
The Wales example	23
The solution	25
Potential amendments to Domestic Abuse Bill Second Advice	26
Conclusion	32

Endorsements

"CIH believes there is currently insufficient protection contained in Part VII of the Housing Act 1996 for people facing homelessness due to abuse, because they do not automatically have a priority need for housing. If people fleeing domestic abuse are not found to be in priority need, there is a significant risk that they will return to abusive situations or end up sleeping rough or making some other unsafe arrangement. By removing the vulnerability test from cases where someone is fleeing abuse, Government has the opportunity to ensure all victims are provided with sufficient support to help them leave their abusive partners and limit the detrimental affects their abusive pasts can have on their futures." – **Chartered Institute of Housing**

"There is a clear link between domestic abuse and homelessness. One in five of Crisis' members who are women had their homelessness caused by domestic abuse in 2018. It is appalling that currently people who are homeless as a result of domestic abuse are forced to prove their vulnerability to be offered settled accommodation, leaving them with the unconscionable choice of returning to a dangerous situation or facing the devastating impact of homelessness. Where people are able to access refuge space, they may struggle to access move on accommodation, meaning they become stuck in the refuge, utilising spaces that could be used for new clients, and delaying their recovery. This is why Crisis is supporting the APPG for Ending Homelessness' campaign to ensure everyone whose homelessness is a direct cause of domestic abuse has access to a safe, secure home." – **Jon Sparkes, Chief Executive, Crisis**

"DAHA as part of its national work in the housing sector often come in to contact with people that face homelessness due to domestic abuse. The individuals we come across are often not considered in priority need for settled accommodation. Changing the law to ensure everyone made homeless after fleeing domestic abuse has access to a safe home would help ensure people are given the safety and security they need to rebuild their lives." – **DAHA Domestic Abuse Housing Alliance**

"It is not right that in this country so many women fleeing domestic abuse and violence end up homeless and without access to a safe home. Homeless Link's members – frontline homelessness services – see this far too often. The law needs to be changed to make sure that there are protections in

place so that those fleeing domestic abuse are prevented from becoming homeless. This means ensuring access to a safe place to call home and the security and support they need to rebuild their lives." – **Rick Henderson, Chief Executive, Homeless Link**

"It is an appalling, but little-known fact that the majority of homeless women in the UK are survivors of domestic abuse. For women fleeing domestic abuse, access to safe, long-term accommodation is essential. Without this, many women are left with the awful choice of remaining with or returning to a dangerous perpetrator or becoming homeless. At Refuge, every day we work with homeless survivors who cannot move on to safe, stable accommodation because they are not considered in priority need for housing. We urgently need to change the law so that all survivors made homeless due to domestic abuse get the immediate help they need to find a safe home in which to recover and rebuild their lives." – **Refuge**

"At Shelter, we regularly work with people who are homeless due to domestic abuse. Our Women's Voices Group in Manchester unites women many of whom are survivors of domestic abuse and campaigns to improve communities, including homelessness services, and we have a dedicated domestic abuse service in Birmingham. Women experience many barriers on their journey from fleeing domestic abuse to rebuilding their lives in a safe, settled home. If we are serious about encouraging and supporting people to escape abuse, we must change the 'priority need' law so that all those who need to flee are entitled to both emergency accommodation, the support of specialist services and, ultimately, a new settled home." – **Polly Neate, Chief Executive, Shelter**

"Domestic abuse is a daily reality for many St Mungo's clients, but far too often the options for safe, settled housing are limited. Changing the law to ensure everyone made homeless after fleeing domestic abuse has access to a safe, settled home would help ensure survivors are given the safety and security they need to avoid the harms and dangers of homelessness and rebuild their lives." – **Catherine Glew, Women's Strategy Manager, St Mungo's**

One in five of Crisis' members who are women had their homelessness caused by domestic abuse in 2018

There is a clear link between domestic abuse and homelessness

"No woman or child should face homelessness because they are experiencing domestic abuse. But we know survivors and their children are turned away daily from life-saving refuges in England due to lack of space, forcing them to sleep rough, sofa-surf and even return to the abuser because they simply have nowhere to turn. Nearly a quarter of the survivors supported by our No Woman Turned Away project in 2017-18 who approached their local housing team for help were told they weren't in 'priority need'. It is vital that the Domestic Abuse Bill delivers automatic priority need status for survivors to ensure that all women and children escaping abuse get the support they need." – **Lucy Hadley, Campaigns and Public Affairs Manager, Women's Aid**

Changing the law to ensure everyone made homeless after fleeing domestic abuse has access to a safe home would help ensure people are given the safety and security they need to rebuild their lives

Foreword



As Chair of the All-Party Parliamentary Group for Ending Homelessness I am pleased to introduce our report on domestic abuse and homelessness.

there was unanimous agreement that domestic abuse should be viewed equally as a housing and criminal justice issue.

One of the key recommendations was to change the homelessness legislation so that people who have had their homelessness directly caused by domestic abuse can access settled accommodation.

There is a clear link between homelessness and domestic abuse, as previously highlighted by the APPGEH in our 2017 inquiry into homelessness prevention. If we are to break this link, we must ensure that people have access to safe, secure accommodation when they flee domestic abuse.

Currently, people fleeing domestic abuse must prove they are significantly more 'vulnerable' than any other person would be if made homeless in order to secure the main homelessness duty of settled housing. We heard that proving vulnerability can be traumatic and near impossible for some survivors and there is evidence of local authorities using the vulnerability test as a gatekeeping tool.

Without this, there is a risk that survivors will be left with no option but to return to a dangerous situation or face homelessness, putting themselves at risk of further abuse and exploitation.

The APPGEH argues that everyone who experiences domestic abuse is, by definition, vulnerable and should be placed in the automatic priority need category.

Unfortunately, this is the choice that many people fleeing domestic abuse currently face. Refuges can provide a vital stepping stone in removing survivors from abusive situations and providing support at a very difficult and uprooting point of their lives. However, access to more permanent housing is essential to giving survivors a safe, secure place where they can rebuild their lives and return to normality. The Domestic Abuse Bill is our opportunity for greatly needed change.

Our campaign 'A Safe Home' is calling for this change to be delivered through the draft Domestic Abuse Bill. The Bill presents a fantastic opportunity to break the link between homelessness and domestic abuse by ensuring that everyone who is left facing homelessness due to domestic abuse has access to a safe home.

Our previous inquiry on prevention¹ focused on groups at particular risk of homelessness, which we identified as care leavers, prison leavers and survivors of domestic abuse. Throughout the course of our inquiry, which took evidence from survivors, service providers and other sector representatives,

I would like to pay tribute to all the organisations who are supporting this campaign and have contributed to this report, including Crisis, Women's Aid, Refuge, St Mungo's, Shelter, The Domestic Abuse and Housing Alliance, Homeless Link, Changing Lives, Hestia, Centrepont, DePaul UK, the

1 APPG for Ending Homelessness (2017) *All-Party Parliamentary Group for Ending Homelessness: Homelessness prevention for care leavers, prison leavers and survivors of domestic violence*. London: APPG for Ending Homelessness. Available at: https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017.pdf [accessed 15/04/19]

Chartered Institute of Housing and The Connection at St Martin's in the Field.

I would also like to thank the people with lived experience who have contributed their stories to this report and who gave evidence to the group during our inquiry on prevention. Without them this report would not exist. These organisations and individuals and their expertise must be acknowledged and their advice heeded as we make the draft Domestic Abuse Bill the vehicle to secure change.

Finally, I would like to thank the Group's Vice-Chairs, Officers and all the APPG for Ending Homelessness' members with whom I look forward to campaigning alongside to ensure the Government acts on the findings and recommendation of this report. Special thanks also go to former Co-Chair of the APPG, Will Quince MP, for his hard work and dedication to ending homelessness.

Neil Coyle MP

Chair of the All-Party Parliamentary Group for Ending Homelessness

Executive Summary

There are more than 170,000 families and individuals experiencing the worst forms of homelessness in Great Britain. If current trends continue, this is expected to almost double in the next 25 years.²

No one should end up facing homelessness due to domestic abuse, but unfortunately this is all too often the case. Under the current legislation, people who are homeless due to domestic abuse are not automatically considered to be in priority need for settled accommodation. Instead, people are required to prove they are more vulnerable than an ordinary person would be if made homeless to be owed the main homelessness duty. Consequently, many people are forced to return to an abusive and potentially life-threatening situation or face the devastating consequences of homelessness.

The All Party Parliamentary Group for Ending Homelessness (APPGEH) was set up in 2016 in response to growing numbers of people rough sleeping and upward trends in homeless applications in England. We hold regular meetings to discuss the issues which proceed and escalate homelessness and aim to develop the policy solutions which will create lasting change.

Since our inception, we have carried out two inquiries into prevention and rapid responses to homelessness. Our report on prevention³ focused on groups at particular risk of homelessness, which we identified

as care leavers, prison leavers and survivors of domestic abuse. For our second year, we moved on to consider what happens when prevention fails and how to ensure homelessness is ended as quickly as possible. We looked at groups who face significant barriers to exiting homelessness – migrants and young people – and rapid rehousing approaches that can be used to support those with low-level needs to exit homelessness quickly. This, our third report, builds on our prevention inquiry, taking a closer look at the link between homelessness and domestic abuse and how we tackle this.

There is a clear and well evidenced link between domestic abuse and homelessness. In 2017, official statistics for England show that 6,850 people were accepted as homeless by their local authority because of a violent relationship breakdown, this accounts for 12% of all homeless acceptances.⁴ Crisis' 2014 Nations Apart research found that 61% of homeless females and 16% of homeless males had experienced violence and/or abuse from a partner.⁵ A third of St Mungo's clients

Two women are killed each week in England by a partner or ex-partner

² Crisis (December 2018) 'More than 170,000 families and individuals across Britain are experiencing the worst forms of homelessness' <https://www.crisis.org.uk/about-us/media-centre/more-than-170-000-families-and-individuals-across-britain-are-experiencing-the-worst-forms-of-homelessness/> accessed: [May 2019]

³ APPG for Ending Homelessness (2017) *All-Party Parliamentary Group for Ending Homelessness: Homelessness prevention for care leavers, prison leavers and survivors of domestic violence*. London: APPG for Ending Homelessness. Available at: https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017_pdf.pdf [accessed 15/04/19]

⁴ The Department for Communities and Local Government (DCLG), Live Tables on Homelessness, Table 774. <https://www.gov.uk/government/statistical-datasets/live-tables-on-homelessness>.

⁵ P. Mackie and I. Thomas, *Nations Apart? Experiences of single homeless people across Great Britain*, London, 2014, Crisis. https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf

Research by Crisis found that 61% of homeless females and 16% of homeless males had experienced violence and/or abuse from a partner

report that domestic abuse was a direct cause of their homelessness.⁶

This timely report looks at how the Government's Domestic Abuse Bill could break the link between domestic abuse and homelessness by ensuring that people who are homeless as a result of fleeing domestic abuse have the right to access the main homelessness duty under the law. We welcome the drive behind the Bill – to make domestic abuse everyone's business – and the recognition in the accompanying package of support of the important role of a wide range of agencies in identifying and acting to stop and prevent domestic abuse.

However, given the central role of secure housing in supporting domestic abuse survivors and preventing them falling victim to domestic abuse in the future, we are concerned at the lack of specific recommendations aimed at preventing homelessness among victims of domestic abuse within the Bill.

The number one barrier to people leaving abuse is a lack of access to safe, secure

housing. As such, it is of upmost importance that the current legislation is amended so every person who is homeless as a direct result of domestic abuse is considered a priority need for settled accommodation. The Government cannot ensure survivors of domestic abuse are fully protected and supported if the law prevents some from accessing a safe, settled home.

The Ministry of Housing, Communities and Local Government is currently consulting on plans to place a legal duty on councils to provide and fund refuge accommodation. Whilst this is a welcome step forward to ensuring people fleeing domestic abuse have somewhere safe to stay, it falls short of providing the vital protection of long-term, stable housing where survivors can rebuild their lives. Without a route into move-on accommodation, there is also the risk that people will become stuck in refuges, utilising vital spaces in already stretched services that may be needed by new clients and putting their lives on hold.

The vulnerability test presents an unnecessary and inappropriate barrier to survivors accessing settled accommodation. Despite evidence showing that domestic abuse is too often a direct cause of homelessness, only 2% of people accepted as homeless and in priority need were considered to be a priority because they were vulnerable as a result of domestic abuse in 2017.⁷

People who are not found to be vulnerable enough face the unconscionable choice of returning to an abusive or potentially life-threatening situation, or the devastating consequences of homelessness. Two women are killed each week in England by a partner or ex-partner⁸ and the point of separation is when the risk of homicide is highest.⁹

Ensuring there are safe routes into secure housing for people who have experienced or are at risk of domestic abuse and are unable to remain in their home is therefore essential to ensuring survivors of abuse are fully protected and supported.

Evidence shows that if survivors are not found to be owed the main homelessness duty of settled accommodation, they are more likely to return to a dangerous situation. Others end up rough sleeping, sofa-surfing or living in unsuitable temporary accommodation where they are at further risk of violence and abuse and are removed from services that would support their recovery.

This report sets out the case for extending priority need to everyone who is homeless as a result of fleeing domestic abuse, as is already the case under the Welsh homelessness legislation. If this change was made, estimates suggest an additional 1,960 households a year could be owed the main homelessness duty.¹⁰ Whilst the amendment would not result in a huge additional burden on local authorities it would have a significant impact on the individuals involved who would no longer face a choice of returning to a dangerous situation or homelessness.

This report sets out the case for extending priority need to everyone who is homeless as a result of fleeing domestic abuse, as is already the case under the Welsh homelessness legislation

⁶ St Mungo's, *Rebuilding Shattered Lives, The final report: Getting the right help at the right time to women who are homeless or at risk*, London: St Mungo's.

⁷ MHCLG, *Live Tables 773 and 774*

⁸ ONS (2018) *Crime Survey for England and Wales, Office for National Statistics* Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018> [accessed 15/04/19]

⁹ Lees, S. (2000) 'Marital rape and marital murder' In Hammer A n Itzin J (eds) *Home truths about domestic violence: feminist influences on policy and practice: A reader* Routledge: London, England

¹⁰ 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), 1,960 (mid) and 5,190 (high) households.

The link between homelessness and domestic abuse

In England and Wales alone, 1.3 million women, and 695,000 men, experienced domestic abuse in 2017/2018, according to official statistics.¹¹

Domestic abuse is inextricably linked with housing, as abuse most often occurs at home. Housing is a key barrier to people escaping domestic abuse.¹² Many people who experience domestic abuse often find themselves facing the very serious risk of homelessness if they are to flee the perpetrators. There has also been a reduction in the number of refuge spaces available to provide a temporary safe space for survivors. Research carried out in 2017 found that one in six refuges had closed down since 2010.¹³

Official statistics for England show that in 2017, 6,850 people were accepted as homeless by their local authority because of a violent relationship breakdown, this accounts for 12% of all homeless acceptances.¹⁴ Whilst this is already a significant number, it only includes people accepted as homeless and owed the main homelessness duty. This, alongside the hidden nature of many women's

homelessness and a reluctance on behalf of some people to report abuse,¹⁵ means this figure is an underrepresentation of the true scale of the problem.

Research by homelessness services indicates that the true numbers are much higher than official statistics suggest. Since 2015, almost a fifth (18%) of the women who were homeless when they approached Crisis stated domestic abuse as the reason for their homelessness.¹⁶ Similarly, research by St Mungo's found that a third of their female clients said that domestic abuse had contributed to their homelessness.¹⁷ In some circumstances, domestic abuse might not be the direct cause of someone's homelessness but linked to it. Crisis' 2014 Nations Apart research found that 61% of homeless females and 16% of homeless males had experienced violence and or abuse from a partner at some point.¹⁸

Many people who become homeless do not show up in official statistics. This is known as hidden homelessness and includes people living in squats, sofa surfing or sleeping rough in concealed places. Research has found that women are particularly likely to experience

hidden homelessness.¹⁹ Women experiencing homelessness tend to put a greater reliance on informal arrangements with friends, family and acquaintances.²⁰ This places people who have fled domestic abuse in a position where they are reliant on informal networks for vital support, such as housing, enhancing their vulnerability. When these arrangements break down, many women end up sleeping rough, where they are more likely than men to find hidden places to sleep to avoid unwanted attention and abuse.²¹

Consequently, many vulnerable women who may have had their homelessness caused by domestic abuse do not show up in statistics and are removed from services that could help them recover and rebuild their lives. Crisis' research into hidden homelessness found that 54% of female survey respondents had experienced violence or abuse from a partner, and 43% from family members or friends of the family.²² Furthermore, hidden homelessness has extremely detrimental consequences, which can include exploitation or abuse.²³

There is clear evidence of domestic abuse as both a cause and consequence of homelessness.²⁴ Access to safe, secure housing is therefore vital to supporting survivors in moving out of dangerous situations, protecting them from further abuse and supporting them to rebuild their lives. To adequately support and protect survivors and stop them from falling into a cycle of homelessness and abuse, the draft Domestic Abuse Bill must address the barriers survivors face to accessing safe accommodation.

In England and Wales alone, 1.3 million women, and 695,000 men, experienced domestic abuse in 2017/2018

Housing is a key barrier to people escaping domestic abuse.

"I met my ex-partner when I was in my early 20's and moved in with him and his brother.

At first, I was happy in the relationship but then as time went on he started drinking heavily and his behaviour became more and more controlling – he would tell me what to wear, how to have my hair, which friends I could see and monitored what I did. He would get really angry at me if I didn't do what he said, I started to feel really frightened and trapped, this was made all the

11 ONS (2018) *Crime Survey for England and Wales*, Office for National Statistics Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018> [accessed 15/04/19]

12 SafeLives (2017) *SafeLives practitioner survey 2017* [online] Available at: <http://www.safelives.org.uk/newsviews/practitioner-survey-2017>; 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.

13 The Bureau of Investigative Journalism (2017), *Domestic Violence Collaboration*, <https://www.thebureauinvestigates.com/blog/2017-10-19/refuges-at-breaking-point-stories-from-around-the-country>

14 The Department for Communities and Local Government (DCLG), *Live Tables on Homelessness*, Table 774. Available at: <https://www.gov.uk/government/statistical-datasets/live-tables-on-homelessness> [accessed: 12/04/19]

15 HMICFRS (2019) *The Police Response to Domestic Abuse: An Update Report* Available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-police-response-to-domestic-abuse-an-update-report.pdf> [accessed: 16/04/19]

16 Crisis client database figures 01/07/2015 – 18/04/2019

17 St Mungo's, *Rebuilding Shattered Lives, The final report: Getting the right help at the right time to women who are homeless or at risk*, London: St Mungo's.

18 P. Mackie and I. Thomas, *Nations Apart? Experiences of single homeless people across Great Britain*, London, 2014, Crisis. Available at: https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf [accessed: 12/04/19]

19 Bretheton, J & Pleace, N. (2018), *Women and Rough Sleeping, a critical review of current research and methodology*, York: University of York; .Reeve, K. with Batty, E. (2011). *The hidden truth about homelessness: Experiences of single homelessness in England*. London: Crisis. Available at: <http://homelesshub.ca/resource/hidden-truth-about-homelessness-experiences-single-homelessness-england> [accessed 15/04/19];

20 Bretheton, J & Pleace, N. (2018), *Women and Rough Sleeping, a critical review of current research and methodology*, York: University of York. Available at: <https://www.mungos.org/wp-content/uploads/2018/10/Women-and-Rough-Sleeping-Report-2018.pdf> [accessed: 12/04/19]

21 Ibid.

22 Reeve, K. with Batty, E. (2011). *The hidden truth about homelessness: Experiences of single homelessness in England*. London: Crisis. Available at: <http://homelesshub.ca/resource/hidden-truth-about-homelessness-experiences-single-homelessness-england> [accessed 15/04/19].

23 Ibid.

24 P. Mackie and I. Thomas, *Nations Apart? Experiences of single homeless people across Great Britain*, London, 2014, Crisis. https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf

worse as I was wasn't working so I was completely dependent on him.

His brother, who we also lived with, was aggressive too and would have violent outbursts. I felt so anxious and on edge all the time so much so that I would sneak out in the middle of the night to call Samaritans.

His drinking got gradually worse and then one night he and his brother were arrested after a fight broke out. I took this as my opportunity to leave and began sofa surfing with friends.

It hadn't occurred to me to go to the council, it was only when my friend suggested I should approach her local authority as I was homeless that it dawned on me.

The council were very supportive, I was assigned a housing officer and saw a domestic violence worker. This was in the May, and by September I was housed. The support gave me the chance to begin treatment for

my mental health and the stable accommodation gave me the space to recover.

But 20 years ago, I was one of the lucky ones, today I fear my experience would be very different. There are so few council homes available today and waiting lists are out of control – not to mention the closing of refuges and funding cuts to services. When you make the decision to leave you are in such a vulnerable place, especially if your self-esteem has been knocked, so if the support isn't there to assist you quickly into a safe home then you can easily be pulled back.

Everyone fleeing domestic abuse should be housed like I was - women cannot be left with the choice of abuse or homelessness." – Lucy, Domestic Abuse Survivor

Research carried out in 2017 found that one in six refuges had closed down since 2010

Crisis' research into hidden homelessness found that 54% of female survey respondents had experienced violence or abuse from a partner, and 43% from family members or friends of the family

Barriers to a safe home

For people fleeing domestic abuse, access to safe, secure accommodation is vital. Without this, there is a risk that survivors will be left with no option but to return to a dangerous situation or sleep rough putting themselves at risk of further abuse and exploitation.

Domestic abuse affects both men and women, however, women are considerably more likely to experience sustained physical, psychological or emotional abuse. They are also more likely to lose their life: two women are killed each week in England by a partner or ex-partner.²⁵ It is essential that the risk of homelessness does not therefore act as a deterrent to people fleeing abusive, dangerous situations.

Refuges can provide a vital stepping stone in removing survivors from abusive situations and providing support at a very difficult and uprooting point of their lives. Survivors often face significant difficulties in finding refuge spaces. Women's Aid's No Woman Turned Away project, which supports survivors who have been turned away from refuges, found that women were repeatedly being turned away by services as they did not meet their criteria for refuge spaces. The report concluded that underfunding was increasing pressure on already stretched services, which are being forced to make a choice between taking survivors in with no way of paying for their care or turning them away.²⁶

While searching for a refuge space, 17% of women supported by the project had

to call the police to respond to a further incident and 8% were physically injured by the perpetrator. Eleven per cent of women slept rough during this time, of which seven women had children with them and three were pregnant. Forty per cent of women sofa surfed and one woman disclosed that she was sexually assaulted whilst sofa surfing at a family friend's house.²⁷

The point of separation is the time when women face the greatest risk of homicide from the perpetrator.²⁸ The Femicide Census shows that a third of women are killed after separation from their partner, of whom a third are killed in the first month and three quarters within a year.²⁹ This makes it especially important that help is received at the point of separation to safely remove survivors from abusive situations. Access to safe accommodation is a critical step in this.

It is clear that adequate investment in good quality and specialist refuges is a necessary part of any response to domestic abuse. The Government's recent announcement that it will place a legal duty on local authorities to provide and fund refuge spaces is therefore very welcome and a clear recognition of the importance of safe accommodation for people fleeing domestic abuse. However, there are also systemic failings that have resulted in an inadequate response to meeting survivors' need for secure and longer-term accommodation. In particular, it is necessary to address the current legislation under which many survivors are not seen as a priority for settled accommodation as

²⁵ ONS (2018) *Crime Survey for England and Wales*. Office for National Statistics Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018> [accessed 15/04/19]

²⁶ 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.

²⁷ Ibid.

²⁸ Lees, S. (2000) 'Marital rape and marital murder' In Hammer A n Itzin J (eds) *Home truths about domestic violence: feminist influences on policy and practice: A reader* Routledge: London, England

²⁹ Women's Aid with Ingala Smith, K (2018) *The Femicide Census: 2017 Findings – Annual Report on UK Femicides 2017*. Available at: <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/12/Femicide-Census-of-2017.pdf> [accessed 16/04/19]

they are not deemed vulnerable enough. Without addressing this loophole in the law, many people fleeing domestic abuse will still not be considered a priority for housing and will therefore be unable to access safe emergency temporary accommodation or permanent housing. It is vital that the Government addresses this inadequacy in the law to ensure no-one falls through the gaps and that everyone fleeing domestic abuse is provided with the safety and security they need to recover from abuse.

Currently, unless a person experiencing domestic violence can prove they are "significantly more vulnerable than an ordinary person would be if they became homeless" then they would not be defined as being in priority need and eligible for an offer of settled housing.³⁰ To be considered 'in priority need' a person must either: be pregnant; have dependent children; be aged 16-17, or if a care leaver aged 18-20, or be vulnerable as a result of mental illness, disability, risk of domestic abuse or time spent in care, prison or the armed forces. It is up to local authorities to decide if an individual is vulnerable on the basis of whether when homeless, "the applicant would suffer or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering, such that the harm or detriment would make a noticeable difference to their ability to deal with the consequences of homelessness".³¹ However, the broad nature of this definition means it is very difficult to apply consistently. There is concern that the vulnerability test is being applied in a way that is driven by resources, and that it creates a perverse incentive in that respect as legal entitlement is difficult to establish.

Experiences show that domestic abuse in isolation is rarely considered to qualify someone as in priority need. In 2017, only 2% of people were found to be in priority need and made an offer of settled housing because they were vulnerable as a result of domestic abuse.³² This is despite evidence showing a much greater relationship between domestic abuse and homelessness than this figure would suggest.³³

There is clearly a discrepancy between the proportion of people being made homeless due to domestic abuse and the number who are being allocated priority need for housing as they are considered vulnerable as a consequence of this abuse. We are clear that all persons who experience domestic abuse are, by definition, vulnerable and therefore they should be placed in the automatic priority need category.

The Homelessness Reduction Act (2017) means that local authorities now have a legal duty to provide meaningful support to everyone who approaches them as homeless. This includes support to help prevent their homelessness from occurring in the first place, and for those people who are already homeless, help to find them a home. Despite this welcome change, there is no guarantee that people fleeing domestic abuse will receive an offer of settled housing if these two options fail to prevent or resolve their homelessness.

If all cases presenting with domestic abuse were made priority need it is estimated that 1960 additional households per year, or approximately 490 per quarter, would be owed main homelessness duty across local

authorities.³⁴ This number is in addition to households who currently would present as homeless as a result of domestic abuse and are already found in priority need.

It is assumed that the distribution of these additional households would be weighted towards the local authorities with the highest homelessness acceptances footfall, with over three-quarters expected to fall in the local authorities with the highest 50% of homelessness cases.

This is an indicative figure based on a model informed by data received from local authorities (n=168) for October – December 2018, or the third quarter since the introduction of Homelessness Reduction Act. This allowed for the estimate to factor in the 112 days needed to understand the number of potential households who would have been successfully supported through either the prevention or relief duties, or both. As prevention and relief activity is further established across local authorities it is reasonable to assume that the number of households reaching a main duty decision would reduce.

In the latest quarterly data available since the introduction of the Homelessness Reduction Act (October 2018 - December 2018) there were 6,690 households overall who received the main homelessness duty.³⁵ These estimates suggest that extending priority need to all people whose homelessness has been directly caused by domestic abuse would result in an approximate 7% increase in households entitled to main homelessness duty. Whilst not unsubstantial this is not a huge additional burden on local authorities. It would however have a significant impact on the hundreds of individuals concerned who

If all cases presenting with domestic abuse were made priority need it is estimated that 1,960 additional households per year would be owed the main homelessness duty across local authorities

would be provided with the support they need to escape abuse and rebuild their lives.

"He was my first boyfriend. We met at school and went out with each other for about a year, which is a long time when you are a teenager. He became very possessive and jealous and then one day he hit me so I hit him back and then ended it. I left school and was at college doing a diploma in caring skills when we met again. We became friends and he was really attentive so eventually friendship turned into a relationship.

I had finished college and was working two jobs when I fell pregnant. When I told my dad, he said I would have to move out if I was to stay with my partner. I found us a bedsit to move to, but my partner wasn't working and was not only smoking cannabis daily but also experimenting with other drugs. We would fight about this all the time and he would hit me. Although I was working we got behind with the rent and eventually were facing eviction.

30 Homelessness Code of Guidance for local authorities. Available at: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities> [accessed: 16/04/19]

31 Ibid.

32 MHCLG, Live tables on homelessness: Table 773

33 St Mungo's, Rebuilding Shattered Lives, *The final report: Getting the right help at the right time to women who are homeless or at risk*, London: St Mungo's.

34 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.

35 See Main Duty Tables: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764277/Main_duty_tables.xlsx

...the vulnerability test is being applied in a way that is driven by resources

I went back to my dad to plead with him to let me move back in. He was reluctant but knew I needed his help. Dad lived downstairs as he was blind, diabetic and only had one leg so he paid to have the upstairs

turned into a flat and rented it to me. The fighting between me and my partner became more frequent and the mental, emotional and physical abuse got worse. I would have regular black eyes and broken noses and he would drag me down the stairs by my hair and kick me.

One day he went to stab me in the face with a screwdriver but I put my hand up to try to stop him and the screwdriver went through my hand. The whole hand swelled up and I needed to go to the hospital. He wouldn't let me go at first but eventually let me when I promised that I wouldn't say that he had done it. The nurse started to ask lots of questions as I lied to her saying that I had done it to myself so when she left the room he made me leave. Any injuries I got from that day onward would have to heal themselves as I wasn't allowed to go back to hospital after that day.

Two years after having my daughter I discovered that I was pregnant again. I had hidden the pregnancy from my dad and partner as I knew neither of them would want me to have another child. After I had my daughter, I rang my dad from the hospital. He was really angry

with me he told me that I couldn't bring another baby home and that I'd have to move out. He lent me the money for a deposit on a flat around the corner. My partner and I moved in and the beatings and control got worse.

It went from punching and kicking to trying to slit my throat, stab me in the stomach, splitting my head open, putting a cigarette out on me, pushing me through a glass coffee table, battering me with a table leg and the final straw was when he tied me to a chair and put my feet in a bowl of water he then plugged a car battery charger in and threatened to electrocute me. I knew I had to get myself and my girls out of there.

I took my daughter to nursery the next day and I had seen a poster about domestic violence there. I went to visit the service and they helped me to escape and I went to a safe house in Liverpool. I stayed there for 12 weeks and then moved into my own house. Finally, I was safe.

I didn't return to Southport for over a year, but had to go back when my dad had a heart attack. I had done my best to avoid bumping into my former partner, but he saw me on the way back to the station and followed me to my house. My heart sank as I realised that I was trapped again. He had got himself a heroin addiction in the time I had been away so his new way of gaining control again was to make me use heroin as well.

After three times of taking heroin I became an addict. Life spiralled out of control from that point on. I was sent out by him to commit crimes to fund the addiction. I knew that if I didn't come back with something that I would face a beating.

Social services got involved and my children were taken into care so I was evicted from the house and I no longer had priority need for a home.

We ended up on the streets in Southport and slept anywhere we could find. We slept in empty garages, shop doorways, bus shelters even under railway bridges. I had given up on life at this point and didn't care if I lived or died.

The only sanctuary I got was each time I was sent to prison for committing a crime. The problem I faced was coming out and having to go back to my partner as I saw no other option. This chaotic lifestyle continued until he passed away from an illness caused by addiction. I was then free to save myself." – Karen, Domestic Abuse Survivor and Deputy Support Manager, Emmaus Preston

People who are homeless due to domestic abuse who are not found as in priority need are left facing homelessness or returning home to a perpetrator. Where they are able to access refuge space, they may struggle to access move on accommodation, meaning they become stuck in the refuge, utilising spaces that could be used for new clients, and delaying their recovery. Others may be placed in unsuitable temporary accommodation, including mixed-gender hostels where they may be living alongside perpetrators.

Not only are survivors vulnerable because failure to support them may result in them returning to a perpetrator – 7% of people who were supported by the Woman Turned Away caseworkers returned to the perpetrator whilst waiting for a refuge space.³⁶ They are also at risk of further abuse if they end

up sleeping rough, sofa surfing, living in unsuitable temporary accommodation or becoming hidden homeless.

Sofa surfing can result in people being placed at further risk of abuse and or exploitation. One woman supported through the No Woman Turned Away project disclosed that she was sexually assaulted whilst sofa surfing at a family friend's house. Having nowhere else to go, she was forced to stay a further night.³⁷

Sleeping rough also puts people at significant risk of violence and abuse. Research by Crisis revealed that people sleeping rough are exposed to shocking and unacceptable levels of abuse and violence. Over three quarters of those surveyed said they had suffered violence or abuse.³⁸

Some survivors are placed in unsuitable temporary accommodation, which may be of poor quality or expose them to further risk of harm. For example, at a meeting held jointly by the APPG on Domestic Violence and Abuse and the APPG for Ending Homelessness, evidence was heard from a survivor who had been placed in mixed-sex temporary accommodation which she did not feel safe in.

Survivors who end up sofa surfing, rough sleeping or in unsuitable temporary accommodation are also faced with an absence of any kind of support to recover from the domestic abuse they have experienced and fled from. As well as the personal costs of sleeping rough for those who experience it, it creates considerable costs for public services, especially health services, as people require intensive support to rebuild their lives to recover from homelessness.³⁹

³⁶ 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.

³⁷ Ibid.

³⁸ Sanders, B. & Albanese, F. (2016) *"It's no life at all": Rough sleepers' experiences of violence and abuse on the streets of England and Wales*. London: Crisis.

³⁹ Reeve, K. with Batty, E. (2011). *The hidden truth about homelessness: Experiences of single homelessness in England*. London: Crisis. Available at: <http://homelesshub.ca/resource/hidden-truth-about-homelessness-experiences-single-homelessness-england> [accessed 15/04/19].

"I spent two and a half years battling homelessness after leaving and I still struggle to recover from the abuse."

Case study, Nowhere to Turn⁴⁰

Providing evidence to demonstrate vulnerability can be traumatic and near impossible for people who have experienced domestic abuse. There is 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.

Women's Aid research found that 53% of the women they supported through the No Woman Turned Away Project were prevented from making a valid homelessness application by their local authority. Of these, a quarter were told they could not make an application as they were not in priority need.⁴¹

Crisis' No One Turned Away research also found that many local authorities are failing to adequately assist people presenting as homeless due to domestic abuse and that there was often a lack of sensitivity when dealing with survivors, with accounts of survivors being asked to recount their experience in public or told to return to the perpetrator.⁴²

Proving you are homeless due to domestic abuse can be distressing for survivors and there is a lack of consistency between local authorities when it comes to the approach. There are accounts of survivors being told to return home to a dangerous situation,

or to the place of violence, to retrieve ID or evidence to prove they are homeless due to domestic abuse. During our 2017 inquiry into prevention, the APPG heard of one woman being told to return home to get a letter from the perpetrator stating he had raped and attacked her.⁴³ In some cases, survivors are also being asked to provide a criminal reference number. This is inappropriate as many survivors do not want to report abuse to the police. It could also result in survivors staying in a dangerous situation until it escalates and the police become involved.

"They did not ask my name. Just asked factual questions and due to lack of ID refused to help me." Domestic violence (male) shopper, LA1⁴⁴

"Housing providers will request proof of violence making clients reluctant to make a homeless application." Homeless charity worker responding to ELHP survey, 2017⁴⁵

"I was told that if I did not have a letter from my dad saying that I was homeless they would not proceed with an interview or provide me with information and assistance as I could not prove I was homeless." Domestic violence (male) shopper, LA7⁴⁶

"I was heartbroken, if I actually... again from my personal experience, if I got treated like that then I probably would have become very suicidal or depressed, because these are the people that are supposed to help you and they could see I was worked up... They had no empathy whatsoever."

Domestic violence (female) shopper, LA1⁴⁷

Ensuring that all survivors of domestic abuse are automatically considered as priority need should help change the culture around how they are treated when they approach Housing Options, as well as greater consistency in the offer provided. It should mean that they are met with more sensitivity and understanding of the need to provide them with safe accommodation to remove them from harm. The importance of this should also be made clear in guidance to local authorities.

"Every day, I work with women who are homeless, helping them to rebuild their lives after the devastation of living without a safe place to call home. Knowing how brutal homelessness is, it never ceases to shock me that many women across England – including some of those I work with – become homeless after fleeing an abusive partner because they aren't considered vulnerable enough for help from their local council.

It's shocking, but sadly, it happens far too often. Recently, I worked with a woman called Sarah.* Having fled her home to escape an abusive partner who threatened her with a knife, Sarah ended up homeless for 11 months. Despite having complex mental health issues, she had little access to the help she needed and ended up sofa surfing, self-medicating, and entering another abusive relationship.

Trying to be rehoused was an uphill battle. Sarah was told she had to prove she was a victim of domestic abuse before she could be placed into safe permanent housing by her new local council. Fortunately for Sarah, with support from a local mental health service and Crisis, she was able to prove she did qualify for help – but only after months of homelessness.

Sadly, many women don't have access to the same kind of support. And disturbingly, Sarah's story is not an isolated incident. I've heard stories of women being asked to provide a criminal reference number – an inappropriate request when we know that many survivors are too frightened to report abuse to the police – while others have been told to return home to retrieve evidence of the abuse they've suffered.

Proving you are homeless due to domestic abuse can be distressing for survivors and there is a lack of consistency between local authorities when it comes to the approach

⁴⁰ 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.

⁴¹ Ibid.

⁴² Dobie, S., Sanders, B. & Teixeira, L. (2014) *Turned Away: The treatment of single homeless people by local authority homelessness services in England*. London: Crisis.

⁴³ Oral evidence heard at APPG for Ending Homelessness meeting of 26/04/2017. Minutes available at: <https://www.crisis.org.uk/ending-homelessness/appg-for-ending-homelessness/>

⁴⁴ Ibid.

⁴⁵ 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.

⁴⁶ Dobie, S., Sanders, B. & Teixeira, L. (2014) *Turned Away: The treatment of single homeless people by local authority homelessness services in England*. London: Crisis.

⁴⁷ Ibid.

Not only is providing evidence extremely traumatic for survivors, proving to their council that they are vulnerable enough to be prioritised for housing is near impossible to do. Unable to prove their vulnerability and with nowhere else to go, many find themselves having to make the unbearable choice between homelessness or returning to an abusive partner.

Instead of forcing women to stand in crowded waiting rooms and detail the abuse they have experienced, or spending billions each year on keeping people in temporary accommodation instead of safe and permanent housing, we have the opportunity to ensure that those in the most vulnerable circumstances are supported into a home – where they can access the vital support they need to begin rebuilding their lives.” – Anna Thomas, Woman’s Coach, Crisis

The Wales example

Survivors of domestic abuse in Wales already have a priority need for accommodation, following changes introduced in the Homeless Persons (Priority Need) (Wales) Order (2001). Under these regulations a person fleeing domestic violence or threatened with domestic violence is considered to be in priority need even if they do not have dependent children. This is further clarified in the Housing (Wales) Act (2014), which widens the definition of domestic abuse to make it clear that it does not only include physical violence. Domestic abuse is defined as physical violence, threatening or intimidating behaviour and any other form of abuse which may give rise to the risk of harm where the victim is associated with the abuser.

The extension of priority need to include people fleeing or threatened with domestic violence in 2001 did lead to an increase in entitlements where the main reason for homelessness was a violent relationship breakdown with a partner, but did not result in a significant overburden on local authorities. There was a steady increase in the number of cases where this was the main reason for homelessness between 1997/98 and 2003/04, from 745 households to 1,325.⁴⁸

In 2015/16 in Wales, 11% (237) of households in priority need had been found to be in priority because of domestic abuse. Of these, 147 were single person households (7% of all accepted applicants).⁴⁹ In England in 2017, 12% (6,850) households cited domestic abuse as the main reason for their homelessness. However, in the same year only 2% (1,330) of all applications were accepted as being in

priority need because they were vulnerable due to domestic abuse. This means the remainder were considered a priority for other reasons, such as having dependent children or pregnancy.⁵⁰ The statistics for England at this time do not capture the reason for people’s homelessness if they are not considered in priority need.

The comparison between the Welsh and the English data suggests that introducing automatic priority need status for survivors of domestic abuse in England would result in more individuals who have experienced abuse being owed the main homelessness duty. In the context of the overall number of homelessness applications, we would expect to see a relatively small increase in the numbers of people owed the main homelessness duty because they experienced domestic abuse. This suggests the change would not result in a significant additional burden on local authorities. Nonetheless, the personal impact on the individuals who are now being supported into safe, secure accommodation where they can rebuild their lives is highly significant.

“As an organisation which provides refuge and sanctuary to women and their children who are fleeing domestic abuse, Thrive Women’s Aid have welcomed legislative changes that enable transitions to homes of safety with open arms. Supporting women to settle and forge new roots in our local community is a key component of what we deliver; the identification that their housing needs to be prioritised has greatly assisted this. There are still some areas which we would wish to influence

⁴⁸ Welsh Government (2015) Households accepted as homeless, by main reason for loss of last settled home and household type. <https://stats.wales.gov.wales/Catalogue/Housing/Homelessness/Pre-April-2015/householdsacceptedashomeless-by-mainreason-period>

⁴⁹ A. Ahmed, M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones Sustainable Housing & Urban Studies Unit (SHUSU) The University of Salford

⁵⁰ The Department for Communities and Local Government (DCLG). Detailed Local Authorities Homelessness Figures: April 2017 to March 2018 (Revised). Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> [accessed: 12/04/19] – so no additional footnote needed.

change in; predominantly relating to the discharge of local authority duty for service users who have multiple and complex needs. We are confident that Welsh Government will engage and consult with us on this and look forward to the opportunity to do so.” – Kate Jones, Deputy Director, Thrive Women’s Aid

Survivors of domestic abuse in Wales already have priority need for settled housing

The Welsh example shows us that extending automatic priority need would not overburden local authorities, but would have a significant impact on people fleeing domestic abuse

The solution

We strongly welcome the new emphasis that the Homelessness Reduction Act (2017) places on prevention and would expect that as far as possible local authorities would be working with people who have experienced or are at risk of domestic abuse to prevent their homelessness occurring in the first place.

However, homelessness cannot always be prevented, and this is especially true for survivors of domestic abuse who often present at a time when they have fled a dangerous situation and would be putting themselves at risk by returning home. It is therefore essential that priority need for settled accommodation is extended to survivors of domestic abuse to plug this crucial gap in support under the current homelessness legislation and ensure greater consistency across local authorities with regards to the offer that’s being provided to people.

The draft Domestic Abuse Bill should be amended so that it provides for anyone who becomes homeless as a result of fleeing domestic abuse to be given automatic priority need for housing, without having to be subject to a further test to determine that they are more vulnerable than an ‘ordinary person facing homelessness’. This could be achieved by amending the Housing Act (1996) so that for people’s whose homelessness is caused by domestic abuse they are listed among the groups currently given automatic need, for example adults with dependent children.

It is extremely unlikely that anyone would falsely present to a local authority as homeless due to domestic abuse, but we understand that local authorities would still need to establish that someone’s homelessness had been directly caused by domestic abuse. The burden of proof should be relatively low in order to minimise further harm to the individual. For example, references could be sought from domestic abuse services, such as the National Domestic Violence Helpline run in partnership by Women’s Aid and Refuge, or a letter from a GP to confirm domestic abuse when finding survivors permanent accommodation. This is the level of evidence that is currently required if someone is claiming legal aid on the basis that either them or their children has been a victim of domestic abuse of violence.⁵¹ It is also similar to the threshold of proof in Wales, where local authorities may seek statements from services a survivor has been in contact with, landlords or family and friends.⁵²

Crisis has had a draft amendment drawn up by Garden Court Chambers, which sets out exactly how we are proposing the draft Bill is amended. Please see the next page for the full text of the amendment.

⁵¹ <https://www.gov.uk/legal-aid/domestic-abuse-or-violence>

⁵² <https://sheltercymru.org.uk/get-advice/families-and-relationships/domestic-abuse/domestic-violence-and-homelessness/>

Potential amendments to Domestic Abuse Bill

Second Advice

1. I set out below a proposed text on the basis that:

- a. People who are leaving accommodation because of domestic abuse should have a priority need without an additional requirement of being vulnerable; and
- b. People who are leaving accommodation because of other violence (not domestic) should only have a priority if they are also vulnerable, as is the current position.

2. The amendment should read: "Add new s.54A (or s.55 and renumber):

54A Homelessness and domestic abuse

(1) Part 7 of the Housing Act 1996 (Homelessness: England) is amended as follows.

(2) In s.177 (whether it is reasonable to continue to occupy accommodation):

- a. In sub-sections (1) and (1A)-
 - i. For "violence" substitute "abuse";
- b. After sub-section (1A) insert:
 - i. "Abuse" means
 - a) Physical or sexual abuse;
 - b) Violent or threatening behaviour;
 - c) Controlling or coercive behaviour;
 - d) Economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2019);
 - e) Psychological, emotional or other abuse."

(3) In s.189 (priority need for accommodation):

- a. In sub-section (1) insert after "(d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster" "(e) a person who is a person— (i) who is homeless as a result of being subject to domestic abuse, or(ii) with whom a person who falls within sub-paragraph (i) resides (other than the abuser) or might reasonably be expected to reside."

(4) At Article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051, substitute "abuse" for violence "and insert after "abuse" "(other than domestic abuse" and insert after "threats of abuse" "(other than domestic abuse)."

(5) In s.198 (referral of case to another local housing authority):

- a. In sub-section (2)(c) for "violence" substitute "abuse";
- b. In sub-section (2ZA)(b) for "violence" substitute "abuse";
- c. In sub-section (2A) for "violence (other than domestic violence)" substitute "abuse (other than domestic abuse)";
- d. In sub-section (3) for "violence" substitute "abuse".

LIZ DAVIES
Housing Team
Garden Court Chambers
57 – 60 Lincoln's Inn Fields
London, WC2A 3LJ

The below table gives indicative insight into the additional costs local authorities could face if all households experiencing homelessness as a result of domestic abuse were to be found in priority need. The focus of these scenarios is on actions that would be taken as part of the main homelessness duty and assume unsuccessful outcomes at prevention and/or relief stage.

The table gives five possible scenarios and illustrative 'journeys' for how a local authority could work with one priority need domestic abuse single household to help them secure stable accommodation. The scenarios explore different outcomes that would be delivered over a range of timeframes, with the shortest covering 9 months and the longest 18 months.

The costings focus only on incurred housing costs and do not account for other costs that may need to be met, for example mental health support. Four of the scenarios assume placement in a refuge for 90 days before further housing arrangements are made as this is a common route to helping domestic abuse households.

Potential indicative costs range from £3,617 (scenario 4) to £11,434 (scenario 2) to help a single domestic abuse household into secure accommodation depending on the 'journey' taken. All unit costs are derived from existing cost-benefit research and analysis focused on domestic abuse and housing solutions to end homelessness.

Scenario 1 - Temporary accommodation outside of London

Single person leaves domestic abuse situation. Approaches local authority and found in priority need. Initially placed in a refuge for 90 days before going into temporary accommodation (TA) and waiting for social tenancy. In TA for 6 months.

Actions	Cost
Housing Options 'action'**	£826
Refuge for 90 days (13 weeks) £258pw*	£3,354
Temporary Accommodation for 6 months**** (£93 pw)	£2,418
Social tenancy (Housing Benefit)	Cost reclaimed from DWP
Total	£6,598

Scenario 2 - Temporary accommodation in London

Single person leaves domestic abuse situation. Approaches local authority in London and found in priority need. Initially placed in a refuge for 90 days before going into temporary accommodation (TA) and waiting for social tenancy. In TA for 1.5 years.

Actions	Cost
Housing Options 'action'	£826
Refuge for 90 days (13 weeks) £258pw	£3,354
Temporary Accommodation for 1.5 years (£93 pw)	£7,254
Social tenancy (HB)	Cost reclaimed from DWP
Total	£11,434

Scenario 3 - PRS

Single person leaves domestic abuse situation and approaches local authority. Found in priority need and placed in a refuge for 90 days. Then enters the Private Rented Sector (PRS) with help from a access scheme.

Actions	Cost
Housing Options 'action'	£826
Refuge for 90 days (13 weeks) £258pw	£3,354
PRS access scheme*** (one off cost)	£1,715
Private tenancy (LHA)	Cost incurred by DWP
Total	£5,895

Scenario 3 - PRS breakdown

Single person leaves domestic abuse situation and approaches local authority. Found in priority need and placed in a refuge for 90 days. Then enters the PRS with help from a access scheme. In PRS for 6 months but then the tenancy breaks down. After revisiting the local authority enters PRS again via access scheme support.

Actions	Cost
Housing Options 'action'	£826
Refuge for 90 days (13 weeks) £258pw	£3,354
PRS access scheme (one off cost)	£1,715
PRS for 6 months before tenancy breaks down (LHA)	Cost incurred by DWP
Return to Housing Options	£826
PRS access scheme (one off cost)	£1,715
Total	£8,436

Scenario 4 - Hostel

Single person leaves domestic abuse situation and approaches local authority. Found in priority need and placed in a hostel for 4 weeks before getting help via a PRS access scheme to get a private tenancy.

Actions	Cost
Housing Options 'action'	£826
Hostel for 4 weeks at £269pw*****	£1,076
PRS access scheme (one off cost)	£1,715
Private tenancy (LHA)	Cost incurred by DWP
Total	£3,617

* Pleace, N. (2015) At what cost? An estimation of the financial costs of single homelessness in the UK. London: Crisis.(costs inflation uprated)

** Pleace, N. & Culhane, D.P. (2016) Better than Cure? Testing the case for Enhancing Prevention of Single Homelessness in England. London: Crisis.(costs inflation uprated)

*** WPI Economics (2017) Private Rented Sector Access Scheme Cost Benefit Analysis of PRS Access Scheme. London: WPI commissioned by Crisis.

**** Alma Economics (forthcoming) Local Housing Allowance Options for reform. London: Crisis.

***** PricewaterhouseCoopers LLP (2018) Assessing the costs and benefits of Crisis' plan to end homelessness. London: PwC.

~CTI: Critical Time Interventions are time-limited evidence-based solutions which supports people who are vulnerable to homelessness during period of transition. It is a housing-led approach which combines rapid housing access with intensive case management.

Scenario 5 - CTI

In this 'best practice' scenario a single person leaves domestic abuse situation and approaches a local authority. Found in priority need and goes into a refuge for 6 months. Upon leaving they are given intense support in line with Critical Time Intervention~ protocol for 12 months to help their transition to secure and stable accommodation.

Actions	Cost
Housing Options 'action'	£826
Refuge for 6 months (26 weeks) £258pw	£6,708
CTI 12 months*****	£12,250 per year
Total	£7,534

An estimate based on local authority data suggests an additional 490 households would be owed the main homelessness duty each quarter if automatic priority need was extended,⁵³ the APPGEH's proposed amendment to the Bill would not result in a significant additional cost burden on local authorities. The impact on survivors who would no longer be left facing homelessness or forced to return to an abusive situation or a place of violence, however, would be huge.

There are already some local authorities taking the lead in terms of ensuring everyone made homeless as a direct result of domestic abuse is treated as a priority need. This is the case in Southwark where they supported 263 people fleeing domestic abuse between 1st April 2018 and 31st December 2018, 58% of which were single people.

"Since March 2017, Southwark Council adopted a new approach towards domestic abuse and Homelessness. All customers fleeing domestic abuse will be provided with accommodation and no customer will return to the place they left due to domestic abuse. A non priority customer will be treated exactly the same way as a priority needs customer. The Homelessness Reduction Act trailblazer work certainly assisted the service to change the culture of services

provided and to place the customer at the centre of all of our work.

The customer fleeing domestic abuse will be seen by the Housing Solutions service alongside Solace Women's Aid who are based within the Housing Solutions service office and this partnership work provides an empathetic, and customer focussed service. Solace Women's Aid provide independent housing advice and advocacy for all domestic abuse customers and during the 1st April 2018 to the 31st December 2018 period this partnership work supported 263 people fleeing domestic abuse. 58% of these customers being single people.

Of the 263 people approaching Southwark Council due to domestic abuse 261 have been provided with a housing solutions within the private rented sector, or council accommodation. The two customers who the council decided to be non priority were offered several suitable private rented accommodation properties, but both customers refused these offers of accommodation.

All customers receive a Personal Housing Plan often completed in partnership with Solace Women's Aid

and each customer will be provided with accommodation from the moment the customer approaches the Housing Solutions service fleeing domestic abuse. This accommodation will not be long term Bed and Breakfast accommodation as the council made a policy decision not to use Bed and Breakfast accommodation from November 2017. The accommodation will always be self contained nightly paid accommodation, but the council will always offer a suitable private rented property, refuge etc. to all non priority needs customers to ensure a housing solutions with support is provided within the shortest possible timeframe.

Southwark Council had the largest number of people approaching the council fleeing domestic abuse compared to any other council in London according to the most recent homelessness Government data, and Southwark is proud of its innovative work towards domestic abuse. For council and housing association tenants we also aim to move people through the Pan London Reciprocal arrangement if this is the choice of the customer and then evict the perpetrator when it is safe to do so. Southwark Council has the largest number of Pan London Reciprocal moves compared to any other council and Housing Association landlord in London.

The council will never allow a person fleeing domestic abuse to return to the place they fled from and non priority needs customers are provided with the same service, protection and housing offer as a priority need customer. If Southwark Council can do this then any one can." – Ian Swift, Head of Housing Solutions, London Borough of Southwark

Despite these examples of best practice, legislative change is needed to ensure a consistent approach across the country. Without this, there is no requirement for local authorities to provide settled housing for single people fleeing domestic abuse and they will continue to face a postcode lottery when it comes to accessing the main homelessness duty. As our research shows, nearly 2,000 people fleeing domestic abuse could be left facing homelessness each year if a legal duty is not implemented.⁵⁴

53 see footnote 34

54 see footnote 34

Conclusion

The Domestic Abuse Bill provides a vital opportunity to address the clear link between homelessness and domestic abuse. Whilst there is much to welcome in the draft Bill, including a statutory definition of domestic abuse that includes economic abuse and the transfer of secure lifetime tenancies for people fleeing domestic abuse, the Bill as currently drafted misses an opportunity to address the significant barriers survivors face to accessing safe, secure accommodation.

A key barrier to people leaving abuse is a lack of access to safe, secure housing. It is unconscionable that under the current law, people without dependent children who have managed to flee an abusive situation are required to pass the vulnerability test to be owed the main homelessness duty, deterring people from leaving abusive and potentially life-threatening situations.

If people do manage to flee abuse, many will be left facing homelessness if they are unable to pass the vulnerability test, the threshold for which can be very high and open to differing interpretations by local authorities. There is also evidence of local authorities using the vulnerability test as a gatekeeping tool. Extending automatic priority need to all survivors would remove the requirement to prove vulnerability, which we believe is inappropriate for this group. It should also help change the culture around how survivors are treated when they approach Housing Options, as well as ensure greater consistency in the offer provided. It should mean that survivors are met with more sensitivity and understanding of the need to provide them with safe accommodation to remove them from harm. The importance of this should also be made clear in guidance to local authorities and enhanced training for Housing Options officers.

Currently, if survivors are not considered to be in priority need, evidence shows that this makes it more likely a person will return to a dangerous situation. Given that two women are killed each week in England by a partner or ex-partner and that the point of separation is when the risk of homicide is highest, it is shocking that this is a choice some survivors are being forced to make.

Others end up sleeping rough, sofa surfing or living in unsuitable accommodation, where they are at risk of further violence and abuse and removed from services that would support their recovery. Even if people are able to access a refuge, they become stuck due to a lack of affordable move-on accommodation and no duty on the local authority to provide them with settled accommodation. This can also delay recovery and mean that refuge spaces are not being freed up for others who need them.

It is vital that the opportunity to tackle the barriers survivors face to accessing safe accommodation presented by the draft Domestic Abuse Bill is taken. This would ensure survivors are not left facing further abuse or the devastating impacts of homelessness. This could be achieved by extending automatic priority need, so that anyone whose homelessness is caused by domestic abuse has access to safe, secure accommodation where they can rebuild their lives.

women's aid
until women & children are safe

CHANGING
LIVES



St Mungo's
Ending homelessness
Rebuilding lives



 The Connection
at St Martin-in-the-Fields



Refuge

For women and children.
Against domestic violence.

