

**Joint response to Ministry of Housing, Communities and Local Government's consultation on the future delivery of support to victims and their children in accommodation based domestic abuse services**



The National Housing and Domestic Abuse Policy and Practice Group, led by the [Domestic Abuse Housing Alliance](#) (DAHA), aims to find consensus, share best practice and influence policy and practice on domestic abuse and housing in England and devolved authorities. We recognise that those who have experienced domestic abuse or violence and other forms of abuse from an intimate partner or family member in the home, have insight and knowledge that service providers can learn from to improve joined up multi-agency working. It is for this reason that we aim to ensure survivors' perspectives are embedded in the effective planning, delivery and monitoring of partnership initiatives. We work together nationally to ensure:

- The experience of survivors of domestic abuse is more prominent in the housing sector and helps shape improved and enhanced service delivery;
- Women and children can access secure housing and good quality services when experiencing domestic abuse; and
- Co-ordination exists between the housing and Violence against Women and Girls (VAWG) sectors with regards to domestic abuse.

The group has representatives from the domestic abuse, LGBT+, housing and homelessness sectors. The following members of the group are submitting a joint response to this consultation:

- DAHA
- Women's Aid Federation of England
- Safelives
- Agenda
- AVA
- Crisis
- Surviving Economic Abuse (SEA)
- Shelter
- St Mungo's
- National Federation of ALMO's
- Refuge
- Respect
- National Housing Federation
- Chartered Institute of Housing
- Homeless Link
- Resolve ASB
- Stonewall Housing
- Gentoo
- Peabody
- Standing Together Against Domestic Violence

Together, we welcome the opportunity to respond to the Ministry of Housing, Communities and Local Government (MHCLG)'s consultation on the future delivery of support to victims and their children in accommodation based domestic abuse services. As national organisations, we do not respond to all the questions proposed on specific local arrangements, but seek to highlight why the proposed new statutory duty must form one part of a wider, 'whole housing' approach to domestic abuse that works to deliver safety and support for survivors according to their needs.

Domestic abuse is, by its very nature, a housing issue and a core driver of homelessness. The Home Office estimate that domestic abuse resulted in £550 million in housing costs to Government in the year ending March 2017, including temporary housing, homelessness services and repairs and maintenance.<sup>1</sup> As domestic abuse typically occurs within the home, the response from the public and private housing and homelessness sectors to this form of crime is crucial in delivering an effective response. Lack of access to safe, secure housing is a major barrier to escaping and factors strongly into a survivors' decision making about whether they stay with, or leave, an abuser. Women are often most at risk at the point of, or shortly after, separating from an abuser and over half of women killed by men in 2017 were killed in their own home, or the home they shared with the perpetrator.<sup>2</sup>

Access to safe housing options for survivors of domestic abuse is essential. Without it, survivors are confronted with the 'option' of facing homelessness and housing insecurity, or having to return to a perpetrator. Our organisations call for a 'whole housing approach' to ensure that no survivor is faced with such a devastating choice. The approach aims to improve the response of the housing sector to domestic abuse and deliver a full suite of safe housing options to survivors - including privately-owned, within the private rented sector, supported accommodation, social housing, sanctuary

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<sup>1</sup> Oliver, R., Alexander, B., Roe, S. & Wlasny M. (2019), The economic and social costs of domestic abuse. Published online: Home Office

<sup>2</sup> Femicide Census (developed by Karen Ingala Smith and Women's Aid Federation of England working in partnership, with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP). (2018) *The Femicide Census: 2017 findings. Annual Report on cases of Femicide in 2017*. Published online: Karen Ingala Smith and Women's Aid.

schemes, being supported by specialist services to stay safe in their own home and initiatives such as Housing First - and is underpinned by sustainable refuge provision to deliver crisis, specialist support to women and children escaping from life-threatening harm.

As has been well documented, funding for refuges and other forms of safe accommodation for survivors - including homelessness provision that meets the specific needs of women facing multiple and severe forms of disadvantage - remains insufficient to meet demand.<sup>3</sup> Our concerns about this, and the devastating impact it can have on survivors' lives, are well known. We therefore welcome the government's commitment to deliver a secure future for refuge services through the proposed statutory duty, but are concerned that not only are the proposed definitions of 'accommodation-based services' currently inaccurate but that policy, strategy and funding for domestic abuse, housing and homelessness continue to be siloed at both national and local level. There are significant overlaps between this proposal and a range of other government commitments in the housing and homelessness, domestic abuse and VAWG sectors, including:

- The government's commitments within the VAWG Strategy 2016-2020 and the Domestic Abuse Bill on the provision of services - including reviewing the National Statement of Expectations and creating a Domestic Abuse Commissioner role;
- The government's rough sleeping strategy and commitment to have rough sleeping by 2022 and ending it by 2027;
- MHCLG's proposed new 'Homelessness Reduction Boards, which do not appear to have been developed in alignment with the suggested multi-agency partnership boards for accommodation-based domestic abuse services;
- The government's proposed white-papers on social housing and social care.

We are calling for a 'whole housing' approach that tackles the interconnected issues of housing, homelessness and domestic abuse and VAWG in a consistent, joined up way.

#### **Q1 Do you agree with our definition of accommodation-based services for victims and children?**

##### **Answer: Disagree**

The proposed definition of accommodation-based services is currently unclear and problematic. The current definitions are inaccurate and carry significant risks that generic 'accommodation-based' services with limited or only housing-focused support for survivors and their children, which don't deliver the safe environment and support they need, are commissioned and funded through this model. Our concern results from significant changes to provision over the past decade, the result of which is fewer, larger services covering larger geographical areas and an increase in 'generic providers' - those whose core business is not domestic abuse.<sup>4</sup> There are now 158 providers running 269 refuge services in England. Only two thirds (66%) of all refuge services are run by dedicated providers, with the remaining third run by Housing Associations, local authorities or other charities with a wider remit.<sup>5</sup> We don't believe this is the government's intention for a consultation on 'domestic abuse services', or is in the spirit of the announcement of a legal duty that would provide 'life-saving support' for those fleeing violence and abuse, but it could end up being the outcome if these definitions are not amended appropriately.

A 'whole housing' approach, which includes safe housing options for survivors across the private owned and rented sector, social housing and alternative models of delivery - such as 'Housing First' - to meet the needs of survivors experiencing multiple disadvantage - is essential to deliver in parallel to the duty. For example, women-only homelessness services offer the flexibility and expertise to safely accommodate survivors with multiple and 'complex' needs, who can struggle to access refuge provision. These services play a key role in linking survivors with specialist support by supporting clients to access local domestic abuse community services or helping prepare clients to access a more structured refuge environment. The full suite of housing options that must be available to survivors at local level is not the same, however, as a definition for 'domestic abuse services' that are based in accommodation.

<sup>3</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>4</sup> Women's Aid (2018) Survival and Beyond: The Domestic Abuse Report 2017. Bristol: Women's Aid; Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>5</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

## **Refuge services**

We recommend the definitions on Routes to Support, which MHCLG<sup>6</sup> part-fund Women's Aid to deliver, are used. The only defined accommodation-based domestic abuse service type currently listed on Routes to Support is a refuge service, the definition for which must be a starting point for this model:

*"A refuge service offers single-sex accommodation and support experiencing domestic abuse which is tied to that accommodation. The address will not be publicly available. It will have a set number of places. Accommodation can be in a range of shared housing, self-contained units and dispersed housing in order to meet the diverse needs of survivors and their children. Residents will receive a planned programme of therapeutic and practical support from staff and access peer support from other residents."*

The 'planned programme' is also clearly defined<sup>7</sup> and sets out why refuges are a service, not only a form of accommodation, which are unique in the support they deliver to survivors - and, critically, their children - and are far more than 'a bed for the night'. These specialist services deliver holistic support in a safe and secure environment, either provide or work closely alongside community based services and deliver unique added value within a multi-agency response to domestic abuse within local areas.<sup>8</sup>

This definition encompasses shared houses, self-contained and dispersed accommodation, which should not be listed as separate services. A combination of accommodation types enable services to provide support to those women with additional support needs, or a larger family size, which can pose challenges in communal living. Dispersed accommodation can often be the only form of refuge provision in rural areas.

Finally, it is essential that MHCLG adopt a clear definition of 'specialist' to ensure that the services funded through this model truly have the specialism and expertise to deliver the trauma-informed support survivors and their children need. We recommend that the model recently adopted by the Welsh Government in statutory commissioning guidance underpinning the VAWDASV Act is used as a basis for this.<sup>9</sup>

## **Other 'accommodation-based' services**

Whilst we clearly call for an approach that provides survivors with a full suite of housing options, through a 'whole housing' approach to domestic abuse which meets a spectrum of need, this is not the purpose of a statutory duty for the provision of support services. The current list is confusing and unclear as it stands:

- 'Sanctuary Schemes or other enhanced security measures' are not in and of themselves a 'service'. They are a target hardening<sup>10</sup> tool which need to be delivered as one element of a community based service - such as outreach, floating or IDVA support. This model does not aim to cover community based services, however, so the approach is not currently clear.
- As currently defined, 'emergency/temporary/'respite' accommodation are not domestic abuse services and do not provide the level of safety and support required for women and children who are escaping from severe abuse and trauma and remain at high risk of murder. If this category is included in the definition, there is a real risk the services funded through this model are essentially housing services with no domestic abuse expertise. We understand that MHCLG may intend this

<sup>6</sup> Routes to Support is the UK violence against women and girls directory of services and refuge vacancies, run in partnership by Scottish Women's Aid, Welsh Women's Aid, Women's Aid Federation of England and Women's Aid Federation of Northern Ireland

<sup>7</sup> The planned programme of therapeutic and practical support will include access to: information and advocacy, emotional support, access to specialist support workers (eg. drugs/alcohol misuse, mental health, sexual abuse), access to recovery work, access to support for children (where needed), practical help; key work & support planning (work around support needs including e.g. parenting, finances and wellbeing); safety planning and counselling.

<sup>8</sup> Jo Linney, Lorraine Regan & Domini Gunn with Dominic Llewellyn and Roshni Assomull, Numbers for Good, Funding a National Network of Refuges (Women's Aid, 2018)

<sup>9</sup> Welsh Government, Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV): Statutory Guidance for the Commissioning of VAWDASV Services in Wales, March 2019

<sup>10</sup> Target-hardening measures are crime prevention tools that deliver improvements to home security to reassure victims and their families and help to protect them from further abuse.

term to define very short term/emergency accommodation which women and children could go into for a few days or a week to establish their options in a safe environment. Some refuge services have properties such as this, but the level of provision of this type of accommodation is not clear and further consultation on this would be required if it is to be included.

### ***Move-on accommodation***

Further thought is needed about the suitability of funding move-on and second stage accommodation through this model.

A previously largely consistent pathway from refuge into secure - often social - housing has been undermined by the lack of available social housing, unaffordable other forms of housing and the impact of welfare benefit changes. The result is that women and children will now commonly leave refuges and move into another form of temporary, move-on or second stage accommodation.

There is a clear need for move-on accommodation, which includes resettlement support, and enables women and children to move-on from refuge into a form of temporary accommodation with additional support. There are also significant risks if move-on accommodation is delivered by generic providers, who can't provide the support survivors need. We recommend the government gives further thought to how best move-on accommodation can be delivered by specialist domestic abuse providers, and whether it is best included within an expanded definition of a refuge service.

Move-on or 'second stage' accommodation is not, however, a permanent solution. The lack of a secure move-on pathway to permanent housing not only results in significant uncertainty and disruption for survivors and their children, but incurs significant costs in temporary accommodation. 87% of over 100 women leaving refuges provided by Solace Women's Aid in 2015 were moved into continued temporary accommodation.<sup>11</sup>

A secure and consistent pathway into a safe, permanent home for survivors must be established as core objective for MHCLG. This is of course demands significant investment in building more social housing, and requires a change in the current homelessness legislation so that everyone who is homeless as a result of fleeing domestic abuse is in automatic priority need for settled housing. This will create the legal basis from which to support a secure pathway out of the refuge system and into permanent housing. Without this change in the law, many survivors are ineligible for help to move into permanent accommodation, leaving them without access to a safe home where they can rebuild their lives. This can result in survivors and their children unable to leave refuge accommodation, even when they are ready to move-on to independent living, and risks blocking this space for someone who urgently needs it. The National Housing and Domestic Abuse Policy and Practice Group strongly supports the need to amend the homelessness legislation to ensure that anyone who is made homeless as a result of experiencing domestic abuse is considered a priority for settled housing under the main homelessness duty, to removing the 'vulnerability test'.

### **Q2 - Are there any other services, other than those listed, that you would define as an accommodation-based service?**

**Answer: No**

We do not propose that additional services are added, but we recommend the changes to the definitions outlined in our response to question one are made.

### **Q3 - Do you agree with our definition of support?**

**Answer: Disagree**

We support the current list provided and in particular the focus on 'specialist' staff, which requires further definition as stated in our response to question one. We recommend that a number of changes are made, however, to ensure this list is clear and accurately reflects the nature of support service provision:

- An expanded definition of 'children's support workers' is needed to recognise the centrality of children within a refuge and the comprehensive package of support that's provided by the service.

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<sup>11</sup> Solace Women's Aid, The Price of Safety, 2016. [Accessible online.](#)

This does not only include children's support workers and play therapists, but consists of a dedicated package of support services, essential safeguarding and child protection functions and practical measures to ensure that refugees provide a safe and supportive environment for children to recover from trauma.

- Advocacy services - including IDVAs and DAPPAs - should be added alongside advice, as staff not only provide information and advice but significant levels of support to survivors. Significant amounts of work to represent, and advocate on behalf of, adult and child survivors with multi-agency partners is also undertaken within refuge services. Advocacy is essential for enabling survivors to realise their rights and protections, and research with women using refuges shows that having an advocate who can support engagement with statutory agencies is highly valued.<sup>12</sup>
- Resettlement support is defined on Routes to Support as a service only available to refuge residents moving on to independent living, prior to move-on and post move-on. It is delivered without accommodation provided by the service, for example when a woman moves-on to independent living a refuge service can provide a short term programme of support, which is more intensive than regular floating support. Resettlement support is an essential part of the support refuge services deliver to women and children moving-on to their next stage in life, and therefore should be defined as a type of support here.
- The inclusion of outreach in this list is confusing. Outreach is not an 'accommodation-based' service as no accommodation is provided. It is not clear whether the government is proposing that outreach is funded through this model and, if so, why other community based support services which help survivors to stay safe at home - such as floating support, drop-ins, peer-support, helplines and domestic abuse advocacy services including IDVAs and DAPPAs - and can help to reduce the risk of homelessness caused by domestic abuse, are not included. We are clear that the proposed multi-agency local partnership boards should have oversight and a 'whole picture' of all domestic abuse service provision, including these vital types of community based services, but it is not accurate to define these as 'accommodation-based services'.
- Access to specialist legal advice. Survivors who are homeowners can face significant legal and financial challenges when trying to regain access to, or sell their, home after they have escaped domestic abuse. Access to specialist legal advice in relation to property and family law once they have moved into a refuge can therefore be essential. Specific challenges have been highlighted by the specialist VAWG sector for many years, for example in a 2008 report by Refuge<sup>13</sup> and more recently, in a series of recommendations proposed by Surviving Economic Abuse in response to the recent consultation on the Government's DA Bill.<sup>14</sup> Further details about the reforms required to tackle these challenges are set out in our response to question 29.

#### **Q4. Do you define an accommodation-based service not listed here as support?**

**Answer: Yes**

A clear definition of the specialist support that is provided 'by and for' groups of survivors with protected characteristics including black and minority ethnic (BME) women, disabled and deaf women and lesbian, gay, bi-sexual and trans (LGBT) survivors, is required. Services run 'by and for' the communities they serve recognise the multiple forms of discrimination that women face and provide specialist support tailored to their specific needs and experiences. The very limited provision led 'by and for' for BME women, which is mirrored in poor levels of this provision for disabled, deaf and LGBT survivors<sup>15</sup>, is of serious concern, undermines obligations under the Equality Act 2010 and Public Sector Equality Duty, and is a critical priority for this future funding model. 'By and for' services face significant challenges in a fully localised funding system, as whilst generally operating in one local authority area, they often provide regional or even national services for a specific population. We support Imkaan's call for ring-fenced national funding for services led 'by and for' the communities they support, including refuge services led by and for BME women. We recommend that 'by and for' provision is listed as a specific category of support, and that MHCLG work with organisations including Imkaan, Galop, DeafHope, Shaping Our Lives and Stay Safe East to define this accurately and ensure sufficient funding is delivered.

<sup>12</sup> Kelly, L., Sharp, N. & Klein, R. (2014) Finding the Costs of Freedom: how women and children rebuild their lives after domestic violence. London: Solace Women's Aid.

<sup>13</sup> 'What's yours is mine' The different forms of economic abuse and its impact on women and children experiencing domestic violence, Nicola Sharp, 2008.

<sup>14</sup> Surviving Economic Abuse (2018) Transforming the response to domestic abuse. SEA May 2018. Response to the Government consultation see [https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc-\\_May-2018.pdf](https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc-_May-2018.pdf)

<sup>15</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

**Q5 - Do you agree with our approach of introducing a statutory duty underpinned by statutory guidance?**

**Answer: Neither Agree Nor Disagree**

We support a statutory duty, which could help to end the postcode lottery that survivors currently face when trying to access support, improve accountability, and create more consistency in provision. We particularly welcome that the duty framing the provision of support is focused on accountability, and not specific service requirements, which could have led to statutory provision and not the delivery of independent, specialist services women and children need.

Firstly, we are concerned that if the duty is not underpinned by clear definitions and quality standards, the proposed duty could do harm. The sector has already led significant work on the development of quality standards, and those relevant include:

- VAWG Sector Shared Standards<sup>16</sup>
- Women's Aid's National Quality Standards;
- Imkaan's Accredited Quality Standards and Safe Minimum Practice Standards;
- The Respect Standard;
- SafeLives' Leading Lights service standards and Insights outcomes measurement system;
- DAHA's Accredited Standards, the UK benchmark for how housing providers should respond to domestic abuse.

These standards must be requirements for provision within the statutory guidance. Quality standards, supported by national and monitoring oversight, are essential to ensure that survivors are getting a good service and public money is spent cost-effectively. Without these measures in place, and in a context of restricted local authority budgets, we are concerned that the duty could incentivise generic provision that can be provided at lower cost but is delivered by services that do not have tackling domestic abuse and VAWG as their core strategic aim, and do not have the expertise to deliver the specialist trauma-informed support that survivors and their children need.

Secondly, we are concerned that the creation of a statutory duty for accommodation based services alone could have unintended consequences for the provision of wider community based services which are essential for an effective response to survivors and their children. Comprehensive service provision includes, but is not limited to: advocacy services including IDVAs and DAPPAs; outreach; drop in services; group work and peer support; counselling and therapeutic services, children's workers/YPVAs; training for a range of professionals; multi-agency work including co-location; prevention, education and awareness-raising activities; local helplines; and safe and effective responses to perpetrators. It is critical to recognise that this comprehensive package of support - which is critical for keeping survivors and their children safe within their homes and work to prevent and alleviate homelessness caused by domestic abuse - will often be delivered by a range of providers, including refuge providers, across one local area. As MHCLG will be aware, some organisations within the domestic abuse sector are calling for the duty to go beyond accommodation based services alone. Although there are differing views on this, the National Housing and Domestic Abuse Policy and Practice Group is clear that the proposed statutory duty must not unintentionally result in local commissioners and partners withdrawing funding, or removing focus, from these other essential elements of service provision. As outlined in our response to question 16, sustainable funding is a cause of serious concern across the domestic abuse sector, and it is vital that the government deliver further clarity on the future funding of all domestic abuse services.

Statutory guidance must also clarify specialist refuge provision should be integrated within a 'whole housing' approach to domestic abuse that ensures that survivors can access a range of safe housing options based on their needs.

**Q6 - Do you agree with placing the statutory duty on Tier 1 Authorities (County Councils, Metropolitan Councils, Unitary Authorities and the Greater London Authority) as 'Lead Authorities'?**

**Answer: Agree**

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<sup>16</sup> The Violence Against Women and Girls Sector Shared Core Standards have been developed by the Violence Against Women and Girls (VAWG) Sector Sustainability Working Group, formed in 2013 by Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid.



Although we support this approach, we are concerned that placing the duty on tier 1 authorities, with a duty to cooperate alone on tier 2 authorities, will not be sufficient to ensure adequate services are being provided at a local level. This is driven by a concern that tier 1 authorities may be less likely to direct resources to services which they do not have responsibility for.<sup>24</sup> It will also be more difficult for tier 1 authorities to accurately assess the accommodation needs of survivors of domestic abuse and their children, because much of the information that would inform this is held by tier 2 authorities who have responsibility for homelessness.

Given that tier 2 authorities are responsible for housing, local planning and producing homelessness strategies, we believe there is a strong case for aligning the duty to convene a Local Partnership Board with these duties and placing the duty on tier 2 authorities as well. This would help to ensure that the housing and homelessness needs of victims and their children are being adequately assessed and met in every local area.

We recognise that in areas with two tier local government having the statutory duty at lower tier level could create additional logistical and cost implications for statutory agencies and other partners, which often operate across wider geographical boundaries. We know that two tier local authority structures can make partnership working on homelessness more complex and difficult to deliver. These problems have been compounded in two tier areas where Supporting People programmes have been cut, undermining partnership arrangements that had been established alongside Supporting People commissioning. This can result in the provision of services becoming more fragmented.

This is a particular concern for refuge provision, as these services are a national network that Bowstead's research concluded is "*distinctively accessed across local authority boundaries.*" The majority of women and children escaping into refuge are from a different local area; Women's Aid's Annual Survey found that in 2017 over two thirds (68.4%) of women resident in refuge were from a different local authority area. It is essential that the duty enables refuges continue to operate as a national network of services to protect women and children - who rely on a service from a different area accepting them with no 'local connection' for their safety. Ensuring effective cross-border working, supported by a whole housing approach to domestic abuse, is essential to consider when determining local authority duties and mechanisms of cooperation.

The duty to convene a Local Partnership Board must therefore be underpinned by cross-border working and joined up commissioning to make the most effective use of resources and ensure that the needs of all victims and their children are being met. To address this, the government should encourage cross border working where this meets local requirements, for example by allowing local authorities the flexibility to collaborate across boundaries to deliver their duties. Councils should be able to agree the scope of Boards in a way that meets local requirements, and this could include operating combined Boards at county, sub-region or city region level as is appropriate in any given area. This would allow the Local Partnership Boards to work effectively with other agencies and multi-agency boards, such as the existing Health and Wellbeing Boards and the proposed Homelessness Reduction Boards.

#### **Q7 - Do you agree that a duty to co-operate should be placed on Tier 2 Authorities and London Boroughs?**

##### **Answer - Agree**

As previously argued, we do not feel that placing a duty to cooperate on tier 2 authorities and London Boroughs is sufficient to ensure that the housing and homelessness needs of survivors of domestic abuse and their children are met. In many parts of the country, tier 2 local authorities not only hold responsibilities for housing, planning and homelessness, but hold the experience and expertise in funding and commissioning services too.

Their expertise and intelligence must inform strategic, joined-up commissioning for refuge services, and would help ensure the duty doesn't further incentivise large-scale contracts which favour generic provision. We do not believe a duty to cooperate goes far enough to ensure the expertise of tier local authorities is reflected. The statutory duty must apply to all tier two local authorities to recognise their role and responsibilities in delivering housing and homelessness services.



**Q8 - Do you agree with the proposed representation on Local Partnership Boards?**

**Answer - Agree**

We agree with the proposed representation but call for a guarantee that specialist services will be meaningfully represented, and supported to engage effectively, on these boards. Attending and providing expert input into governance structures can be resource intensive and services already undertake significant consultancy/advisory roles within local areas, providing knowledge and expertise to statutory agencies, which are often unfunded.

It is also critical that the other public bodies and commissioners - including Police and Crime Commissioners (PCCs), Clinical Commissioning Groups (CCGs) and representatives from public health, adults and children's services, housing teams, the National Probation Services and civil and criminal court services - engage meaningfully on the partnership boards. Currently there is only a statutory duty on the local authority to convene the partnership and tier two local authorities to cooperate - and not on the other crucial partners to attend and also deliver funding. There is of course a risk that these wider vital partners may withdraw from investing in refuge services because this new funding model is seen as the responsibility of local authorities and MHCLG. The government must consider whether additional duties - and financial responsibilities - on other partners such as PCCs and CCGs are required to ensure they are represented at sufficiently senior level on the partnership board and invest in the domestic abuse services that they accrue significant financial benefits from.

Finally, given clear evidence that domestic abuse is both a cause and consequence of homelessness, we also call for the proposed representation on Local Domestic Abuse Partnership Boards to be expanded to include senior local authority representatives responsible for homelessness. There must be strategic alignment between proposed Local Partnership Boards and Homelessness Reduction Boards (or similar statutory or non-statutory local homelessness boards).

**Q9. Do you believe your local authority has an existing governance structure in place which could meet the proposed role of the Board?**

**Answer - Don't Know / No Opinion**

Whilst some local areas may have existing governance structures able to undertake these functions, we would be concerned if this significant new statutory duty becomes just one agenda item for a Community Safety Partnership or Health and Wellbeing Board. We are aware of various different local accountability and governance arrangements for the commissioning and provision of domestic abuse services, which MHCLG should look into further, as many of these will be well placed to deliver the duty.

**Q11. Do you agree with a duty to convene a Local Partnership Board?**

**Answer - Agree**

We support the proposed duty but highlight that whilst in some areas strong multi-agency partnership arrangements between specialist services, commissioners and multi-agency partners are well established, in other there may be significant challenges in setting up collaborative boards that meet the needs of survivors and their children.

Since 2014 MHCLG have required local authorities and specialist services to work in partnership to access funding for accommodation based domestic abuse services. During this time the sector has seen examples of excellent local partnership working. Equally however, there has been clear evidence of extremely poor partnership working, including the exclusion of specialist services in planning and delivering services, and failures to collaboratively assess local need and provision, resulting in service duplication and overlap. It is essential that the new local multi-agency boards learn from these lessons and deliver equitable, effective partnerships which are truly effective in delivering person-centred services that meet the needs of users and secure value for money. Measures to ensure meaningful representation of survivors and service users and involvement in service design and delivery, and outcomes monitoring as set out in the response to question eight, will be essential.

In addition, the government must consider whether additional duties - and financial responsibilities - on other partners such as PCCs and CCGs are required to ensure they are represented at sufficiently senior level on the partnership board and invest in the domestic abuse services that they accrue significant financial benefits from.

### **Q12. Do you agree with the role and remit of Local Partnership Boards?**

#### **Answer - Agree**

We support the role of partnership boards in overseeing service provision with a clear governance and accountability framework, and through undertaking needs assessments, developing local area strategies, commissioning services and reporting on outcomes. It is critical to ensure that this remit extends beyond accommodation based services alone, and ensures that the board oversees the full range of domestic abuse service provision as set out in response to question five. There are numerous interconnections between accommodation based and community services that need to be considered when setting up a new multi-agency board for domestic abuse at local level. It will be a missed opportunity if this new local accountability structure does not oversee wider domestic abuse and VAWG support provision, and of course how this fits into a 'whole housing' approach to domestic abuse.

### **Q13. Do you agree with Local Partnership Boards assessing need for services?**

#### **Answer - Agree**

Robust needs assessments for the full suite of accommodation and community based domestic abuse services are essential for the planning, commissioning and delivery of quality service provision. As many victims do not report domestic abuse, prevalence data alone are not enough for an assessment of need because this data tell us nothing about the impact of the abuse and the sort of support required. Many victims are also "hidden" in local needs assessments, due to gaps in protected characteristics, equalities data and the significant numbers of women who are experiencing homelessness - including rough sleeping and sofa surfing - whose experience is not captured. Age is a further challenge for effective needs assessment; although evidence suggests older women experience domestic abuse at similar rates to adult women in other age groups, the Crime Survey for England and Wales until very recently did not collect data on adults over 59, meaning that we know little about the true prevalence of domestic abuse amongst older women. The specific needs, issues and barriers that are experienced by people with protected characteristics under the Equality Act 2010 are also essential to assess, and inform service provision that meets obligations under the Public Sector Equality Duty.

Utilising the expert advice of specialist services is therefore critical for developing a full and accurate understanding of local need. To assess need for service for survivors with complex needs, a full range of specialist domestic abuse and VAWG services and agencies who are working with survivors must be included in the assessment process. These agencies may include, but are not limited to, local homelessness services, drug and alcohol services, and mental health services. Given the inextricable links between domestic abuse and homelessness, it is important to ensure that needs assessments for domestic abuse and VAWG are aligned to - and inform - local needs assessments for homelessness and rough sleeping, in which women's needs are often hidden. Women sleeping rough are often missing from administrative datasets collected by homelessness services and other agencies, because they may not be in contact with some services and there is evidence that they avoid contact with some homelessness services.<sup>17</sup> The guidance for local needs assessment should equip local areas to actively search for robust and rich data about women's homelessness even where this is not immediately available, as a population group at very high risk of domestic abuse.

We are also clear that an assessment of demand at national, as well as local, level is essential to underpin the new duty. Local needs assessment cannot be based on local data alone - as around two thirds of women escaping into refuge are from a different local area. Whilst local partnership boards assessing need for survivors is essential, it is impracticable and unrealistic to expect local authorities to be able to assess the need for the national network of refuges. Needs assessments will only be effective if they include assessment of demand at a national level too. It is essential that a local standardised assessment is underpinned by a robust assessment of need and demand at national level to ensure that the demand for support can be met by specialist services resourced to meet women and children's needs. The national needs assessment would also include the national need for services led 'by and for' groups with protected characteristics, the need for which is unlikely to be identified in local needs assessments at all.

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<sup>17</sup> <https://www.mungos.org/publication/women-and-rough-sleeping-a-critical-review/>

#### **Q14. Do you agree with Local Partnership Boards developing local strategies?**

##### **Answer - Agree**

A strategy setting out a clear vision, aims and priorities - with established funding and lines of accountability - is essential for a robust response to keeping survivors and their children safe and providing quality support. We are clear that the partnership board must lead a strategy on all service provision for domestic abuse at tier one local authority level, and consideration should be given to how this will link to comprehensive needs assessment and provision of services for other forms of VAWG. We also recommend that the government give further consideration to how these strategies will align to the delivery of a 'whole housing' approach to domestic abuse and other related strategies and plans - including for homelessness, rough sleeping and social housing - in this regard.

#### **Q15. Do you agree with Local Partnership Boards commissioning domestic abuse services in partnership with Tier 2 Authorities?**

##### **Answer - Agree**

Whilst we support this approach, it is important to recognise that in many parts of the country, tier two local authorities not only hold the experience and expertise in funding and commissioning services, but have the responsibilities for homelessness too. It will be essential to ensure their expertise and intelligence informs strategic, joined-up commissioning for refuge services, and to establish safeguards which mean that the statutory duty does not further incentivise large-scale contracts which favour generic provision.

#### **Q16. Local authority/ providers: What would be the practical implications of meeting the proposed requirements of the statutory duty?**

The national network of refuges continues to face a funding crisis, with an uncertain funding landscape, short-term contracts and poor commissioning practices continuing to provide a major barrier to services meeting demand from survivors and their children seeking safety. Data from Routes to Support shows that, according to the Council of Europe recommendation<sup>18</sup>, as at May 2018 there was a shortfall of 1,751 bed spaces in England.<sup>19</sup>

Almost 60% of all referrals to refuge services in 2017–18 were declined (for any reason). Over one in six of these referrals were declined due to a lack of space or capacity to support the survivor. It cannot be forgotten that behind these statistics are the experiences of women and children who are at serious risk of harm and murder. Women's Aid's Nowhere to Turn Project, funded by MHCLG, has shown clearly that survivors unable to access a refuge space are faced with the 'choice' of rough sleeping, sofa surfing or returning to the perpetrator.<sup>20</sup>

Demand figures also mask the significant barriers facing certain groups of survivors from accessing safety: fewer than one in five refuge vacancies in 2017–18 could accommodate a woman with two children, and only 1.0% of vacancies were in rooms fully accessible for wheelchairs.<sup>21</sup> The proposed new statutory duty must be underpinned with<sup>22</sup>:

- sufficient and ring-fenced local funding, delivered through the multi-agency partnership board, for specialist refuge provision which meet the needs of survivors from all backgrounds;
- sufficient and ring-fenced national funding for refuge provision which is led 'by and for' those who it supports, such as refuge services led by and for BME women.

This alone is not sufficient to ensure that all survivors and their children can access specialist services they need. Secure and long-term funding is also urgently needed across the whole domestic abuse sector - not only for refuge provision. It is of course crucial to recognise that the cost of domestic abuse to society in one year was £66 billion, with the direct costs to the Exchequer amounting to £365m a week or £19bn a year.<sup>23</sup> Currently, however, the government is spending just a fraction of this cost on services which prevent domestic abuse and support survivors and their

<sup>18</sup> Kelly and Dubois, Combating violence against women: minimum standards for support services, Council of Europe, 2008. [Accessible online.](#)

<sup>19</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>20</sup> Women's Aid (2018), Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project, Bristol: Women's Aid

<sup>21</sup> Women's Aid (2019), The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>22</sup> SafeLives will provide its own response to this question in their individual submission to this consultation. SafeLives are not providing the same answer to this question.

<sup>23</sup> Oliver, R., Alexander, B., Roe, S. & Wlasny M. (2019), The economic and social costs of domestic abuse. Published online: Home Office

children to cope and recover. If the aims of the Domestic Abuse Bill are successful, demand for these overstretched services will rise yet further, yet the Bill itself is only accompanied by £20m of additional national government spending. We are calling for a clear commitment from national government - including all relevant departments - to underpin this landmark legislation with a sustainable funding settlement for the national response to domestic abuse. This includes sufficient and ring-fenced local funding for the provision of specialist domestic abuse services for all survivors, children and perpetrators who do not require accommodation based support, but whose safety must be secured through other services. These include, but are not limited to: advocacy - including IDVAs and DAPPAs; outreach; floating support; local helplines; peer support and group work; counselling and therapeutic services; children's support workers and YPVAs; and safe and effective responses to perpetrators including ensuring alignment with civil and criminal protections for survivors such as the proposed new Domestic Abuse Protection Order (DAPO).

**Q18. Do you think that Government should develop a standardised needs assessment form for local areas to use in assessing need for domestic abuse support services?**

**Answer - Yes**

Please see response to question 13.

**Q19 How often should the needs assessment be conducted?**

**Answer: Other**

We recommend that a local needs assessments should be completed every three to five years, depending on commissioning cycles. The national needs assessment should be updated a minimum of once a year.

**Q20. Do you agree with Local Partnership Boards making commissioning decisions in partnership with Tier 2 Authorities?**

**Answer: Agree**

We recognise that it may not be appropriate for all members of the partnership board to make commissioning decisions, as there may be conflicts of interest. However, as the government's VAWG Commissioning Toolkit makes clear, there must be a strong focus on co-production and recognition that commissioning for domestic abuse and other forms of VAWG is only effective when done in partnership with survivors and specialist services who should be involved at each stage of the process - from needs assessment to planning, delivery and evaluating.

**Q21. Do you agree that standardised reporting would promote accountability and transparency for the provision of support for victims and their children?**

**Answer: Agree**

We agree that reporting should be standardised. Currently, specialist services face a huge amount of differing and contradictory monitoring requirements for the range of different funders we report to - yet conversely there is no clear oversight, monitoring or accountability at national level. A standardised approach is important for transparency, monitoring funding and local commissioning, and ensuring that services are meeting agreed standards and providing value for money. It would also help to identify best practice in different local areas, and highlight gaps in service provision. It is essential that the monitoring framework works to identify both high and poor quality services, and the impact that changes to provision have on service quality.

Outcomes are best assessed through quality standards and outcomes monitoring frameworks, tailored to the sector specialism and developed by the national second-tier bodies. Standardised reporting must be developed from established frameworks for standards and outcomes monitoring within the sector - including Women's Aid's Quality Standards and On Track case management system, Imkaan's Accredited Quality Standards and Safe Minimum Practice Standards and Synthesis system, and SafeLives' Leading Lights service standards and Insights outcomes measurement system. A monitoring framework must streamline the multiple reporting requirements services are currently required to complete, and must not introduce onerous new requirements. It is also essential

to ensure that local areas report to the national oversight mechanism on the outcomes and priorities that actually matter to survivors - rather than those that are priorities for commissioners and funders. This is essential for delivering accountability and value for money for the public.

National, as well as local, monitoring and reporting, will be required to evidence that there is adequate provision for all victims, including for BME, LGBT and disabled survivors and survivors experiencing multiple forms of disadvantage, as well as ensuring that survivors escaping to refuge from a different local authority are able to access services. This should be the responsibility of the national oversight mechanism.

**Q22. Do you agree with the reporting themes suggested?**

**Answer: Disagree**

Although we agree with the themes suggested, far more detail on how monitoring and reporting on the effectiveness of local needs assessment, strategies and commissioning decisions will work, as well as the government's proposals for outcomes and impact monitoring, is required. It is not clear how evidence that 'local strategies are in place and working effectively', 'adequate needs assessments have been undertaken' and 'commissioning decisions have been informed by needs assessments' would be reported on and assessed. The following, for example, would need to be considered: which partners and stakeholders will be included to provide evidence of how effectively a local partnership is working; how will data analysis, assumptions and conclusions on these reporting themes be consistent and quality assured; and how will survivors' views and experiences be central to the development of these indicators.

The outcomes and impact of service delivery and local decision making requires far more definition, in line with the data that providers already collect and report on, and in order to ensure robust national oversight of the services survivors are getting. This must not introduce onerous new requirements on providers, and must operate in line with existing frameworks, as set out in our response to question 21.

As set out in our response to question 29, the response to survivors with protected characteristics and those facing multiple forms of disadvantage and discrimination - including homelessness, substance use needs, mental health needs and insecure immigration status - is an urgent concern and priority for improvement. We recommend that the government include an additional reporting theme on the response to survivors with protected characteristics and those facing multiple forms of disadvantage and discrimination, aligned to the responsibility of the national oversight mechanism in this regard.

**Q 23 Do you agree with the role and remit of the National Steering Group?**

**Answer: Disagree**

We are concerned that the national steering group proposed will not be able to deliver the significant reforms required to deliver a sustainable funding system that ensures the national demand for support is met in services resourced to meet the needs of survivors and their children. We recommend that the government adopts a 'national oversight mechanism', as set out in the proposed 'hybrid' funding model for refuges published by Women's Aid and supported by Imkaan and Refuge in 2018. This model is essential to ensure that a largely local system of funding and commissioning is underpinned by national oversight that provides assurance no survivor is turned away from the support they need.<sup>24</sup> We are not assured that a 'steering group' alone will plug the significant gap in national accountability for the commissioning, funding and provision of refuge services.

This national oversight mechanism would: hold the responsibility for undertaking a national needs assessment to standardise local needs assessments; have the ability to effectively hold local partnerships to account for delivery (with ability to sanction where required in cases of dangerous or inadequate practice or provision); have oversight of funding allocation, including ring-fenced national funding for 'by and for' services<sup>25</sup>; have rigorous oversight of the monitoring framework for

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<sup>24</sup> Jo Linney, Lorraine Regan & Domini Gunn with Dominic Llewellyn and Roshni Assomull, Numbers for Good, Funding a National Network of Refuges (Women's Aid, 2018)

<sup>25</sup> SafeLives will provide its own response to this question in their individual submission to this consultation. SafeLives are not providing the same answer to this question.

effectiveness of local partnership arrangements, service provision, standards and outcomes, including the quality of accommodation; and be responsible for securing value for money.

We note the proposal for a standing agenda item for the national steering group to consider whether the support needs of all victims and their children are being met through the provision of support services that serve both a national and local need, including for BME, disabled, LGBT victims or people of faith, and their children. We are not assured that an agenda item alone will not be enough to safeguard the specialist 'by and for' led BME services which continue to be disproportionately impacted by local cuts and poor commissioning decisions. The national oversight mechanism should deliver a national needs assessment and national ring-fenced funding for 'by and for' led BME services and others with protected characteristics. In addition, monitoring and assessing the response to survivors who are facing multiple forms of disadvantage and discrimination - including homelessness, substance use, mental health needs, and insecure immigration status - must be established as a specific remit of the national oversight mechanism.

**Q 24 Do you agree with the proposed representation on the National Steering Group?**

**Answer: Disagree**

As set out in the response to question 23, we would like to see a national oversight mechanism established. In addition to representatives from local government, PCCs, health bodies, specialist domestic abuse service providers, housing associations and homeless providers membership of this mechanism should include survivors, and national specialist bodies for survivors with protected characteristics such as Imkaan, Galop, Deaf Hope, Stay Safe East and Shaping Our Lives. The mechanism should also include the expertise of grant funders like Lloyds Bank Foundation, the Big Lottery Fund and BBC Children in Need, which already invest hugely in the sector, have significant expertise in grant scrutiny processes, and can be involved in overseeing an effective funding process.

The national oversight mechanism should include government representatives responsible for homelessness within MHCLG, and in particular representatives from the Rough Sleepers Sleeping Initiative and Rough Sleeping Strategy, to ensure that joint working on homelessness and domestic abuse, as recommended for local authorities, is mirrored at the highest level.

In addition, all government departments that have a responsibility for ensuring a sustainable future of the refuge sector - including the Department for Education, the Department for Health and Social Care, DWP, Ministry of Justice and the Home Office - should be required to attend. We call for MHCLG to consider both how to ensure these departments are represented at sufficiently senior level, and how they can be incentivised to provide funding to the services that they accrue financial benefits from.

Finally, while MHCLG will be crucial in setting and monitoring the delivery of standards and provision, it is important that the mechanism has a level of independent oversight. The government should consider the links between this mechanism and the proposed new Domestic Abuse Commissioner, and whether the Domestic Abuse Commissioner could be an appropriate, independent chair for a national oversight mechanism.

**Q 25 Do you agree with the overall approach of the statutory guidance?**

**Answer: Agree**

We agree with the introduction of statutory guidance, which could be a powerful tool for improving the consistency and quality of provision. However, we are clear that the guidance must be informed by learning from the implementation of previous guidance delivered by MHCLG and the Home Office on service provision in the sector - including the National Statement of Expectations for VAWG Services and MHCLG's 'priorities' for domestic abuse services. Unfortunately, without robust requirements and national oversight, guidance does not equate to consistent delivery across the country. Statutory guidance must set out clear requirements - and not only 'priorities' or 'expectations' - for standards and service provision that are then monitored and assessed by the national oversight mechanism with powers to hold local authorities accountable for inadequate and unsafe provision.

**Q 26 What else would you like to have set out within the guidance?**



As set out in our response to question five, it is crucial that the guidance sets out the approach of the partnership board in: overseeing all - not only accommodation based - types of domestic abuse service provision; delivering a whole systems approach<sup>26</sup> to survivors and their children; and ensuring that the statutory duty is one part of a 'whole housing' approach to domestic abuse within local areas.

We also recommend that the statutory guidance includes requirements for standards for local delivery and service quality, including the provision of services that meet recognised quality standards and deliver positive outcomes for survivors and their children. Without appropriate safeguards around service quality and standards the proposed statutory duty could further incentivise generic services which can be provided at lower cost but which do not have the expertise to deliver the specialist support services that survivors and their children need. The VAWG Sector Shared Standards - and related standards set out in the response to questions five - should be used as the basis for this, but should be established as 'requirements' with a clear monitoring and accountability framework, rather than 'priorities' or 'expectations'.

The statutory guidance should also set out essential elements of best practice - as outlined in the government's VAWG Commissioning Toolkit and recently published statutory guidance on commissioning for Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) services in Wales - for the partnership boards to deliver. Both these documents set out best practice in: co-production; collaboration, partnership and governance; needs assessment; mapping current provision and spend; equality impact assessments; delivering a plan and strategy; procurement and commissioning (including grant funding); and monitoring and measuring outcomes.

#### **Q 27 What support would you find most useful to meet the requirements of the statutory duty and guidance?**

If the proposed new statutory system is to deliver the government's aim of 'providing support to all victims and their children', it will be essential that the following measures are implemented alongside the guidance:

- Adequate levels of sustainable, long-term funding: meeting the support needs of diverse groups of survivors including children will only be possible if the government commits to additional funding to ensure that the needs of those facing multiple barriers to accessing services and multiple forms of disadvantage can be met in adequately resources services at a local level, and ring-fenced national funding for the 'by and for' sector to ensure survivors have choice in the service provision they access.
- Further measures to deliver real accountability and oversight: the national oversight mechanism requires powers to be able to respond to, and sanction, local partnership boards where they are failing to deliver the statutory guidance - for example a mechanism through which they can intervene until compliance with the requirements in guidance is demonstrated.

#### **Q28. Do you think that the proposed policy will help local areas ensure the needs of all victims and their children can be met?**

**Answer: No**

Whilst we strongly support the aim to ensure the needs of all victims and their children are met, it is not clear what the government are proposing in terms of actual changes or reforms to achieve this. Access to support for certain groups of survivors and their children remains a severe challenge given the current demand and capacity constraints within the national network of refuges. It can be extremely difficult for a survivor to access a refuge space if she is disabled, has support needs around mental health or substance use or has an offending history. Women with no recourse to public funds face insurmountable challenges in accessing a refuge space. Statistics from Women's Aid's Annual Audit report show this starkly. In 2017-18:

- 17.3% of all refuge services have a specialist mental health support worker(s);
- 8.9% of all refuge vacancies have a specialist drug or alcohol worker;

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<sup>26</sup> Whole system approaches established within the domestic abuse sector include: SafeLives 'One Front Door' model; Standing Together' Against Domestic Violence's 'Coordinated Community Response' and Women's Aid Federation of England's Change that Lasts approach.



- just 1.0% of vacancies were in rooms fully accessible for wheelchairs and a further 1.2% were suitable for someone with limited mobility;
- and only 5.8% of refuge vacancies would even consider a woman who had no recourse to public funds.<sup>27</sup>

Age is a further challenge. Although evidence suggests older women experience domestic abuse at similar rates to adult women in other age groups, Women's Aid's Annual Survey 2017 found that only 1.7% of refuge residents were aged 56 and over in 2016-17. Research shows that older survivors experience abuse for twice as long before seeking help than those aged below 61, and are far more likely to remain living with a perpetrator<sup>28</sup>. Women 16-19 years old responding to the Crime Survey England and Wales are the most likely to say they had experienced domestic abuse - but very few refuges specialise in supporting young women. In addition, data collected in London found that only 1% of women placed in refuge were under 18 in 2016/2017, yet they accounted for 20% of unsuccessful referrals - indicating that the needs of this group of women are not being met.<sup>29</sup>

Limited refuge provision for survivors facing multiple forms of discrimination and disadvantage is a cause of homelessness. The second year of Women's Aid No Woman Turned Away project reported that, of the 264 women supported by the project because they faced barriers to accessing a refuge space, 49% were BME women, 37% had mental health support needs, 30% had one or more disability and 23% had no recourse to public funds. The charity found that 1 in 10 women supported by the project were forced to sleep rough whilst waiting for a refuge space, and that women with more support needs were more likely to have to sleep rough while waiting<sup>30</sup>. Rough sleeping exposes survivors to further harm from violence and abuse.

Services are reporting an increasing complexity of needs from women seeking refuge - but dwindling resources and a reduced capacity to respond safely and provide the right support. Meeting the support needs of diverse groups of survivors - including BME women, LGBT women, disabled and deaf survivors, young and older survivors, those with offending history, people of faith, those with complex mental health or substance use needs, survivors who are homeless or sleeping rough, those with no recourse to public funds, survivors from the Gypsy, Roma and Traveller community, male victims, and those forced to flee their local area - will only be possible if the government:

- Establishes a national oversight mechanism with responsibility for undertaking a national needs assessment, which is essential for ensuring that the needs of victims facing multiple forms of disadvantage and discrimination are captured and can inform provision.
- Commits to additional sustainable future funding for services to ensure that the needs of those facing multiple and severe forms of disadvantage can be met in adequately resourced specialist services, including by funding specialist and flexible outreach, advocacy and floating support for survivors living in other forms of accommodation and support services for homeless survivors, including those sleeping rough and by looking at alternative accommodation models - such as 'Housing First' - where required.
- Delivers ring-fenced national funding for the 'by and for' sector to ensure survivors with protected characteristics have choice in the service provision they access.
- Works further with the domestic abuse sector and specialist 'by and for' services to understand the level of capital investment that is required in the national network of refuges to ensure they can fully meet needs, particularly around accessibility for those with disabilities and large numbers of children.
- Provides separate sustainable future funding for women-only homelessness accommodation as a safe route away from the streets and a gateway to domestic abuse support provided by the specialist sector. We recommend that overall homelessness funding is restored to the levels invested in homelessness services before the financial crash, with an extra £1 billion in each year of the next Spending Review period and beyond if needed, to drive a long-term reduction in homelessness and rough sleeping. This funding should be accompanied by a requirement that women-only homelessness accommodation is available to women in every part of the country.

<sup>27</sup> Women's Aid (2019), The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>28</sup> SafeLives, Spotlight: Older People and Domestic Abuse, <http://www.safelives.org.uk/spotlight-1-older-people-and-domestic-abuse>, accessed 30 July 2019

<sup>29</sup> Women's Aid (2018) Survival and Beyond: The Domestic Abuse Report 2017. Bristol: Women's Aid

<sup>30</sup> Women's Aid (2018), Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project, Bristol: Women's Aid

- Drives a step change in investment in early intervention and prevention, including accredited, safe and effective interventions for perpetrators, to tackle the drivers of domestic abuse.
- Delivers urgent legislative reforms to protect survivors through the Domestic Abuse Bill - including changes to the eligibility of the DDVC and DVR, a ban on local authorities imposing local connection restrictions on refuge services, and automatic entitlement to priority need for housing - as set out below.

## Legislative reforms

### *No Recourse to Public Funds*

We are particularly concerned by the government's assertion that this approach will 'respond to the needs of' survivors with no recourse to public funds. Without legislative changes to ensure that women with NRPF can access the welfare benefits required to fund their housing costs within refuges, and to enable local authorities to spend public funds on their support, this will not be possible. Due to their continued funding constraints, very few refuges are able to provide the funding required to pay for a woman with NRPF's stay within a refuge. Women's Aid's No Woman Turned Away project has shown starkly that the majority of women with NRPF searching for a safety for themselves (and their children) are not able to access the DDVC - which provides time limited access to benefits whilst a victim applies for indefinite leave to remain under the Domestic Violence Rule. 67% of the women supported by Women's Aid's No Woman Turned Away project in 2016 who had no recourse to public funds were not eligible for the DDVC because they were not on a spousal visa.<sup>31</sup> We are calling for the Domestic Abuse Bill to deliver urgent changes to the eligibility and time limit for the DDVC and DVR.

### *Local connection*

It is a well-established fact that women escaping to refuge will often need to flee from their local area in order to be safe from a perpetrator of domestic abuse. Refuges are a national network which by necessity support survivors from outside of their local area, but we remain highly concerned that local authorities continue to impose local connection restrictions on refuges through funding and commissioning processes. Current government guidance<sup>32</sup> has not prevented this from continuing, so we are concerned that statutory guidance will not deliver the assurance we need. We are calling for a statutory bar on local authorities imposing local connection on refuges within the Domestic Abuse Bill. This is essential to ensure that survivors and their children who have to escape from their local area to stay safe can do so.

### *Priority Need*

It is critical that the homelessness legislation is amended to ensure that anyone who is homeless as a result of experiencing domestic abuse is automatically considered in priority need, by removing the vulnerability test, for settled housing under the main housing duty.

Domestic abuse frequently leads to homelessness - but not everyone is guaranteed access to safe and secure housing after they've escaped from a perpetrator. Although fleeing domestic abuse is classified as a 'vulnerability' under Part VII of the Housing Act 1996 and the Homelessness Act 2002, in reality domestic abuse in isolation is rarely considered to qualify someone as in priority need if they do have an additional vulnerability. In 2017, only 2% of people were found to be in priority need and made an offer of settled housing because they were vulnerable as a result of domestic abuse.<sup>33</sup> This is despite evidence showing a much greater relationship between domestic abuse and homelessness than this figure would suggest. Since 2015, almost a fifth (18%) of the women who were homeless when they approached Crisis stated domestic abuse as the reason for their homelessness.<sup>34</sup> Similarly, research by St Mungo's found that a third of their female clients said that domestic abuse had contributed to their homelessness.<sup>35</sup> In some circumstances, domestic abuse might not be the direct cause of someone's homelessness but linked to it. Crisis' 2014 Nations Apart research found

<sup>31</sup> Women's Aid, Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project, 2017.

<sup>32</sup> Home Office, Violence Against Women and Girls Services: Supporting Local Commissioning, December 2016.

<sup>33</sup> MHCLG, Live tables on homelessness: Table 773

<sup>34</sup> Crisis client database figures 01/07/2015 – 18/04/2019

<sup>35</sup> St Mungo's, Rebuilding Shattered Lives, The final report: Getting the right help at the right time to women who are homeless or at risk, London: St Mungo's.

that 61% of homeless females and 16% of homeless males had experienced violence and or abuse from a partner at some point.<sup>36</sup>

Providing evidence to demonstrate vulnerability can be traumatic and near impossible for people who have experienced domestic abuse. There are accounts of survivors being told to return home to a dangerous situation, or to the place of violence, to retrieve ID or evidence to prove they are homeless due to domestic abuse.<sup>37</sup> This includes cases of people being asked to provide a criminal reference number or a letter from the perpetrator admitting to the abuse. There is a lack of consistency between local authorities when it comes to approach and evidence of the 'vulnerability test' being used a gatekeeping tool. Research by Women's Aid found that 53% of the women they supported in the second year of the No Woman Turned Away project were prevented from making a valid homelessness application by their local authority. Of these, a quarter were told they could not make an application as they were not in priority need.<sup>38</sup>

The Homelessness Reduction Act (2017) means that local authorities now have a legal duty to provide meaningful support to everyone who approaches them as homeless. This includes support to help prevent their homelessness from occurring in the first place, and for those people who are already homeless, help to find them a home. Despite this welcome change, there is no guarantee that people fleeing domestic abuse will receive an offer of settled housing if these two options fail to prevent or resolve their homelessness. If all cases presenting with domestic abuse were made priority need it is estimated that 1,960 additional households per year, or approximately 490 per quarter, would be owed main homelessness duty across local authorities.<sup>39</sup>

It is essential that the Domestic Abuse Bill ensures individuals fleeing domestic abuse are automatically considered in priority need for housing, as is already the case in Wales.

## **Q29. What more could the Government do to ensure the needs of victims and their children with protected characteristics are supported?**

### *'By and for' services*

Alongside sufficient and ring-fenced local funding, delivered through the multi-agency partnership board, for specialist refuge provision which meet the needs of survivors from all backgrounds, it is essential that the government recognise that the proposed duty will not secure the future of specialist services led 'by and for' BME, LGBT, disabled women, who lead services of significant national importance. The 'led by and for' model is unique; it offers choice to women from marginalised communities to receive tailored support from services that reflect their identities and who have particular expertise in tackling the barriers they face. These services face significant challenges in a fully localised funding and commissioning structure. As well as defining 'by and for' support clearly within this model, further measures are required to safeguard their future. We recommend that the government establish a national oversight mechanism to oversee the delivery of sufficient and ring-fenced national funding for refuge provision which is led 'by and for' the communities that it supports. This is essential for the future sustainability of these services, and for upholding obligations under the Equality Act 2010 and the Public Sector Equality Duty.

### *Economic and legal barriers*

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<sup>36</sup> P. Mackie and I. Thomas, Nations Apart? Experiences of single homeless people across Great Britain, London, 2014, Crisis. Available at: [https://www.crisis.org.uk/media/20608/crisis\\_nations\\_apart\\_2014.pdf](https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf) [accessed: 12/04/19]

<sup>37</sup> APPG for Ending Homelessness (2019), A Safe Home, London: APPGEH

<sup>38</sup> Miles, C & Smith, K (2018), *Nowhere to turn, 2018, findings from the second year of the No Women Turned Away project*. Bristol: Women's Aid. The analysis in this report is based on case work data from 264 women.

<sup>39</sup> The number of additional households is estimated based on data received from a data request and FOI to all English Councils. The data returned covered the first three quarters since the introduction of the HRA to account for households who had received both prevention and relief duty, and to inform understanding of the number of households expected to reach a Main Duty decision under the HRA. Responses were received from 168 local authorities (52%). Councils were categorised into quartiles based on their overall homelessness footfall with the data returned used to estimate a range of additional households for each quartile. These were summed to give an overall figure. Annual statistics for the HRA are not available and therefore seasonal variation was not accounted for. The estimated provided a low, mid and high figure with the mid-point figure used in this report. The full range suggests an indicative annual estimate of 970 (low), 1960 (mid) and 5190 (high) households.

<sup>35</sup> See Main Duty Tables:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/764277/Main\\_duty\\_tables.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764277/Main_duty_tables.xlsx)

Currently women in paid employment, whose income is at a level where they are ineligible for housing benefit, face significant barriers to accessing refuges. They are required to pay rent to cover their housing costs within refuge accommodation, which they often cannot afford. Working women are therefore often required to give up employment in order to be able to claim benefits, which can cover the costs of rent in refuge so they can access safety. In situations where women are safe to continue working whilst living in refuge, this creates a situation of perverse incentives where women are faced with the “choice” of keeping their jobs and staying with an abuser, or leaving and becoming unemployed. The government should consider what further funding measures are required to ensure that working women do not have to give up work in order to cover the costs of their rent within refuge.

Survivors who are homeowners also face significant legal barriers to regaining a safe home after escaping domestic abuse. Many homeowners are unable to access legal aid to apply for an Occupation Order which would enable them to return home safely due to the arbitrary conditions of the means test. Similarly, many also need their property to be divided through financial proceedings and are unable to access legal representation. These survivors find their options are closed-down: either they try to navigate complex, traumatic legal proceedings, which can last for over a year, and face the abuser in court unsupported or continue to be excluded from their home and remain economically tied to the abuser. Survivors also find that the practices of mortgage lenders facilitate economic abuse and that professionals such as mortgage advisers, estate agents and conveyancers are not equipped to support them safely. Too often we hear from survivors that the abuser interfered with their mortgage, in the worst cases leading to repossession. MHCLG identified that 64% of households in England are owner-occupiers, so it is likely that the majority of survivors fall into this tenure. As part of the ‘whole housing’ approach, of which privately owned housing is one strand, we recommend that these issues are addressed and work is done with stakeholders such as banks and building societies. The importance of such work was discussed at a roundtable facilitated by the Home Office which was attended by members of the Surviving Economic Abuse Experts by Experience Group who have first-hand experience of economic abuse in relation to homeownership. The findings of the roundtable are detailed in SEA’s report.<sup>40</sup> Survivors can stay in refuges for several years whilst addressing these barriers and can ultimately still lose their homes.

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<sup>40</sup> Surviving Economic Abuse (2018) ‘Economic abuse is your past, present and future’: A report on the practical barriers women face in rebuilding their lives after domestic violence. [https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report\\_FINAL-1.pdf](https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf)