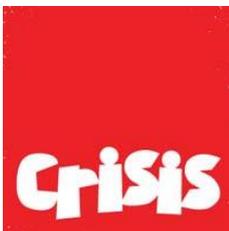


Domestic Abuse Bill

Written evidence to the Joint Committee from the National Housing and Domestic Abuse Policy & Practice Group

May 2019

Chaired by The Domestic Abuse Housing Alliance (DAHA)



women's aid
until women & children are safe



daha
Domestic Abuse Housing Alliance



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HOUSING
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St Mungo's
Ending homelessness
Rebuilding lives



Shelter

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National Federation of ALMOs
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Overview of our recommendations

As part of our written evidence to the Joint Committee, we have developed this summary report to provide an overview of the key issues and barriers that in we know from our expertise requires greater attention for the Government to meet their stated ambition to transform the response to domestic abuse. We have brought together the extensive knowledge and experience from each of our individual organisations across the homelessness, housing and domestic abuse landscape to offer recommendations and to raise awareness of what policy and practice changes need to be made to enable individuals experiencing domestic abuse to be supported appropriately.

Our summary therefore includes the following recommendations:

1. A 'whole housing' approach to domestic abuse:
 - To ensure there is a full suite of housing options for survivors of domestic abuse and one which enables agencies and organisations to work together more collaboratively. Effective prioritisation and coordination of this approach will ensure that they look at the long-term security of the survivor, as well as managing short term crisis situations.
 - The 'whole housing approach' needs to be supported by an increased supply of genuinely affordable accommodation.
 - Provision of sufficient secure move on accommodation: Consider how the whole housing approach will encourage agencies to work in tandem with each other to look at the long-term security of the survivor, as well as managing short term crisis situations
2. Homelessness Strategies and Supported Housing strategies must align with and be developed alongside Violence Against Women and Girls (VAWG) strategies (or Domestic Violence and Abuse strategies) on both a local and national basis.
3. An automatic assumption of 'priority need' status for survivors of domestic abuse to be included within the Domestic Abuse Bill, as part of a package of measures to improve the housing response to domestic abuse - including action on joint tenancies and harmful local connection restrictions.
4. A domestic abuse expert should be located within housing options teams and ongoing and robust training, in collaboration with specialist domestic abuse organisations, to be delivered on an ongoing basis.
5. The Femicide Census, developed by Karen Ingala Smith and Women's Aid¹ has shown, 75% of women killed by current or ex-partners in 2016, were killed in their own homes. Domestic Homicide Reviews (DHRs) should place further emphasis on housing/homelessness: more robust analysis of housing situations of victims and perpetrators of domestic homicides in individual DHRs and overview reports must identify patterns and trends in housing.
6. Provide equal access to housing options and refuge to women with no recourse to public funds (NRPF).
7. Welfare reforms policies must not create additional barriers to women leaving an abusive relationship, particularly as some of these measures increase the scope for economic abuse: the benefit cap, Universal Credit and repayments of benefit advances need urgent attention.

In addition, we feel that there are gaps in the Domestic Abuse Bill around addressing some practical and low-cost changes to legislation, policy and practice in relation to housing and housing related provision. In our view these changes and this focus is fundamental in the safe exit and successful rebuilding of lives for children, families and individuals that are affected by domestic abuse. Furthermore, this will all require a strong overview from the Domestic Abuse Commissioner.

Our detailed recommendations, views and responses are highlighted in the following sections of this report.

¹ The Femicide Census, developed by Karen Ingala Smith and Women's Aid (and then footnote: working in partnership, with support from [Freshfields Bruckhaus Deringer LLP](#) and [Deloitte LLP](#).)

There needs to be a ‘whole housing’ approach to domestic abuse to ensure there is a full suite of housing options.

The whole housing approach recognises the range of advice and options in any area which are required to safely address domestic abuse. These are outlined in the diagram below:



- 1. Refuges** – these lifesaving services are at the centre of this approach as they underpin the crisis response to domestic abuse. Refuges operate as a national network enabling women and children to move across local authority boundaries in order to be safe, they offer critical protection to around 13,000 women and 14,000 children every year². Specialist refuges, run ‘by and for’ women offer safe accommodation and a planned programme of therapeutic support to help families to begin to cope and recover from their experiences. They also offer expert support around housing, immigration, benefits, children, welfare, justice and employment. These services add significant value to local communities often providing strategic advice to local authorities and other statutory bodies, running additional services with no dedicated funding, running training and working on awareness raising in the local community. Refuges have faced huge challenges over the last few years with poor commissioning practices and local funding cuts leading to the dismantling of the national network of services. We welcome the Ministry of Housing, Communities and Local Government’s proposal for a new legal duty on local authorities to provide support in accommodation-based services to victims of domestic abuse, and support Women’s Aid’s call to ensure this delivers the sustainable funding model that life-saving women’s refuges so urgently need.

² <https://1q7dqy2unor827bqils0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2018/03/Survival-and-Beyond.pdf> - Women’s Aid (2018) Survival and Beyond: The Domestic Abuse Report 2017. Bristol: Women’s Aid.

2. **Private rented sector** - The Private Rented Sector (PRS) needs to be better informed and aware of what constitutes domestic abuse to improve its response and adhere to safeguarding responsibilities. This deeper understanding could be achieved through better engagement with the landlord professional bodies (National Land Association (NLA), (Residential Landlords Association (RLA), [ARLA](#)) and for them to provide training on domestic abuse to their members. Good practice guidance should be developed, disseminated and made readily available to all landlords.
3. **Privately owned properties** - Banks, mortgage providers and estate agents also need to have a better understanding of domestic abuse. This includes how the purchase, sale and re-mortgaging of properties may be linked to economic abuse. Similarly, the home of the non-abusing parent may be at risk of repossession if the abuser stops paying the mortgage or refuses to sign paperwork related to it. This understanding needs to be reflected in the work of UK Finance as well as professional bodies for surveyors and legal professionals. As well as supporting women's economic stability, work in this area would relieve pressure on social housing.
4. **Managed Reciprocal** - A Pan- London reciprocal is co-ordinated by Safer London. [The Pan London Reciprocal](#) is a voluntary collaboration between local authorities and registered housing providers in London to move people from one social housing tenancy to another. Its purpose is to prevent homelessness for women fleeing domestic abuse and this simple and effective response should be coordinated regionally and nationally.
5. **Sanctuary schemes** – Enable security improvements to be made to a survivor's home so that the survivor is more able to stay in her home safely. The local authority usually manages access to these schemes and in some cases housing associations also put sanctuary schemes in place. Some areas do not have sanctuary schemes. We recommend an evaluation of these schemes is needed, specifically to address the availability of the schemes, how they are funded and to highlight how they preventing further abuse and making survivors feel safe and protected.
6. **Housing First/ mobile advocacy / flexible funding / secure move-on** - These recent innovations provide important routes to support for some of the most marginalised and vulnerable survivors, such as those who are rough sleeping and women with multiple needs. A best practice example would include the work of [STADV](#) in the tri-borough of Hammersmith & Fulham, Kensington & Chelsea and Westminster.
7. **Outreach/ floating support & IDVAs** - For women in the community and those who remain in their own homes. These services are usually delivered by local specialist domestic abuse services, such as those run by Women's Aid member services across England.
8. **Perpetrator Management** – The full range of whole housing approaches require addressing and supporting perpetrators to change. This includes addressing abusive behaviour via enforcement activity which is underused and support to address abusive behaviour.
9. **Supported housing / Sheltered Schemes** – This includes supported housing provided by local authorities and housing providers for older people, people with learning disabilities, hostels, young people and people with substance misuse issues as well as hostels. We know that a large proportion of women living in hostels report having experienced domestic abuse ([St Mungo's \(2014\)](#) reported that nearly 50% of their female clients had experienced domestic abuse and 19% had experienced childhood abuse. Domestic abuse contributed to the homelessness of a third of women in their study) and it is vital these services are able to offer dedicated support around domestic abuse and there is clear pathway to specialist support.

- 10. Resident Support Schemes/ Flexible Funding** – This scheme replaced Community Care Grants and is the only Government funding available for survivors of domestic abuse who have had to flee abuse or leave a refuge and furnish their new homes.
- 11. Local Authorities /Housing Options** - Housing options advice and action is often a critical first step for those who are homeless due to domestic abuse. Practice improvements required include raising awareness, improving practice and processes within the housing options / homelessness and temporary accommodation departments to ensure families are supported effectively. This has been aided by having co-located support workers/ Independent Domestic Violence Advisors (IDVA's) in these departments
- 12. Social Housing (DAHA) accreditation** - All housing providers (local authorities/ housing associations) should be encouraged to seek [DAHA](#) Accreditation as it is the UK benchmark for how housing providers should respond to domestic abuse in the UK. It is underpinned by 8 priority areas and includes an online toolkit and workshops which help housing providers to achieve the DAHA standards of practice and accreditation.

Homelessness Strategies and Supported Housing strategies linking to VAWG strategies (or Domestic Violence and Abuse strategies).

- The whole housing approach can only work effectively if both national and local housing and homelessness strategies are aligned with VAWG and DA strategies. On a national level the Government's refreshed VAWG strategy must read-across to the Government's work on supported housing, rough sleeping and homelessness. This will reduce siloed working in these areas, encourage collaboration and ensure there are no unintended consequences of various housing policies on survivors of domestic abuse.
- There should be guidance on how to do this and best practice examples. In the tri-borough example mentioned earlier, there is a Housing Operational Group which brings together best practice from both the LA and housing providers to discuss what this looks like and actively work together to improve the whole housing approach at the local level.
- The Government has announced the creation of a new Domestic Abuse (DA) Commissioner role which will 'stand up' for victims and survivors of domestic abuse. The role must go further and, crucially, must underpin a clear framework of national accountability for the resourcing, quality and provision of services. That is why the role should sit under the VAWG Strategy. This would not only recognise that different forms of violence and abuse women face are interlinked and a cause and consequence of women's inequality, but recognise that the best local area VAWG services are planned and delivered in an integrated way.
- Giving the DA Commissioner statutory powers to monitor statutory agencies and local authorities, to ensure that these organisations are accountable to the National Statement of Expectations, providing appropriate and safe services which are accredited to nationally recognised standards, as well as compelling them to engage in the Commissioner's work, will provide a clear, consistent and effective approach.

Ensure there is a stand-alone automatic 'priority need' for survivors of domestic abuse

- Victims of domestic violence and abuse should be classified in the law as a stand-alone 'priority need' for housing rather than the current system which requires vulnerability criteria to be met. Many of the organisations involved in this paper are already making this recommendation.
- In 2014 Crisis produced a report of their findings from 'mystery shopping,' in which they present themselves as homeless at Housing Options and homelessness services in 16 local authorities across England in order to examine the quality of advice and assistance provided to single homeless people (i.e. those without children of a dependant age). The report states 'Of the 87 visits carried out, only 37 were given appropriate advice and support and would have been accommodated that evening. At 20 of these visits' mystery shoppers were deemed in priority need, although it should be noted that mystery shoppers who were deemed to be in priority need by some local authorities were not when they visited others, demonstrating inconsistency of approach across the country'.

- The All-Party Parliamentary Group for Ending Homelessness report in 2017³ set out recommendations on the extension of priority need following concerns that local authorities who have limited resources are using the vulnerability test as a gatekeeping tool. They stated *“We argue all persons who experience domestic violence are, by definition, vulnerable and therefore they should be placed in the automatic priority need category. We believe this change to the English legislation could change the culture around how survivors are treated by Housing Options teams and would speed up their recovery. It is crucial a survivor is in safe accommodation as soon as possible and this change would allow the survivor to feel supported and significantly reduce the risk that they would return to their previous home or sleep rough”*. Chartered Institute of Housing highlighted the need to address this issue in its [submission](#) to MHCLG’s (formerly DCLG) Improving Access to Social Housing for Victims of Domestic Abuse consultation and proposed that those not currently protected under the priority need provisions should have ‘auto-priority need’ status extended to them.

In 2018 Women’s Aid’s No Woman Turned Away Project, which is funded by MHCLG, reported on continuing concerns with the response that statutory services - including local housing teams - provide to women escaping domestic abuse. The report found that states that domestic abuse in isolation is rarely considered to qualify someone as in priority need without any of the other vulnerability categories (being pregnant, having dependent children or being vulnerable as a result of mental illness or disability). Of the 97 women escaping abuse supported by the project in 2017-18 who had approached their local housing team for support, over half (53.6%) were prevented from making a valid homeless application and nearly one quarter (23.1%) were told they were not a priority need despite having multiple vulnerabilities⁴. The report called for priority need status for individuals fleeing domestic abuse to ensure a consistent response. Extending automatic ‘priority need’ to all survivors, and align with legislation in Scotland and Wales, will remove the requirement to prove vulnerability and ensure a uniform approach for supporting survivors escaping abuse across the country. This change could be delivered through the draft Domestic Abuse Bill through an amendment to the Housing Act (1996).

Domestic abuse experts in housing options teams

There remain significant concerns with the level of understanding and expertise in tackling domestic abuse within local authority housing teams.

We welcome the Homeless Reduction Act which came into force in April 2018 and recognise that in some local authorities this has had a significant impact on their practice and response to domestic abuse.

For the HRA to succeed there needs to be a whole housing approach to domestic abuse at a local level, to offer families a suite of options that reflect their specific needs. There also needs to be in-depth understanding and specialist training on domestic abuse, and partnership working with domestic abuse services, to ensure that survivors get the right response, first time. We remain concerned about the considerable variation in the response that survivors continue receive from housing teams in this regard. Women’s Aid’s Nowhere to Turn report in 2018 found that, of 97 women fleeing domestic abuse who approached their local housing authority for support, 78 were prevented from making a valid homeless application on the grounds of domestic abuse - for reasons including that they had no ‘local connection’ to the area, that there was ‘no duty’ to the woman and her children, and outright refusal with no rationale given. 14 women were told to call the National Domestic Violence Helpline⁵ instead of making a homeless application in 11 of these cases, the housing authority did not consider the domestic abuse to be a significant risk factor to merit a homeless application, with 8 women “being told to return to the perpetrator” and 3 women told to “come back when the situation got worse.”

The report highlights that inadequate responses from housing authorities present barriers to survivor’s access to safety, with women reporting victim blaming attitudes and poor responses from statutory services who do not have a comprehensive understanding of domestic abuse.⁶

³ https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017_pdf.pdf

⁴ Women’s Aid, Nowhere To Turn: Findings from the Second Year of the No Woman Turned Away Project. Women’s Aid, 2018.

⁵ Run in partnership by Women’s Aid and Refuge.

⁶ Women’s Aid, Nowhere To Turn: Findings from the Second Year of the No Woman Turned Away Project. Women’s Aid, 2018

- We recommend that a domestic violence and abuse expert be located within local housing teams
- A consistent response across Housing Options teams is crucial to remove any post code lottery in how domestic abuse cases are handled and the support offered to victims.
- Local Authorities should be encouraged to seek [DAHA](#) Accreditation as it is the UK benchmark for how housing providers should respond to domestic abuse in the UK.

Joint tenancies

We need to understand and address the difficulties faced by victims of domestic abuse who live in accommodation where the tenancy is held in the joint names of the victim and the perpetrator, including a perpetrator surrendering the tenancy without informing the victim. We know that as a result of housing's lack of knowledge of domestic abuse, housing providers are sometimes expecting the victim themselves to get the consent of their perpetrator to a tenancy transfer, which also puts them at risk of harm. There is an opportunity in the Domestic Abuse Bill to address these difficulties and present potential legal solutions.

Local connection

It is crucial to ensure women can continue to cross local authority boundaries to access safety. Women's Aid's 2017 Annual Survey found that 68.4% of women resident in refuge services on one day in 2017 had come from a different local authority area.⁷ We continue to raise concerns with local authorities in England imposing 'local connection' restrictions or caps on their contracts for refuge provision. The Domestic Abuse Bill must include a specific bar on local authorities from restricting women and children without a local connection accessing a refuge space. The local connection rule also has significant consequences when perpetrators leave prison and return to the area where the survivor is living.

DHRs should explore further into housing/homelessness

- **Although DHRs do cover domestic abuse (i.e. statutory guidance), more awareness of findings of DHRs related to housing is needed.**
All elements of the whole housing approach should be covered within the DHR statutory guidance so that all DHRs cover housing issues as a matter of course and local, regional and national trends and patterns can be identified and drawn out.
- **More awareness of Local authorities and DHR chairs as to how they address better housing within a review.**
Improvements in the DHR findings in relation to housing would be a useful learning and advocacy tool for landlords, banks and the range of other stakeholders in the whole housing approach. Training to accredit chairs should be reintroduced and should include the whole housing approach. DHR outcomes should include a robust action plan where agencies are held accountable to complete specific actions. These should be monitored by the Community Safety Partnership. The overarching view could be the role of the new DA Commissioner, depending on the level of power they hold.
- **All DHRs should include tenure of victim and perpetrator as a matter of course.**
There should be an annual comprehensive analysis of DHR findings overall which includes aspects relating to housing. There should be a central database of all published DHRs so that those that include housing-related learning are easily accessible to housing professionals. This would help to develop best practice and service excellence across the sector. A best practice example of this was a DHR undertaken in East Sussex where an event was held in response to the findings that were related to housing in terms of the reports being treated and responded to as anti-social behaviour rather than as domestic abuse. DAHA were able to encourage housing providers that attended to undertake accreditation to improve their response.

Equal access to housing options and refuge for women with no recourse to public funds (NRPF).

- The NRPF rule prevents people subject to immigration control from accessing certain public funds. We are deeply concerned that this means that migrant women with insecure immigration status cannot access safe and secure accommodation, even in refuge. While some women who have NRPF can access public funding from social services if they have children, during 2016/17 only 766 out of 11,187 vacancies (5.4%) posted on Routes to

⁷ Women's Aid, Data on Service Provision, 2017. [Accessible online](#).

Support⁸ were able to consider applications from women with NRPF⁹ due to the funding pressures these services face and their lack of access to statutory financial support.

- The Destitute Domestic Violence Concession (DDVC) provides women on spousal visas who can prove they have left their marriage due to domestic abuse with access to some welfare benefits for up to three months so they can access a refuge. However, this provision is limited to women on spousal visas who have limited leave to remain during their first two years in the UK. Women who are from the European Economic Area or who are on other types of visas, such as Student Visas or Work Visas, are not eligible. Three months is not a sufficient length of time for UK Visas and Immigration to consider their application or for refuges to feel confident the woman will be funded for the entire length of her stay in a refuge.
- In 2016/17 No Accommodation Network (NACCOM)'s members provided accommodation to approximately 1,900 people including a large proportion of destitute refused asylum seekers and others who couldn't access mainstream housing or support. They had to turn away at least 1,000 people, and this is likely to be a significant underestimate as not all services record this information¹⁰.
- We know that consequently these women are then faced with an impossible choice of either remaining in a violent situation that may be life-threatening or becoming destitute. Increasingly we are also growing concerned that women with insecure immigration status who report domestic abuse to the police are being questioned on their legal status and those who may unintentionally be an 'over stayer' or in breach of the conditions of their visa may be threatened with deportation or sent to detention centres.
- In addition, BME women and women with NRPF are often under-represented in service use and provision. 'By and for' services for BME women have been disproportionately impacted by the changes to funding and commissioning over the last few years. Specialist BME services are vital as they provide dedicated spaces for BME women and have expertise about the specific forms of violence, such as Female Genital Mutilation (FGM) which have a disproportionate impact on BME women and girls, as well as the structures which shape women's experience of abuse such as discrimination, racism, and gender dynamics within family and community structures¹¹. A survey of women using specialist BME domestic abuse services found that 89% of women (126 women) said they preferred to use abuse services with a BME refugee specialism. They particularly valued being with other BME women who had experienced abuse, being able to communicate in their own language and the specialist expertise of staff.

Secure move on accommodation

- **A key aim of the [whole housing approach](#) is to encourage agencies and organisations to work in tandem with each other ensuring that they look at the long-term security of the survivor as well as short term crisis management.**

In too many domestic abuse cases, agencies feel their only role is to move a survivor into some form of accommodation without considering the long-term picture. One survivor could be passed through multiple types of accommodation over a short period of time before being able to acquire a more secure tenure. There is little consideration of the psychological, physical and economic impact this can have on them and their families.

Welfare reforms need reviewing to stop them being a barrier to secure move on accommodation

- **Address aspects of welfare policy which make it very difficult for women to find a decent, settled home**

Several aspects of welfare policy are posing barriers to people finding an affordable, good quality place to call home. Areas which we think need to be addressed include:

- Not applying the overall benefit cap for survivors for 2 years when moving out of refuges. The cap limits the total income from benefits that claimants can receive to £20,000 per year (£23,000 per year in London) with any 'excess' deducted from housing benefit. [Research by the Chartered Institute of](#)

⁸ "Routes to Support", the UK violence against women and girls service directory is the new name for UKrefugesonline (UKROL), the UK-wide online database which contains information about domestic abuse and other violence against women services which available for women and children throughout the UK along with up to date refuge vacancies

⁹ <https://www.womensaid.org.uk/survival-beyond-report/>

¹⁰ <https://naccomm.org.uk/submission-appg-ending-homelessness-recommendations-change/>

¹¹ <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/NWTA-Full-report.pdf>

[Housing](#) shows what a devastating impact this is having on households of all kinds. In some cases, it has left people with as little as 50p per week for their housing costs. In the context of domestic abuse this will not only make it very difficult for women to find a safe place to live that they can afford, but they will also face an added burden of financial insecurity and debt at a time when they face the expense of setting up a new home

- For the same reasons we would also ask that the requirement to repay benefit paid in advance be removed.
- Removing the freeze on local housing allowance (LHA) rates which mean that there is a fast-growing gap between actual rents and the amount of help that people receive with their housing costs. A 2017 Shelter report^[1] identified that: *'Government changes to LHA, particularly the four-year freeze on LHA rates, has caused benefit rates to become increasingly misaligned with local rent. Research by Shelter shows that by 2019/20, four fifths (83%) of England will be unaffordable to LHA claimants.* Again, this poses an unnecessary barrier to women who are trying to find a home in the PRS, particularly in areas where they face a long wait for a social rented home

- **Ensure that survivors of domestic abuse can access short-term advances to help pay for rent deposits and furnishing their new home**

The Welfare Reform Act 2012 saw the removal of crisis loans which were replaced by short-term advance payments. Community Care Grants were also abolished at this time in name but Government argues that such grants can still be given via each Local Authority's Revenue Support Grant which has an amount identified for welfare provision. The lack of ring-fencing for this provision and the criteria for the short-term payments being quite restrictive could result in survivors of domestic abuse being refused access to them. To fully ensure that a survivor can obtain secure accommodation and create a new home for themselves (and for children where applicable) we need to ensure that we can provide them with the right tools to do so. Starting from scratch can be impossible, leading to them being financially unstable, narrowing their options and increasing the risk of them returning to the perpetrator or getting into serious debt with pay day loans¹².

- **Do not freeze benefits whilst claims are being investigated – particularly in domestic abuse cases**

Universal Credit has created some serious risks for those fleeing domestic abuse, in particular features such as joint claims, as discussed in a recent report¹³ from Women's Aid. But with regards to secure move on accommodation one of the main concerns is benefits being frozen whilst fraud claims are investigated. Anecdotally we know perpetrators are making malicious allegations of benefit fraud which will freeze their victims' access to money and has serious knock on impacts and implications.

- **Rethink current benefits sanctions and appoint a DVA specialist in job centres**

The national charity Gingerbread, which works with single parent families, produced a paper¹⁴ in April 2018 demonstrating how current welfare reforms and sanctions have a significant negative impact on single parent families and can be a detriment in helping them back to work. We know that single women experiencing domestic abuse are particularly affected by this. Their key findings were:

- Warnings and sanctions for single parents arise as a result of unrealistic and rigid job-seeking requirements under benefit rules, which fail to recognise single parents' barriers to work (e.g. a lack of childcare or flexible work);
- The promise of personalised support with new claimant commitments and Universal Credit has failed to materialise;
- Single parents end up with debts and have to rely on foodbanks and other emergency support when sanctioned – even if these are later overturned;
- Single parents are left unable to afford to travel to the Jobcentre or interviews after a sanction – leaving them further from work;

^[1] https://england.shelter.org.uk/_data/assets/pdf_file/0004/1391701/2017_06_-_Shut_out_the_barriers_low_income_households_face_in_private_renting.pdf

¹² <http://www.cpag.org.uk/content/what-replacing-social-fund>

¹³ https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/Women_s_Aid_TUC_Financial_Abuse_Report_March_2015.pdf

¹⁴ <https://www.gingerbread.org.uk/policy-campaigns/publications-index/unhelpful-unfair-impact-single-parent-sanctions/>

- Sanctions (and warnings) cause considerable distress for parents worried about having the means to look after and care for their children while sanctioned.

Tackling barriers survivors face to leaving abusers

Housing providers and financial institutions are in a unique position to identify and respond to domestic abuse in their communities. Furthermore, through publicity and campaigns they can raise awareness of the issue to ensure communities show zero tolerance to perpetrators of domestic abuse and support and help those that need it. The DAHA accreditation looks at how housing providers can do this and provides best practice examples. At Peabody and Gentoo, two of the founding partners, this approach has had a significant impact on reporting rates and understanding of domestic abuse.

Economic abuse is likely to leave people with a damaged credit rating, as well as a burden of debt repayments, potentially resulting in homelessness through eviction or rent arrears. Some individuals may be completely without an income. One in five people in the UK experience economic abuse in an intimate partner relationship. This form of abuse has myriad impacts on victims, hampering their ability to escape and damaging their ability to access housing. The practical barriers to escaping or recovering from economic abuse are numerous, especially where the victim has been burdened with debt repayments, often accrued by their abusive partner without their knowledge. Perpetrators may engage in controlling behaviours in relation to debt which may include concealing the extent of the debt or refusing to let their partner pay on time, if at all. As a consequence, coerced debt is linked to credit damage which may then act as a barrier for economic abuse victims to rebuild their lives. For instance, a bad credit score may prevent them from accessing credit, being employed in some industries, rent or buy a home or set up utilities. Perpetrators may deprive victims of access to their own bank accounts by confiscating their bank card or changing their pin and deny them access to a joint bank account, rendering them unable to access funds (especially in an emergency). This can be a huge barrier for those wishing to flee who do not have the financial means to access transportation and other services. The complicated situation of those experiencing economic abuse will be exacerbated by the policy of a single payment for joint claims of Universal Credit. Our recommendations are aimed firstly at reducing the impact of the abuse, and secondly at supporting people to rebuild their lives.

Address barriers to legal remedies which enable victims to remain in their home

We also need to understand and address the difficulties faced by victims of domestic abuse who require the protection of the Family Court. Where a victim wishes to remain in their home, there is often a need for legal remedies, alongside Sanctuary Schemes, such as protective orders to remove the perpetrator from the home where there is a right to occupy (occupation order) and prevent them from attending the home address (non-molestation order). Where there is economic abuse in the context of coercive control, homeowners will often need to apply for a financial order regarding the division of the property through the Family Court. Cuts to legal aid have made it increasingly difficult for victims to be represented in all private family law cases, with those working but in debt and those with 'capital' but nevertheless unable to access the equity in their homes frequently unable to secure legal representation.

Many victims who are homeowners have no option but to deal with this outside of the court arena, for example through mediation, which is not recommended in cases of domestic abuse, and some are coerced into signing a consent order under undue influence, losing their entitlements to the home. This no doubt places a burden upon social housing stock. We anticipate that this problem will continue to rise following the introduction of the Financial Remedy consent order pilot, launched 6 August 2018, whereby consent orders can now be applied for online.

The National Audit Office found the number of cases in which neither party in a family law case had representation increased by 18,519 since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) - around 30% of all cases.¹⁵ In the first quarter of 2014, 80% of all private family law cases had at least one party that was not represented and research found that 75-80% litigants in person (LIPs) stated an inability to pay as

¹⁵ *Implementing reforms to civil legal aid*, NAO, HC 784, Session 14-15, November 2014.

the reason.¹⁶ The Parliamentary Justice Committee attributed this to LIPs appearing in more complicated cases or be less able to represent themselves.¹⁷ Accordingly, the number of cases in the family courts dropped since the introduction of the legal aid reforms by around 40% in 2013-2014.¹⁸

There has been much recent media attention highlighting the difficulties faced by victims of domestic abuse when attending the family court, and it is concerning to think that many choose not to make an application for fear of standing alone against their abuser in court, or that the power imbalance between the perpetrator and victim in the court room affects the outcome of proceedings. Equally worrying is the impact that a lack of understanding of legal processes will have on an application for an order which is essential to the victim's safety where they are a LIP. Former President of the Family Division of the High Court Sir James Munby stated the increased number of people representing themselves in court was risking the "quality of decisions and prejudicing cases" and said it was "scandalous" that in the family courts alleged perpetrators could still cross-examine alleged victims, and we welcome that the draft Domestic Abuse Bill addresses this.

Access to legal aid for victims is imperative to prevent unnecessary homelessness and ensure they can remain safely in their homes with their children when appropriate to do so. In other areas of policy, home ownership does not prevent access to urgent housing support. For example, Housing Benefit and Universal Credit assessments can disregard 'capital' such as the value of a home for 26 weeks if proof can be provided that steps are being taken to sell the property, enabling victims to access safe accommodation. It is unclear why the same protection is not offered to those who choose to stay in their home.

For victims who are able to obtain a court order instructing the transfer of the property or resale, they face additional barriers if the perpetrator refuses to comply. They are then faced with further trauma and legal costs of going back to court to try to enforce the order, a lengthy and costly process which often has little consequences for the perpetrator. Often, perpetrators will deliberately delay a sale, re-mortgage or negotiation of interest rate knowing that the victim is unable to afford payments on their own. This frequently causes mortgage arrears and eventually repossession and homelessness. Alternatively, when a victim is successful in keeping their home, they then face additional barriers with mortgage providers assessing them as ineligible for a sole mortgage, despite many having sustained the mortgage payments by themselves for a long period of time.

It is important to recognise the connection between the Family Courts, access to legal aid and the housing needs of victims of domestic abuse. There is an opportunity in the Bill to address these difficulties and present potential legal solutions.

¹⁶ *Litigants in person in private family law cases*, Liz Trinder et al., Ministry of Justice Analytical Series 2014.

¹⁷ Justice - Eighth Report - *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*, Prepared 12 March 2015, House of Commons Justice Committee.

¹⁸ *Family Court Statistics Quarterly, England and Wales*, Court Quarterly Statistics 2013-14, Ministry of Justice.