



Department for  
Communities and  
Local Government

# Improving Access to Social Housing for Victims of Domestic Abuse

Consultation



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# Scope of the consultation

Topic of this consultation:	Social housing allocations: improving access for victims of domestic abuse.
Scope of this consultation:	This consultation invites comments on proposals to issue statutory guidance to local authorities to assist victims of domestic abuse in refuges to access social housing.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	Not Applicable.

## Basic Information

To:	This consultation is aimed primarily at local authorities. Victims of domestic abuse, refuge providers as well as other social housing providers, social housing tenants and waiting list applicants, as well as voluntary and community organisations representing tenants are also expected to have an interest.
Body/bodies responsible for the consultation:	This consultation is being run by the Better Rented and Leasehold Division in the Department for Communities and Local Government.
Duration:	This consultation will last for 8 weeks from 30 October 2017 to 5 January 2018.
Enquiries:	For further information about this consultation please e-mail <a href="mailto:AllocationGuidance@communities.gsi.gov.uk">AllocationGuidance@communities.gsi.gov.uk</a>
How to respond:	<p>This consultation can be responded to using the following survey link: <a href="https://www.surveymonkey.co.uk/r/HDQZ9HF">https://www.surveymonkey.co.uk/r/HDQZ9HF</a></p> <p>Or email your responses to: <a href="mailto:AllocationGuidance@communities.gsi.gov.uk">AllocationGuidance@communities.gsi.gov.uk</a></p> <p>Written responses should be sent to:</p> <p>Better Rented and Leasehold Division            Department for Communities and Local Government            Floor 3 NW            Fry Building            2 Marsham Street            London            SW1P 4DF</p> <p>When you reply it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>- your name</li> <li>- your position (if applicable)</li> <li>- the name of organisation (if applicable)</li> <li>- an address (including post-code)</li> <li>- an email address</li> <li>- a contact telephone number</li> </ul>

# Chapter 1

## Introduction

1. 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.
2. 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.
3. Many victims of domestic abuse are forced to flee their homes to seek safety, support and temporary accommodation in a refuge, often in another local authority area in order to put a safe distance between themselves and their abusers. However, when they are ready to move on from the 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.
4. This consultation supports a manifesto commitment to help victims of domestic violence to leave abusive partners.

### Existing measures to assist victims

5. A number of measures are already in place to support victims of domestic abuse. These include the securing of a new dedicated fund totalling £40m over four years (2016 - 2020), building on the £13.5m provided between 2014 and 2016, to strengthen specialist accommodation-based services and support victims of domestic abuse. The funding will provide a mix of refuge and other accommodation-based provision, support for victims to access services, and stimulate better service commissioning and partnership working.
6. On 3 November 2016 we launched a new £20 million, two year fund for specialist accommodation-based support and services. Alongside the fund, we published our new 'Priorities for Domestic Abuse Services', developed with partners from the domestic abuse sector, which sets out for the first time what local areas need to do to ensure their response to domestic abuse is as effective as it can be
7. As of 17 February 2017, 76 projects across the country will receive a share of the £20 million fund to support victims of domestic abuse, creating more than 2,200 bed spaces and giving support to over 19,000 victims.
8. The Government is committed to supporting victims of domestic violence and abuse, and have set in motion a Domestic Violence and Abuse Bill and non legislative measures which will drive a culture change in public understanding of domestic abuse and the impact it has. It will provide enhanced protection for victims, and recognise the devastating impact of domestic abuse on children.

## Context of consultation

9. This consultation sets out proposals for guidance to local authorities – building on existing statutory allocations guidance issued in 2012<sup>1</sup> and 2013<sup>2</sup> to assist victims of domestic abuse living in refuges, and other forms of safe temporary accommodation, to access social housing by:
  - Making it clear that local authorities are expected to disapply any residency tests for those victims who have fled to another district
  - Setting out how local authorities can give appropriate priority to this group; and
  - Encouraging local authorities to use their existing powers to support tenants who are victims of domestic abuse to remain safely in their homes if they choose to do so to avoid the upheaval that fleeing could have on their lives

## Chapter 2

### Qualification for social housing

10. The Localism Act 2011 made changes to the legislation giving local authorities the power to set their own rules to determine which applicants do or do not qualify for an allocation of social housing. This enables them to tailor their allocation priorities to meet local needs and local circumstances.
11. Statutory guidance issued by the Department in December 2013 (the 2013 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. The guidance is aimed at ensuring that only people in need who have invested in, and demonstrated a commitment to, their local community can apply to their council for social housing.
12. Members of the Armed Forces and transferring tenants who need to move for work related reasons are exempt from any residency test, in line with the protections we have put in place through regulations<sup>3</sup>.
13. In addition, the 2013 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.

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<sup>1</sup> [Allocation of accommodation: guidance for local housing authorities in England](#) and

<sup>2</sup> [Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England](#)

<sup>3</sup> [The Allocation of Housing \(Qualification Criteria for Armed Forces\) \(England\) Regulations 2012 \(SI 2012/1869\)](#) and [The Allocation of Housing \(Qualification Criteria for Right to Move\)\(England\) Regulations 2015 \(SI 2015/967\)](#)

14. We are aware that some local authorities take account of this advice and exempt from their residency requirements those who need to move from another local authority area to escape domestic abuse. The Government is keen to ensure that those who have successfully fled from such situations and are currently living in refuges should also benefit from this provision.
15. **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?**

**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.**

## Priority for social housing

16. The Government is clear that we expect social homes to go to people who genuinely need and deserve them. That is why provisions in the Localism Act 2011 have maintained the protection provided by the statutory reasonable preference criteria which ensure that overall priority for social housing is given to those in housing need. The statutory reasonable preference categories include, amongst others, people who are homeless and those owed a duty under the homelessness legislation, as well as those who need to move on medical or welfare grounds.
17. The 2012 statutory allocation guidance goes further and makes it clear that people who are homeless and require urgent rehousing as a result of abuse should normally be given 'additional preference' (i.e. high priority) for social housing.
18. We want to ensure that local authorities give appropriate priority 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.

### ***Medical and Welfare***

19. The 2012 allocation guidance already advises that 'welfare grounds' would encompass a wide range of needs, including 'those moving on from a drug or alcohol programme, so they can build a stable life'.
20. We believe there is a good case for treating in the same way, those who are recovering from the effects of domestic abuse, and who need to move on from a refuge in order to build a stable life.

## **Homelessness**

21. Under the homelessness legislation (Part 7 of the Housing Act 1996)<sup>4</sup>, a person may be homeless even if they have accommodation available to them and if it is not reasonable for them to continue to occupy it. The legislation specifically provides that it would not be reasonable to continue to occupy accommodation if it is likely to lead to domestic violence, or the threat of such violence. As people in this situation are considered to be homeless, they would also have reasonable preference for social housing.
22. Since refuges are intended to provide accommodation for a short to medium period only, the Government believes that 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.
23. **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.**

**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.**

## Supporting victims in their existing homes

24. We recognise that victims of domestic abuse may be reluctant to leave their home if it means losing their social tenancy or security of tenure. This is often the case where the victim is living with their abuser. Fear of losing their home means that, rather than seeking help, victims may decide to remain and continue to suffer abuse.
25. Local authorities already have powers to take action against their tenants who are perpetrators of domestic abuse including where they are joint tenants with their victims. For instance they have power to seek to evict the perpetrator under ground 2A of Schedule 2 to the Housing Act 1985 – which is intended to ensure that someone should not be allowed to benefit from driving their partner from their home by being violent to them – and may grant a new tenancy to the victim (in the same or a different property).

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/1996/52/part/VII>

26. 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?**

**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.**

## About this consultation

27. This consultation document and consultation process have adhered to the Consultation Principles issued by the Cabinet Office.
28. Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
29. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
30. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
31. The Department for Communities and Local Government will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
32. Individual responses will not be acknowledged unless specifically requested.
33. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

34. Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact the DCLG Consultation Co-ordinator.

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