

## **Improving Access to Social Housing for Victims of Domestic Abuse Response of Gateshead Council to Government (DCLG) Consultation**

### **Policy Context**

1. The Government has issued a consultation document seeking comments on proposals to issue statutory guidance to local authorities to assist victims of domestic abuse in refuges to access social housing.

### **Background**

2. The consultation document states that “ensuring the safety of our citizens is the most basic task of government, and the Government believes that victims fleeing domestic abuse should be given as much assistance as possible to ensure they are able to re-build their lives away from abuse and harm”.
3. The consultation aims to support a Government manifesto commitment to help victims of domestic violence to leave abusive partners.
4. A joint review by the Home Office and DCLG of domestic violence provision in 2015 highlighted the need for government to ensure that victims of domestic abuse get help earlier, before they reach a crisis, and that housing provision such as refuges are a key element of this support.
5. The Government’s concern is that when victims of domestic abuse are ready to move on from a refuge into settled accommodation, they may experience difficulty. People living in refuges may have insufficient priority under the local authority’s allocation scheme; while those who have fled to a refuge in another local authority area may be unable to apply for social housing because the local authority’s qualification criteria include a residency or local connection test
6. The Localism Act 2011 gives local authorities the power to set their own rules to determine which applicants do or do not qualify for an allocation of social housing, enabling them to tailor allocation priorities to meet local needs and local circumstances.
7. Statutory guidance encourages local authorities to use the qualification flexibilities provided by the Localism Act 2011 to apply a residency test for social housing of at least two years. Members of the Armed Forces and transferring tenants who need to move for work related reasons are exempt from any residency test. The Guidance recognises the importance for local authorities to consider the need to provide for other appropriate exceptions from their residency requirements, in order to take account of special circumstances, including providing protection to people who are moving into the area to escape violence or harm.

8. The Government now wishes to ensure that those who have successfully fled from such situations and are currently living in refuges should also benefit from this provision.
9. The Government is also considering whether to extend “priority” status to applications for social housing from victims of domestic abuse in refuges, so that they can move into more suitable accommodation as soon as practicable and free up valuable refuge spaces for others. The consultation asks for comments on whether appropriate priority can be justified under “medical and Welfare grounds” (i.e. recovering from the effects of domestic abuse, and need to move on from a refuge in order to build a stable life), or “Homelessness” (i.e. those who have fled domestic abuse and are currently living in refuges should also usually be classified as homeless, as it would not be reasonable to expect them to continue to occupy that accommodation on a long term basis).
10. The Consultation also covers the Government’s wish to encourage Local Authorities to use powers to support victims of domestic abuse to stay in their own home; including use of powers to evict perpetrators of domestic abuse.

### **Implications**

11. Gateshead’s current Lettings Policy already awards Urgent Housing Need status to those suffering Domestic Violence, where remaining in the current home is likely to result in ongoing or escalating abuse.
12. Gateshead’s existing Lettings Policy also includes provision to remove a perpetrator of domestic violence (usually a joint tenant) from a family home, into alternative accommodation, through Direct Let, to enable a victim to remain.
13. The implications for Gateshead would be, therefore:
  - a) Given the provisions currently within the Council’s Lettings Policy, it is considered that the extension of the Urgent Housing Need status to include those that have moved into a refuge or other short-term/emergency accommodation, will not require a significant review of the existing lettings policy of the Council, or the Tyne & Wear Homes, choice based lettings scheme, however, a review of internal procedures and protocols may be needed, together with staff training.
  - b) It is not anticipated that the proposed changes will increase the number of people presenting as homeless, however, changes to priority status may impact on waiting times for accommodation for some clients, and this would need to be monitored.
  - c) Through the 2018 review of the Gateshead Housing Strategy, which includes the Homelessness Prevention Strategy, as well as the ongoing review of the Council’s approach to domestic abuse, there are opportunities to consider:
    - i. how the Council provides accommodation with or without support, from within its own housing stock; to minimise the need for refuges, or other

emergency, temporary accommodation; potentially leading to better outcomes.

- ii. how the Council and its partners engage with perpetrators of domestic abuse, and whether appropriate treatment/support is available.

### **Gateshead response**

14. There were 6 questions in the Consultation Paper; the response submitted on behalf of Gateshead is set out in the attached annex.
15. The response to the Consultation was compiled in consultation with officers from Development, Transport and Public Protection; Council Housing Design and Technical; The Gateshead Housing Company; Care Wellbeing & Learning
16. The consultation period ran from 30th Oct 2017 until 5<sup>th</sup> Jan 2018. This necessitated a response to the consultation being submitted in advance of Cabinet, however, Housing and Economy, and Communities and Culture Portfolios were consulted on the draft response.

### **Implications of Recommended Option**

17. **Resources:**
  - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no specific financial implications arising from this consultation response.
  - b) **Human Resources Implications** – No human resources implications.
  - c) **Property Implications** – No property implications.
18. **Risk Management Implication** – No risks associated with the consultation.
19. **Equality and Diversity Implications** – No equality and diversity implications
20. **Crime and Disorder Implications** – No crime implications.
21. **Health Implications** – No health implications.
22. **Sustainability Implications** – No sustainability implications directly arise from this report
23. **Human Rights Implications** - No human rights implications.

24. **Area and Ward Implications** – The detail of this consultation would impact on all Ward Areas.

**Gateshead response to:**

Improving Access to Social Housing for Victims of Domestic Abuse  
DCLG Consultation 30 Oct 2017 – 05 Jan 2018

**Chapter 2**

**Qualification for social Housing**

**We propose that the guidance strongly encourages local authorities to exempt from their residency requirements victims of domestic abuse who have escaped violence from another area and are currently living in refuges in their area.**

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

- Yes. We should be applying a person centred approach when dealing with victims of domestic abuse, and therefore no residency requirements should be applied for this situation. We would support this exemption being enforced through legislation to ensure fairness and consistency in approach from area to area.
- All Local Authorities could be required to take a victims word that it is unsafe for them to return to the previous home and/or area – therefore a local authority should not, whilst conducting reasonable enquiries (necessary background checks/information gathering), make any decision on whether it is reasonable for a victim to return to their home/area they are fleeing if that decision is contrary to the victims wishes.
- It is vital that effective, cross authority liaison and information sharing takes place, to ensure that families who are known to child protection services in the area they are fleeing from, swiftly continue to receive support and/or closer monitoring in the area providing safe accommodation, to prevent at risk children 'falling through the net'.
- We would also request some clarity on how/if local authorities are to take into account additional factors such as: where a victim of domestic abuse has a history of offending, anti-social behaviour, substance misuse and/or significant tenancy related debt – all of which may have led to exclusions and/or demotions in the area they are fleeing to.
- It should be clear in any statutory guidance that Local Authorities should all apply the current government definition of Domestic Abuse in its entirety when looking at exemptions from residency requirements to avoid it being narrowly applied.

Question 2: We would also like to find out how local authorities who currently apply a residency test, or local connection test, as part of their qualification criteria take account of the needs of victims of domestic abuse who are housed in refuges

- Currently victims of domestic violence are assisted under homeless legislation which does have local connection criteria but there is discretion in whether or not this is applied.
- Gateshead Council Lettings Policy does not have a local connection criteria, but does not award priority (other than to homeless applicants & applicants with a medical need to move into the borough) for rehousing to out of borough applicants.

### **Priority for social housing**

**We propose that the guidance makes clear the circumstances in which we would expect local authorities to apply the ‘medical and welfare’ and the ‘homelessness’ reasonable preference categories to victims of domestic abuse who are living in refuges to ensure that they are given appropriate priority for social housing.**

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

The term ‘refuge’ may be too restrictive as not all victims may be able to access a refuge. This could be revised to a victim of domestic abuse residing in temporary or supported accommodation.

#### Advantages:

- Providing a dual award of ‘homelessness’ and ‘medical and welfare’ would provide victims of domestic abuse with additional priority and provide a quicker turnover within emergency refuge space/temporary accommodation.

#### Disadvantages:

- Currently in our authority we have a specific team which undertakes ‘medical’ priority assessments. Officers within this team may need additional training and support if they were to assess victims of domestic abuse on a more regular basis. It would be better if the ‘medical and welfare’ priority was automatically added to a homeless priority for all victims of domestic abuse residing in refuges or other safe, temporary accommodation, without the need of any further assessments. We would also need to ensure, in allocating this award to victims of domestic abuse, that victims of domestic abuse cannot bid for or be allocated a medically adapted property.
- The term ‘refuge’ may be too restrictive as not all victims may be able to access a refuge. This could be revised to a victim of domestic abuse residing in temporary or supported accommodation.

MARAC risk assessments could provide a useful tool for assessing levels of priority based on a victim’s level of risk. While we do not wish to minimise the effects of emotional or financial abuse, Local Authorities should have mechanisms for fairly prioritising victims at high risk of murder or serious assault with an even higher priority status.

Question 4: Local authorities are invited to provide details of how their current allocation policies ensure that those who are living in refuges are given appropriate priority

- Applicants who are victims of domestic violence are currently assessed and assisted as homeless applicants, irrespective of whether they are residing in a refuge/temporary accommodation or their own home.
- Critical Housing Priority includes the following provision for domestic abuse – ‘Applicants who are experiencing severe harassment, and have been assessed as being at risk unless rehoused’, ‘Applicants who must be rehoused to prevent a child being taken into care or to ensure the safety of children under the terms of current legislation’ and ‘Urgent homeless cases, where Gateshead Council needs to discharge its statutory duty as a matter of urgency’. Urgent Housing Priority includes the following provision for domestic abuse – ‘Domestic Violence’. Therefore victims of domestic abuse would fall into the Critical or Urgent categories as opposed to ‘Substantial’ or ‘General’.

### **Supporting victims in their existing homes**

**We are aware that some local authorities are proactive in assisting tenants affected by domestic abuse to stay in their homes. We would like all local authorities to adopt a similar approach and propose that the guidance should strongly encourage local authorities to use their existing powers to support their tenants who are the victim of abuse to stay in their homes if they wish to.**

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

- Yes, where it is a victim’s choice to remain in their home we should support that decision and use any powers at our disposal to make it happen. Local Authorities should take a victim centred approach with this.
- Some of the difficulties that victims may face in choosing to leave the abusive relationship and remain in their home could be financial. For example as universal credit rolls out more widely, the government must monitor the impact the single payment policy has on domestic abuse cases. Paying all monthly household finances to one individual has inherent risks for people in abusive relationships, allowing perpetrators to take complete control of finances. Whilst an exemption is available, it relies on both the claimant proactively applying and the exemption being granted, as such this may not prove enough of a safeguard for victims.
- It is vital that the needs of victims are fully taken into account and considered if local authorities are to be encouraged to use existing powers to support tenants to remain in their home. Using this approach could also have financial implications for local authorities as additional security measures are often required in order to make victims feel safe enough to remain in their own home.
- We agree that the upheaval of moving home can be too much for some victims – changing schools, leaving employment, leaving family/support networks and leaving pets are all factors to consider. In addition, sometimes it is not possible for people to leave immediately i.e. where victim or someone in

the household has a disability and their home is specially adapted to meet their needs.

- Sometimes, it is very likely that despite the best intentions an abuser will still find out where a victim has moved onto – this often occurs where it is agreed that an abuser is able to have contact with their children, which provides the opportunity to question them around their location. This can mean a move has been detrimental, especially if the victim has moved away from family and support networks.
- It is however important to consider the choices available to victims, who may choose to remain only as an alternative to moving to a refuge, or other safe, temporary accommodation out of borough. It is important that we do not rely on victims remaining at home due to a lack of alternative options. Refuge spaces and temporary accommodation are still essential options for victims, but often have a lack of available space. Often, victims may not meet the criteria for a refuge – i.e. where victims have a substance misuse issue, mental health issues or for male victims. It is vital that we have supported housing solutions to meet the needs of these victims. A victims safety and the safety of their children is paramount, therefore Local Authorities should also take into consideration the safety of the children, particularly where a child is 'at risk' and there is involvement from Social Services, who may have information regarding whether a child will be at further risk if they are to remain.
- We'd need to ensure that both parties are provided with the right support; we need to try to change the behaviour of the perpetrator, regardless of whether they remain or are evicted.

We are also interested in finding out how local authorities are currently using existing powers to help tenants who are victims of domestic abuse stay in their homes.

Question 6: Please provide details of how your authority take advantage of the existing powers to enable victims can stay in their homes

- Gateshead's existing Lettings Policy includes provision to remove a perpetrator of domestic violence (usually a joint tenant) from a family home, into alternative accommodation to enable a victim to remain. We are therefore using our powers to enforce the removal of perpetrators from accommodation, where appropriate. It would be beneficial to have additional powers/clarity regarding abusers who are sole tenants and the right of a victim who has resided in that property for a sustained period of time to succeed that tenancy where it is their choice to do so.
- Support services are in place in Gateshead to specifically assist victims of domestic abuse residing in their own home – The Gateshead Housing Company recently received DCLG funding to create a post for a 'Domestic Abuse Housing Outreach Worker to specifically support victims in their own homes.
- Other options and advice provided by the Local Authority and its partners include funding/installing home security measures to assist victims of abuse to remain in their own home. Discussions would also take place with victims on the legal options available to assist them to remain in their own home i.e. restraining orders and occupation orders.