

Consultation on local connection requirements for social housing for victims of domestic abuse

Expert Link submission – May 2022

Introduction

1. Expert Link is a peer led organisation championing the voice of people with lived experience of multiple disadvantages, including homelessness, mental health issues, substance misuse, offending and domestic violence and abuse. We advocate for a world where people with lived experience of multiple disadvantages are treated as equal partners in decisions made about our lives.
2. We have a national network of people with lived experience of multiple disadvantages, using their wisdom to influence local and national policy. Our network is diverse, brought together by a programme of strengths-based training which supports people with lived experience to be involved in service development and influencing national policy change.
3. Our network has been able to work with policy makers across Government, in particular within the Department for Levelling Up, Housing and Communities (DLUHC) and the Department for Work and Pensions (DWP). For example, thanks to the generosity of the Lankelly Chase Foundation, we have been able to develop a National Advisory Panel of people with experience of disadvantage from across England, who have met regularly across the last 2 years to gather intelligence of the experiences of people experiencing multiple disadvantage during the pandemic, and have fed this into senior officials within DLUHC. The Lloyds Foundation have also funded us to support a group of people with lived experience of multiple disadvantages and claiming benefits, who have worked to support the DWP in their work around improving access to the benefit system.
4. For this submission, people with direct experience of domestic abuse have shared their experiences relating to applying for support from local authorities and the application of local connection criteria through a series of focus groups and written submissions. Their wisdom highlights the importance of appropriate access to housing and an urgent requirement to re-dress current practices around gathering evidence.
5. **All contributors to this evidence would welcome elaborating further on any of the information provided and working with Government to ensure that people experiencing domestic abuse in the future do not have the same experience with local authorities as they have.**

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?

1. Across the Expert Link network there are a range of views on whether new regulations are needed.
2. Despite guidance clearly stating that people should not be denied social housing allocations, there is concern that as this is 'guidance,' some local authorities **do not feel** they are legally required to follow it.

"Guidance is something that people do not have to follow. And I think that's the critical thing. If a local council is under pressure, ... they'll do everything to reduce that pressure. So I think that's the key one, which is why putting into legislation makes sense."

"Unless it is a requirement, then they won't do it. They won't do it. Because already pre pandemic, there's a housing crisis. And that's increased."

3. Members have also raised that the law **is already sufficient** - if it is not being followed now, then any changes in the future will also be ignored.

"Legally councils have to do it. There's a statutory requirement, they have to follow the guidance."

"If you approach a local authority under Part Six, you tell them that domestic abuse issues, you automatically go part seven, they do it for you. The local connection criteria, then doesn't count anyway, because you're fleeing domestic abuse, you can't be referred back to your home area."

"The law was already fine. It's just the council's didn't follow it. So what's the point of changing the law, you need to just say you need to punish councils for not following it."

"There's no point changing the law, if they're already not following the law."

4. Our members have also raised that a focus on regulation is ignoring the real issue – **the size and use of housing stock** available to people.

"There isn't enough housing for people to be put into... That's ultimately the problem with it all."

5. Further, there must be care taken that in relieving perceived requirements around local connection councils will be further encouraged to **displace people away from their support networks**.

"When the children were still with me, and I needed housing, and I was living in West London at the time, and I needed help, I was told to move to Cornwall. And I said, "I have disabilities, both mental and physical. And family members were my carers. I don't know anyone in Cornwall, I'm highly vulnerable. I told them that that would be extremely dangerous." And they said, "Well, you're refusing an offer of housing. So that will be noted." It would be a very dangerous thing for me to move to Cornwall. All of my support and care for myself, and my children was in London, where I'm born and my children were born and where we lived our whole lives."

"The other important thing to do with local connection is about applying for schools. So you know, you have to have the local connection to get into the schools. And often they don't link up. So when I was in the refuge, the majority of the women were there with their children. And some of the children were staying in the same school in another part of London, or sometimes they then got housed, and the children got moved. And I knew several women whose children at 11 years old, were travelling two hours each way, get to school, by public transport on their own, and then they would be on a waiting list. And then two years later moved to another school that still had an hour or an hour and a half. They're

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having to leave their house at six o'clock, and getting home at six o'clock in the evening - 11 years old! That's so traumatizing for children.”

Recommendation

- 6. Expert Link believes that local authorities should be suitably incentivised to ensure that people fleeing domestic abuse have full control over the right location for them, regardless of local connection. It is likely that this will require a focus on the availability of housing, in conjunction with any changes to the presentation of legislative requirements.**

Q4) [For respondents who have applied for social housing] 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.

7. Regrettably, Expert Link has received evidence where people are **not informed of the appropriate support** that is available. Instead of accessing social housing, people have incorrectly been advised that a far lower level of support is available.

“The perpetrator most definitely can use the tenancy as a way of control, and when that power gets taken off them, through the courts etc, that is when, for me, it was the most dangerous time. My ex-partner broke into my home after the locks were changed, defaced my belongings and smashed windows (all of which I had to replace). He often referred to the home as ‘his’, threatening to burn the house down and the police said whilst I was still living there, I was not safe.

I was on my own with four young children and only working part time at that point. When I reached out to the Local Authority, they told me that they could give me a loan for a deposit on another privately rented house, but that is where the support ended. I had to provide police reports, court orders and write a statement as to why I needed to move. This process took months and all the while the abuse was escalating. I am still repaying the loan for the deposit on the house, on top of the other financial factors such as replacing doors and windows that had been broken/ smashed by my ex partner, court costs and loss of wages. The financial impact of this process on victims is huge, and I believe is one of the areas that also needs exploring. You get to a stage, as a survivor, where you are finally free from abuse, but there is no such thing as a fresh start; you are still tied down and financially responsible for the cost of that freedom.”

“When I approached my local authority, I wasn't told of any of this help. They said to me that they could help me with the rent deposit scheme to help me find another private rented accommodation within my area.”

Recommendation

8. **Expert Link recommends that local authorities meet their current legal duties and provide potential applicants with full information of entitlements under the law, regardless of any limitations in terms of available housing stock. It is critical that all discussions are conducted in an honest and compassionate manner.**

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.

9. Members with experience of domestic abuse from across our network have highlighted examples of **lack of access to social housing** and the **poor quality of private rented accommodation**.

“With LA’s encouraging those on housing lists to sign private tenancies due to lack of social housing, including those who have experienced domestic abuse, I believe this should cover all tenancy types, private or social. I have personal experience of the difficulties of a joint private tenancy and domestic abuse, and also having to obtain an occupancy and non-molestation order.”

“Social housing, you might actually meet the criteria, but you’ll be on a very long list. So in the meantime, you need to do private housing, and you are literally begging for crumbs of the very few people who will accept you, you know, and the only way that I managed personally to get my current housing, which is private rented, but it’s of good quality and good landlords, is my parents offered to be guarantors. You know, so my rent is paid by Universal Credit, but my parents are guarantors. And that basically, and I’m very grateful, I’m very fortunate, you know, my parents haven’t actually had to spend any money, they had to sign a piece of paper. But that enabled me to get a nice, good, you know, decent standard, you know, flat in a decent area, you know, because everything else was just shitholes.”

“Private rented, in my personal experience has been very poor quality, and dangerous at times. Illegal at times, and very importantly, vulnerable women are dealing with a power dynamic of sometimes an abusive landlord, you know, and they don’t have anywhere to go.”

Recommendation

- 10. Expert Link agrees that the proposed exemptions should apply across all accommodation options, with increased options to suitable quality accommodations so that people fleeing domestic abuse can access appropriate housing.**

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?

11. People from across our network raised the impact placing evidence requirements on individuals has on their **welfare**, and how these requirements should be kept at **an absolute minimum**.

“The default position of the council should be to believe domestic abuse victims. That's the long and short of it. That should be how councils operate. That's what the law is; there are often times where you've got people without the kind of any specialism in domestic abuse dealing with very complicated situations, ... I've got sympathy for people in that situation if their default position is to listen and believe people and actually be reasonable.”

“That's such a stressful process anyway, when you're already going through a traumatic thing. And they're just 'I need the paperwork, 'no, you don't need the paperwork, like it's reason to believe - it's such a low threshold.”

“It's reason to believe, so they have to have reason to believe before they offer temporary accommodation. And then they can do investigations, but it can't be C.I.D. investigations. So it can't be like police level investigations. They're not the experts in domestic abuse. They're not the experts in probation or any issues, they're housing. So they can overall say if someone's got a support worker or a women's centre or a family centre or say just their GP, then they've spoken to at least one person that said, you know, this person's might be doing this and they have to believe that.”

“The specialist police department did a MARAC and I was highly likely to be murdered and classed as extremely vulnerable by the police, and yet the housing office in [area] made the decision I was not vulnerable as was able to collect my medication for complex PTSD from 50 yards from refuge, so therefore not vulnerable, and my homeless housing application was dismissed. The council overruled the police... And I challenged how the housing team of the local authority could overrule the domestic violence unit of the police, and they said, 'We have our own definitions of words.'”

“There's a lot of onus on the women having to go and constantly retell their story and constantly re explaining their situation... It isn't necessary for women to having to keep telling and keep asking, and yet that's what women have to do, because they have to keep saying to the school, to the council, to the housing, to the benefit office, to the DWP, etc, etc. And it's obviously humiliating and degrading.”

“So statistically, when a woman reports, domestic violence, it's the 35th incident. That statistic and statistics are generally on the low side... That fact alone is the reason to say right, okay, if someone's coming forward, needing help, that means this has been going on a while... That means that this is serious.”

“What they need is they need a crime number. And also, sometimes the police documents, the police will say “Don't share this, you're not allowed to share this.” And you'll say to the housing office, “I'm not allowed to share this.” “Oh no, well, if you don't share this, if you don't have this on your file, we can't complete your thing.” All they need is a crime number. They don't need wells in terms of documents, you know.”

“I think from the time that that woman or person approaches their local authority and says, “This is what's happening to me,” they should be believed at that moment. They should send away to get the evidence. Because when I was asked to send the police reports, I had to actually go to my police station, like speak to them, they wouldn't just email them to me. So I had to arrange an appointment to go to the police station, which adds days and weeks on as well, and as you know all that time that person is at risk.”

“And until then [evidence is provided] you're not believed! It's a matter of life and death, isn't it? It just should be taken so seriously, you know. Who cares if there's a few people who, I don't see it, but mix things up? Who cares? Who cares?”

Recommendation

- 12. Although guidance requires a low threshold to begin supporting people experiencing domestic abuse into housing, regrettably there are many examples where this is not the practice being adopted, Expert Link believes that given the context that people fleeing domestic violence find themselves in, evidence requirements should be kept to a minimum with an onus on the local authority in gathering evidence.**

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

13. Regretfully, members of our network have identified practices of local authorities **not working together effectively** to support people experiencing domestic abuse, alongside some examples of local authorities taking appropriate measures.

“There's a particular local authority that we were aware of, when I was working in [city] - they just wouldn't communicate with us. They would send people to our area, and then people will present and we don't even know if you've had a homeless application, or anything.”

“If you're working really well with the local authority, for example if you've got like [X] and [Y], they border on each other, so a lot of people don't mind if they've got to get away from particular situation, they wouldn't mind going to [Y], because it's still on the same bus route. It's close enough to get to your support networks and things like that. So it just make sense that local authorities work together.”

“It's fulfilling our duty towards the Violence Against Women and Girls strategy, for the local authority. So you think, what are some local authorities doing? They've got this money as well, so they should be doing stuff; what are they actually doing? It just comes down to different local authorities priorities - it really should be across the board.”

Recommendation

14. Local authorities should do all they can to ensure that their working relationships entail a person-led outcome for individuals fleeing domestic abuse. This will include ensuring appropriate access to support networks and services, and appropriate access to education for any relevant children.

We would welcome elaborating further on any of the information provided.

Contact

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