



Consultation response to local connection requirements for social housing for victims of domestic abuse

Department for Levelling Up, Housing and Communities – May 2022

Introduction

Solace Women's Aid (Solace) was established over 45 years ago and is one of the single largest providers of services for victim/survivors of violence against women and girls (VAWG) in the UK. In 2020/21 we worked with 23,461 women and 814 children across our prevention and support services.

Solace's services are concentrated in London, and our services include refuge and move on accommodation; community-based services; therapeutic services; North London Rape Crisis Centre; specialist provision for children and young people who have experienced domestic abuse or sexual violence; accommodation and support for victim/survivors who have experienced multiple forms of disadvantage; advice lines; prevention work with children and young people; and bespoke training for statutory agencies, third sector organisations and corporations. In 2020/21, Solace supported over 1,000 victim/survivors in refuges, and nearly 7,000 in community-based services. We also worked with over 400 victim/survivors and their families through the North London Rape Crisis Centre, providing counselling, advocacy and group work.

We welcome the Government's commitment to consult on regulations to disapply local connection tests for victims of domestic abuse who apply for social housing, and welcome the opportunity to provide feedback on these proposals. In our services, 70% of survivors have a housing need so it is crucial that there are clear regulations that allow survivors access to safety and housing stability in a new local area.

Response to questions

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

Yes.

During the passage of the Domestic Abuse Act 2021, Solace supported amendments to the Bill which sought to bar local connection rules for survivors of domestic abuse fleeing their local area for safety and needing to access social housing. We continue to think it is crucial that victims are exempt and that this is put into regulations as there is currently disparities in how local authorities are applying the code of guidance.

Whilst it is important to have this exemption, it is critical that this doesn't mean survivors of domestic abuse are prohibited from remaining in their local area if they so wish. It should be the decision of the survivor as to whether they need to move to another area, in which case need to be exempted from the local connection requirement, or whether they deem their area to be safe enough to stay in. Any exemption should not be used by local authorities to gatekeep social housing, either by insisting a survivor must leave their social housing and move to another local authority because of this exemption and the domestic abuse, or by insisting on the local connection requirement. Survivors are often weighing up several factors including where they have any support networks, where their children

attend school as well as the risk they assess their perpetrator/s pose. They are best placed to make those judgements, not housing officers.

We also strongly support the recommendation by the National Housing and Domestic Abuse Policy and Practice Group that this should also apply to all survivors of violence against women and girls (VAWG), particularly considering those who are fleeing sexual abuse, so called 'honour-based violence' and forced marriage, stalking and gang violence and abuse, including mothers of children who have been gang groomed, all of whom are just as likely to be at risk of further abuse within in their local area and need to access safe alternative accommodation in an area where they may have no local connection. We advise that a requirement is necessary rather than simply promoting guidance, as we already area aware that local areas do not implement recommendations around local connections, particularly where housing stock is low and there is a high level of demand for social

Case study

Solace's service user was repeatedly told by the housing officer, over email, that she is not allowed to stay in Tower Hamlets because it's not safe for her. A housing solicitor was engaged to support and cited the homelessness code of guidance, stating the local authority shouldn't make an assumption about where a client may or may not be at risk. The Housing Officer then responded to say the service user wouldn't be able to afford to live in the borough.

housing.

To ensure that the regulations are followed by local authorities, it is important that the Social Housing Regulator takes steps ensure these regulations are followed, and take action against local authorities who are not implementing exemption requirements. Without this survivors are left having to challenge local authority decisions, and be aware of their right to such an exemption, which places on an undue burden on this.

Q4) Have you ever been disqualified for social housing allocations by a local authority on local connection grounds despite being a victim of domestic abuse? If so, please provide further information such as the grounds on which you were disqualified.

Through our provision of refuges and community-based services across London, Solace staff have supported many survivors in making housing applications and have found survivors are rejected by local housing authorities for social housing due to not having a local connection. When supporting survivors in refuge, survivors have been rejected when applying for social housing in the same local authority as the refuge because they have only been resident there for a number of months and do not meet the grounds for local connection. We have found appeals have also been rejected. In our work supporting older survivors of domestic abuse (aged 55+), when applying for sheltered accommodation, the local connection requirements have still been applied and survivors have been rejected on the basis of not having a local connection, despite fleeing domestic abuse.

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

Yes.

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

No. A time limit would not help to keep survivors safe as the risk of violence does not end after a particular amount of time, and for many survivors, it may not ever reduce. Many survivors experience post separation abuse, including various forms of coercive and controlling behaviour and economic abuse, that is often not identified by non-specialist professionals who may only see abuse through a stereotypical physical abuse lens.

The mental health implications and trauma of domestic abuse can last for many, many years, and a time limit may prevent survivors from needing to move if they no longer feel safe in the area. As evidence gathering to prove domestic abuse in order to be exempt from the local connection can take a long time, any time limit could also be used to gatekeep by local authorities who do not wish to accept applications for social housing including by them seeking to create delays or making judgments on when the abuse began or ended.

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

Yes. This is more straightforward and is likely to support survivors of domestic abuse better than a time limit. Survivors may need to flee an area because it isn't safe due to domestic abuse, and this domestic abuse may not have been recent but the risk to the survivor can still be high. This should be stipulated in accompanying statutory guidance that the occurrence of domestic abuse is enough to disapply the local connection requirement, regardless of when the domestic abuse was as the area which they may have a local connection with may no longer be safe.

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

Yes. Survivors will often seek to flee to areas where they have family, friends or other support networks and this may mean moving to England from another part of the UK

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

Yes, survivors of domestic abuse are at risk of further violence whether they are in refuge or privately rented accommodation, so the proposed exemption from local connection tests should be applied to all survivors of domestic abuse, regardless of their living arrangements.

Case study

Solace's service user is registered as disabled due to severe anxiety and agoraphobia. Due to her mental health support needs, the service user was finding her process of leaving particularly stressful, did not want to take out a non-molestation order against her partner and wanted to remain in their shared property but find somewhere new to live as soon as possible. The housing officer told the service user she was making herself intentionally homeless by not deciding to stay in her shared property and transfer the tenancy to her name only.

The service user is entitled to Personal Independence Payments, so is not constrained by housing benefit. The IDVA asked the housing officer how she was going to fulfil the local authority commitment to developing a personal housing plan and support the service to find suitable private rented accommodation. The housing officer states that they do not have any agencies which they recommend for clients looking for private rented accommodation and that they can only support by sending service users to suitable properties.

The housing officer told the service user that they cannot stay in Tower Hamlets as it is unsafe. The IDVA explained that this was unlawful and due to the client's mental health support needs, this would be categorically unfeasible.

We also recommend that the proposed exemption for local connection and residency tests should be applied to survivors who are rough sleeping and experiencing long-term homelessness, who may not have a specific form of accommodation from which they are fleeing.

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

Yes, evidence gathering for domestic abuse can be difficult, take a long time and be re-traumatising for survivors if local authorities require excessive amounts of evidence. Statutory guidance should ensure that the evidence threshold is not too high so as to prevent survivors from accessing social housing and facilitate gatekeeping by local authorities. The need for evidence has to be proportionate and careful – many survivors of domestic abuse remain in the community, so have not fled to a refuge, and don't report abuse to the police so evidence may be difficult to gather.

The statutory guidance should be similar to that which is stipulated in the homelessness code of guidance for local authorities in chapter 21, which provides guidance on providing homelessness services to people who have experienced or at risk of domestic violence or abuse. This guidance advises housing authorities to seek evidence, with consent from the applicant, from "friends and relatives of the applicant, social services, health professionals, MARACs, a domestic abuse support service or the police, as appropriate".¹ It is important that inquiries do not provoke further violence and abuse, and crucial that housing authorities do not approach the alleged perpetrator. If housing authorities are already accustomed to these guidelines in providing homelessness services to survivors

¹ 21.24, [Homelessness code of guidance for local authorities](#), Department for Levelling Up, Housing and Communities, 22 March 2022

of domestic abuse, it may be effective to replicate this for disapplying the local connection requirement but expectations should be clearly emphasised. A survey of our advocates in 2020 found that a fifth had had housing officers calling the perpetrators of their clients in the previous three months and half said survivors they worked with were told there needed to be a police report or called the police to corroborate in at least half of the housing applications their clients made.

The onus on collecting the evidence should be on the housing authorities. If the survivor is being supported by an advocate, they may be able to provide a supporting letter which should be enough evidence of domestic abuse. It should not be the responsibility of the advocate or the survivor to gather the evidence, as this may be retraumatising for the survivor and put them at further risk. The Government's analysis of domestic homicide reviews for the 12 months from October 2019 found that only 20% had been referred to a MARAC, meaning most were either not assessed as high risk or had not been identified by a statutory service at all.

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

There are several barriers that prevent local authorities from working together to support survivors of domestic abuse, including a lack of available social housing; affordability of private housing in London; lack of pathways and mechanisms across local authorities; and gatekeeping practices by housing authorities.

The lack of social housing available makes it difficult for housing authorities to place survivors and can discourage local authorities from accepting survivors in need of housing from other boroughs. Due to high housing costs in London, local authorities may have to use private rented accommodation if there is no social housing available, which is an increased cost to the local authority. These issues can encourage gatekeeping behaviour, e.g., housing authorities may insist that a survivor move to another borough where they do not have a local connection because there isn't social housing available in the area they have a connection, even if the survivor feels it is safe enough to remain in the borough.

Without established pathways and mechanisms, there aren't easy, straightforward ways for local authorities to work together to support survivors and their families applying for social housing outside their area. As the rules around transfers are governed locally rather than centrally, different areas can handle these as they wish. Having the same process in place across local authorities will enable more effective cross-borough working to support survivors.

Local authorities should work together to prevent women being placed in temporary accommodation in a different area to where their social housing application is being assessed. We work with survivors who are placed outside of London and they and their children often have to move several times, impacting children's school attendance and the family's wellbeing.

It is also critical that there is an increase in the availability of social housing for survivors – we recommended a minimum of 5% of social housing lettings in London, plus five per cent of all permanent new social homes built in London, are allocated for women and children fleeing Violence Against Women and Girls: