



Ministry of Housing,  
Communities &  
Local Government

# Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation

Summary of consultation responses

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# Introduction

1. We published a consultation on 30 October 2017 which set out proposals for new statutory guidance for local authorities to assist victims of domestic abuse who are 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.

## Overview

2. The consultation closed on 5 January 2018. We received 191 responses from a range of stakeholders. The majority of responses were from local authorities but responses were also received from other social housing providers, charities and voluntary organisations, and refuge providers, as well as other organisations and individuals.
3. We are grateful to all those who took the time to respond. This document summarises the responses to the questions raised in the consultation and provides the Government's response. The responses have supported the development of the statutory guidance which is published alongside this summary.

## Summary of responses

### **Consultation 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?**

4. The overwhelming majority of respondents (86%) were in favour of the proposal and most local authorities said that they already exempt victims of domestic abuse from a residency test. There was consensus that these measures would bring consistency to approaches across the country.
5. A small minority of respondents considered that the government should go further and make it a legal requirement for local authorities not to apply a residency or local connection test, in the same way as regulations preclude them from applying a local connection test for certain members of the Armed Forces community and existing social tenants who need to move for work.

6. However, there were some concerns about the pressure the proposal would place on local authorities that had refuges in their district. It was also suggested that the proposal might result in some local authorities being reluctant to have a refuge in their district.
7. Some responses called for a clear definition of terms used in the guidance, including "safe temporary accommodation". It was also suggested that the guidance should explicitly address what constitutes "domestic abuse".

**Consultation question 2: How do 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?**

8. Most local authority respondents said that they already exempt victims of domestic abuse from a residency test. However where a test is applied local authorities employ various approaches to take into account the needs of domestic abuse victims housed in refuges.
9. Some make decisions on a case-by-case basis, taking into account whether there is a safe 'local connection' elsewhere and whether the risk of living in the area is acceptable. One local authority responded that alongside their application of a local connection test they have agreements in place with other local authorities in the area. The victim can then apply to a board of representatives and a decision is made as to whether the priority to house can be extended to that area.
10. One respondent stated that they have a 'move on' policy for vulnerable applicants which provides accommodation for up to two years. This means there is a high likelihood that an applicant will have met the one year local connection requirement by the time they are ready to move into settled social housing.

**Consultation question 3: Views are sought on the advantages and disadvantages of the proposal to apply the 'medical and welfare' and the 'homelessness' reasonable preference categories to victims of domestic abuse who are living in refuges.**

11. Respondents agreed that there could be a number of advantages to the proposal, including increased throughput for refuges and reduced waiting times for applicants. Many local authorities said they already apply the 'medical and welfare' reasonable preference category to address issues of domestic abuse.
12. The proposal was welcomed as a way to achieve consistency in how local authorities apply homelessness and housing legislation and thereby improve clarity for applicants. However, some respondents stated that variations in practical application were likely to remain, with some local authorities more willing to embrace the aims of the guidance than others. Some respondents commented that the proposal should cover the full range of temporary and supported accommodation accessed by domestic abuse victims at times of crisis, and should not be limited to refuges.

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

13. Most local authority respondents said that they assign a high or top priority to victims of domestic abuse, either specifically because they have suffered domestic abuse, or because they are likely to be assessed as statutorily homeless – whether they are in a refuge or not. This is primarily done through priority banding or a points-based system. For example, some local authorities employ a ‘move on’ policy where higher or top priority is assigned to victims of abuse in refuges who are ready to move to a permanent home. In some cases the medical and welfare reasonable preference category is applied to victims of abuse, and increased priority can be given if the victim is severely overcrowded.
14. Some examples were given of local authorities using reciprocal arrangements, i.e. voluntary agreements between local authorities and other registered providers to re-house households where a move is needed and suitable available accommodation can be identified. This can protect existing tenants who do not feel safe living near to the perpetrator.

**Consultation 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 domestic abuse to stay in their homes if they wish to? Please provide details of how your authority takes advantage of the existing powers to enable victims to stay in their homes.**

15. Whilst many respondents said that it was their experience that victims of domestic abuse did not want to remain in their homes, the majority (86%) agreed that local authorities should be encouraged to use their existing powers to support victims to stay in their homes if they choose to do so.
16. Local authorities said they support victims by securing their property. This includes sanctuary schemes and target hardening measures, which adapt a victim’s property and use safety equipment and technology to increase security in the home and reduce the risk from the perpetrator. Local authorities may also decide to remove the threat posed by the perpetrator through supporting the victim to take legal action which can include court orders. Some local authorities use anti-social behaviour procedures to remove a perpetrator from a joint tenancy.
17. It was stressed that a comprehensive risk assessment was key to ensure that a decision to remain in the home was an informed choice and that victims do not ‘choose’ to remain in their own home due to a lack of refuge space or pressure from local authorities.

## Government response

18. In drafting the final statutory guidance we have sought to take on board suggestions and comments made by those who responded to this consultation, wherever possible. In particular, the final guidance:

- Encourages local authorities to consider the scope for working together with neighbouring authorities to ensure that any increased pressure on social housing does not fall disproportionately on those authorities with refuge provision
- Makes clear that the guidance applies to other forms of temporary accommodation in which victims of domestic abuse may be accommodated, including hostels, short term supported accommodation, and temporary accommodation provided under the homelessness legislation
- Advises local authorities to ensure that victims of abuse are not put under pressure to accept accommodation that is unsuitable and, where victims choose to remain in their own home, this is only after an appropriate risk assessment has been carried out and any necessary security measures are in place.