



DISTRICT COUNCILS' NETWORK

Innovative and collaborative
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District Councils' Network Consultation Response: Improving Access to Social Housing for Victims of Domestic Abuse

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The District Councils' Network (DCN) is a cross-party member led network of 200 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the Local Government Association.

District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area.

District councils have a proven track record of building better lives and bigger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy. By tackling homelessness and promoting wellbeing, district councils ensure no one gets left behind by addressing the complex needs of today whilst attempting to prevent the social problems of tomorrow.

The DCN's response to the Consultation:

The District Council Network emphasises the importance of available support for victims of domestic abuse and that they must be able to seek safety if they need to flee their current home.

District Councils work proactively with partner local authorities and the charitable sector to ensure the availability of refuges and other temporary accommodation, so that victims can access that safety and support, which may be in a different area to their current address.

The DCN supports measures which protect victims of domestic abuse from being disadvantaged in accessing the services that they require, as a result of their need to flee. These measures include gaining access to the local housing register for social housing in the location of their temporary accommodation.

The following response to the Government's consultation reflects the views of district councils in representing their communities and highlights those issues which may impact district councils in relation to this matter.

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

The Localism Act 2010 allows housing authorities to determine their own qualification criteria for their Allocation Scheme, but with certain requirements established in law about those who must be allowed 'reasonable preference' on the waiting list.

Statutory guidance has already made recommendations about the additional groups who should be exempted from any residency requirements.

The DCN agrees that it is appropriate to use further statutory guidance to bring to the attention of local housing authorities the impact of residency criteria on victims of domestic abuse who are temporarily housed in an area away from their previous accommodation.

The DCN also agrees that it is helpful to recommend that these applicants are exempted from local residency criteria, whilst allowing local authorities to have flexibility to make the particular arrangements that are most appropriate and workable in their area.

Some district councils have already made reference in their Allocation Scheme to the housing needs of this client group, by specifying the local arrangements allowing them to join the housing register when they are ready to move-on from the refuge or other safe temporary accommodation.

Other district councils have not made specific reference in their Allocation Scheme about victims of domestic abuse who are currently in a refuge. This is most often because there is no such refuge or temporary accommodation for this client group in that district and therefore the move-on arrangements are not directly relevant.

However, the DCN recognizes that additional statutory guidance will bring this issue to the attention of all local housing authorities.

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.*
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.*

The DCN recognizes that there are a number of advantages to this proposal:

The guidance will make it clear when local housing authorities should apply the 'medical and welfare' and homelessness 'reasonable preference' categories to victims of domestic abuse.

This will be helpful in setting a more consistent approach in meeting this particular housing need. It will encourage a more universal level of support to assist those victims who need to move to a new area for their safety.

The DCN also notes that by increasing the opportunity for victims of domestic abuse to access social housing in the area where they have been housed temporarily, it will allow those households to settle in the new area where they have found safety. This will have particular resonance for households with children who may have become settled in schools and local communities.

It is also noted that some victims of domestic abuse will have given up a social housing tenancy when they had to flee. This guidance will increase their opportunity to access social housing again and to recover a similar security of tenure.

District councils will wish to continue to support the provision of specialist support for victims which is offered by the charitable and voluntary sector. It is recognised that by easing the move-on arrangements for their clients, this will in turn free-up places in refuges to be available for other victims who need to flee and to access that support.

However, the DCN notes that there are some disadvantages to the proposal:

Some district councils may be disproportionately affected by the new guidance. For local authorities that have a refuge in their district, this new guidance will place a disproportionate burden on them to assist the client group. This assistance may be required through access to the housing register or by means of homelessness advice and the new prevention and relief duties of the Homelessness Reduction Act.

This new responsibility will be ongoing, as the refuge will be occupied on a short to medium term basis by a continual cohort of domestic abuse victims.

District councils in areas of the country with lower property prices may find that charities and voluntary sector organisations which support victims of domestic abuse are more likely to procure new accommodation solutions in their area than in more expensive parts of the country.

It is possible that the knowledge of this additional responsibility to allow victims to have access to social housing could deter some local housing authorities from supporting the development of new refuges in their area.

It is the view of the DCN, therefore, that the guidance should make specific reference to the ways that local authorities should cooperate and agree regional nomination and referral arrangements to share the responsibility for meeting the move-on housing needs of this client group, particularly where a refuge provides assistance for victims of domestic abuse from across a wide area.

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?*
6. *Please provide details of how your authority takes advantage of the existing powers to enable victims to stay in their homes.*

It is the view of the DCN that victims of domestic abuse should be supported to remain in their home only where it is safe to do so and there is appropriate support available. The support by local authorities for tenants to remain in their home will only apply to district councils which continue to be stock-holding.

Although local authorities already have powers to take action against the perpetrators of domestic abuse, including using ground 2A of Schedule 2 of the Housing Act 1985, this should only be considered if it will not put the victim at further risk.

When it is found to be proportionate to pursue this ground for possession, there can still be obstacles to this remedy. County court possession proceedings can be protracted. Ground 2A is not a mandatory ground for possession and, if defended, the process could be costly. It is likely that alternative temporary accommodation would need to be made available for the victim during the possession proceedings and issues such as rent liability could become complex while waiting for the outcome. For this reason, district councils may be disincentivised from using these powers and victims may prefer to seek alternative accommodation rather than working with their landlord to retain their tenancy.

Those victims who wish to remain in their current accommodation may only feel able to do so if there is sufficient targeted support. This might include 'Sanctuary' measures to ensure safety from the perpetrator; emotional support; and legal assistance for injunctive measures.

Therefore it is the view of the DCN that any encouragement for local authorities to use existing powers to assist victims to remain in their home would need to be coupled with a recognition that additional resources may be required to speed up the process of possession proceedings and also to provide adequate support for victims.

In many district council areas, the local authority no longer owns its own housing stock and social housing is provided by housing associations. The local authority may have no influence over the way that those social landlords offer to support their tenants.

It has been the experience for some district councils that they have provided support to victims of domestic abuse who have fled to their area, either accessing a refuge or making a homelessness application, and have left a housing association tenancy in order to escape the abuse. Some housing association landlords may not readily cooperate with the receiving local authority or with the victim, and this will influence their decisions about the management of the abandoned tenancy, the rent account or liaison with the Housing Benefit team at their local authority.

For this reason the DCN encourages the development of further good practice advice for registered providers of social housing to cooperate with local authorities to support the victims of domestic abuse.

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