

The Chartered Institute of Housing's submission to the Department for Levelling Up Housing and Communities (DLUHC) consultation on local connection requirements on social housing for victims of domestic abuse

Initial comment

Chartered Institute of Housing (CIH) welcomes the opportunity to submit evidence on this important consultation topic regarding local connection requirements on social housing for victims of domestic abuse.

Housing is a primary barrier for women attempting to leave abusers. In the 2000 Women's Aid [Hidden Housing Crisis](#) research, 70 per cent of women said their housing situation and concerns about future housing, including fears of homelessness or lack of safe housing, prevented them from leaving an abuser. This forces survivors, including children, to remain living in dangerous and traumatic situations. Domestic abuse is currently the second most common reason for households approaching English councils for homeless relief as shown in [DLUHC's official statistics release](#).

Survivors (including children) who flee their home and local area to become safe from domestic abuse can face substantial barriers in accessing safety and housing stability in a new local area. This includes local authorities who continue to apply a local connection test when allocating social housing which leads to the disqualification of a significant proportion of survivors fleeing to a new area. As we will explain in more detail in our response to specific consultation questions, we believe that the government should ensure through regulations that victims of domestic abuse are exempt from local connection and residency requirements. It is important to acknowledge however, that even when residency and local connection test are not applied to survivors of domestic abuse, they may still struggle to be given priority banding and must 'compete' with many other vulnerable individuals. This forces many survivors into uncertain and often inappropriate and even unsafe temporary accommodation, unaffordable private rented sector (PRS) accommodation or even having to return to their abuser. These issues are inextricably linked to the catastrophic decline in social housing over recent decades which means that we simply do not have enough social housing for those who need it most.

CIH is part of the [National Housing and Domestic Abuse Policy and Practice Group](#) (the National Group) led by the [Domestic Abuse Housing Alliance](#) (DAHA). The National Group worked together to develop the [Whole Housing Approach](#) to domestic abuse. This is a local approach that brings housing and specialist domestic

abuse services together to provide a range of safety and support options for survivors in any tenure type or housing circumstances to address their housing and safety needs. The National Group has submitted its own response to the consultation which is underpinned by consultation with a wide range of partners. As well as being part of National Group response CIH are also submitting our own responses to several of the consultation questions. We would be happy to discuss any elements of this submission further with you.

CIH response to consultation questions

Q2) The government proposes to make regulations to require local authorities to ensure that domestic abuse victims are exempt from any local connection or residency requirements as part of their qualification criteria for applicants for social housing. Do you agree?

Yes, we agree that the government should make regulations to require local authorities to ensure that domestic abuse victims are exempt from any local connection or residency requirements as part of their qualification criteria for applicants of social housing.

We are aware that there is a vast disparity in how and if local authorities apply the current code of guidance regarding local connections for victims of domestic abuse. In line with the National Group, we would recommended that this should apply to all survivors of violence against women and girls (VAWG), particularly as those who are fleeing sexual abuse, so-called 'honour-based violence' and forced marriage, stalking and gang violence, are just as likely to be at risk of further abuse within their local area and need to access safe alternative accommodation in an area where they may have no local connections.

We consider that the Regulator of Social Housing has an important role in ensuring that these new regulations are implemented and acting if they are not. This is very much in line with the evolving move towards a stronger, more proactive consumer regulatory regime and strengthening the formal standards against which landlords are regulated as outlined in the [Social Housing White Paper](#). Without active regulation of how local authorities implement the requirement to exempt survivors from the local connection test, it will fall to survivors to first understand their housing rights and options and then to contest the local authority's decision and take legal action against them. This places an unacceptable burden on survivors who may not be able to take on this responsibility and may also face difficulties accessing legal aid for legal advice and support.

Local authorities will require adequate guidance regarding how the regulations should be implemented and the identification of survivors of domestic abuse, and this must be supported by wider staff learning and development. In line with the National

Group recommendations, we support ensuring that allocations management systems clearly identify and tag applications for survivors of domestic abuse, particularly as they may be presenting as homeless for a myriad of reasons and have many vulnerabilities where domestic abuse may not be their presenting issue. Information sharing between housing teams, organisations, and local authorities, where survivors may first present as homeless and then sign on to a housing register, must ensure that the initial evidence of abuse can be re-utilised instead of requiring survivors to undergo the burden of repeating their experience of domestic abuse again. Housing providers who achieve [DAHA accreditation](#) are required to ensure that all staff across the entirety of housing organisations and teams, including allocations, are provided with the policies, procedures, training, and professional development to support survivors of domestic abuse presenting at any stage in their housing process. We advise that the government recommend housing providers to equip all housing staff and teams to identify and respond effectively to survivors of domestic abuse across their organisation, including allocations.

We know that even where survivors are accepted for allocations of social housing, and a local connection test is not applied, they will often 'compete' with many others for a high priority banding, due to the shortage of social housing. As a result, survivors remain on waiting lists for extended periods of time. This leaves many survivors, including children, in uncertain and unsafe temporary accommodation for long periods of time and can force many survivors into unaffordable PRS accommodation or even having to return to their abuser. By accepting accommodation in the PRS, survivors are often forced to give up their secure tenancy status and/or give up their positions on priority waiting lists for social housing. This is not acceptable.

For domestic abuse survivors (and many others) PRS accommodation is often completely unaffordable. A succession of different welfare policies and cuts introduced since 2010 have undermined many low-income households' ability to access a decent, affordable place they can call home and with the rising cost of living crisis this situation is set to become even more desperate. As a broader point government should carry out a review of the relationship between housing and welfare policy, to properly consider the cumulative effect of these cuts. However, more immediately and in the context of this consultation, the benefit cap must be addressed as it often makes the cost of living in the PRS impossible to meet for domestic abuse survivors, particularly for women with children. CIH is opposed to the benefit cap and believes it should be abolished as, in our view, it is not achieving its aims and is generating a range of perverse consequences. We would like to draw government attention to a [briefing paper and a proposed amendment CIH suggested in 2020](#) to provide survivors with relief from the benefit cap designed to introduce a new exception from the cap for domestic abuse survivors.

Additionally, single people under 35 who claim universal credit are only entitled to the shared accommodation rate of local housing allowance. Domestic abuse survivors will be exempt from this at the end of the year, but until then, survivors under 35 without children who cannot access social housing are limited to finding shared accommodation in the PRS. This is not suitable for many survivors who have experienced ongoing trauma and abuse and might not feel safe sharing accommodation with people they do not know, in an environment that has not been specifically developed to meet the safety needs and protect the emotional wellbeing of survivors. For young and vulnerable survivors fleeing so called 'honour-based violence' and forced marriage from a considerably young age, living in shared accommodation does not provide them with the specialist support and additional safety considerations they require. We recommend that the exemption is brought forward and includes all victims of all forms of violence against women and girls (VAWG).

Q5) Do respondents agree that local connection should be defined by reference to Section 199 of the Housing Act 1996?

We support Shelter's recommendation that if it is necessary to define local connection for the purposes of this consultation, the definition in section 199 of the Housing Act 1996 is a workable one. However, the proposals in this consultation should have the effect of exemption for survivors of domestic abuse (and other forms of violence and abuse) from any kind of residency requirement, however defined. It does not seem to be necessary to define the condition to exclude it. The reference to residence conditions in the proposed regulations should be in the most general terms, so that such restrictions, however expressed, are disapplied in these cases.

Q6) Do respondents consider that exemptions of local connection or residency tests for domestic abuse victims should be time limited? If so, what length of time is appropriate, when should the period begin, and who should make that assessment?

No, we do not consider that exemptions of local connection or resident tests for domestic abuse victims should be time limited as this does not reflect the nature and long-term impact of domestic abuse on survivors. As recognised within the statutory definition of domestic abuse as set out in the Domestic Abuse Act 2021, domestic abuse often continues within the circumstances of post separation, including various forms of coercive and controlling behaviour and economic abuse. Front line housing staff will then be tasked with defining when the abuse has 'begun' or 'ends' which is not a straightforward task. Additionally, survivors may be given the burden of evidencing the ongoing nature of the abuse where it is not physical. Although domestic abuse may have 'ended' due to the survivor's geographical separation from the perpetrator, if the local connection were denied and the survivor was forced to return to her local area, it may be highly likely that she will be placed again at a significant risk of harm. For many survivors of domestic abuse, the risk of harm

presented by their perpetrator never ends but can only be mitigated against through distance and safety measures.

Q7) Alternatively, do respondents consider, instead of having a time limited exemption, that we should provide for ensuring exemptions from local connection or residency tests apply where the need to move to a new area relates to reasons connected with domestic abuse?

Yes, we believe this is a better approach to a time limitation. We recommend that this should be in line with, and no more burdensome or extensive than, the recommendations for evidencing domestic abuse for homelessness applications as outlined in Chapter 21 of the Homelessness Code of Guidance. To reduce the burden on survivors to repeatedly evidence their experiences of domestic abuse, we also recommend that these enquiries should not be made again if the applicant has already applied as homeless to the same or a different authority because of domestic abuse.

We recommend that the government use statutory guidance to advise local authorities that the survivor should not have to repeatedly evidence their experience of domestic abuse, and that there should not be a time limitation to when this evidence can be used. We also recommend that the government advise local authority areas to put effective systems and agreements in place to share information within and across local areas, and across organisations, so that we reduce the retraumatising and exhausting burden on survivors who are otherwise forced to repeatedly gather and share evidence with multiple professionals across the same and different organisations.

Q8) Do respondents agree that the proposed exemption to local connection and residency tests should extend to social housing applications made in England where the victim has fled from elsewhere in the UK?

Yes, survivors of domestic abuse should be able to flee to and from any area of the UK to escape domestic abuse. Due to the limitations of refuge spaces, particularly specialist refuges, many survivors are forced to flee a significant distance from their local area to access support, sometimes even elsewhere in the UK. Survivors also may be required to flee to elsewhere in the UK because of the high risk of ongoing abuse. Additionally, some survivors may purposefully flee to other UK countries because of family, friends, or other support networks within those countries.

Q9) Do respondents agree that the proposed exemption from local connection and residency tests should be applied to domestic abuse victims in privately rented accommodation, privately owned housing, and temporary accommodation? If not, please explain why

Yes, we believe that the proposed exemption for local connection and residency tests should be applied to domestic abuse victims in privately rented accommodation, privately owned housing, and temporary accommodation, as well as social housing. We additionally recommend that the proposed exemption for local connection and residency tests should be applied to survivors who are rough sleeping and experiencing long-term homelessness, who may not have a specific form of accommodation from which they are fleeing. The emphasis must be on the safety of the survivor, and not on the nature of their interest in the property where they have experienced abuse.

Q13) Are there any barriers that prevents neighbouring local authorities from working together to support domestic abuse victims and their families applying for social housing outside their area?

Due to significant shortages in social housing in many areas, local authorities often cannot respond to local demand, which can mean that allocation teams are reluctant to accept people from outside the area, or to give them priority over local people in need of social housing. The lack of social housing is a very much at the core of this issue. The National Housing Federation's [People in Housing Need](#) report in 2021 stated the number of people in need of social housing in England has now reached 4.2 million. This equates to 1.6 million households - 500,000 more than the 1.1 million households recorded on official waiting lists. Long-term, sustained investment in social housing is the only way to change this.

Due to the shortage of social housing stock, local authorities are also more likely to discharge their housing duty into the PRS, regardless of whether the survivor had a social tenancy before applying as homeless, which is disproportionately inaccessible and unaffordable for survivors of domestic abuse for the reasons outlined in response to Q2.

One of the solutions to this issue for survivors who previously had a social tenancy is outlined within the Whole Housing Approach: Managed Reciprocal Schemes. [Managed Reciprocal Schemes](#) enable survivors who had a social tenancy to relocate across local authority boundaries and keep a social tenancy in circumstances where the local authority does not have the necessary social housing stock to provide social housing. This is based on the Pan-London Housing Reciprocal scheme coordinated by Safer London. Managed Reciprocal Schemes are coordinated by an external agency that keeps track of moves for each social landlord taking part. This is crucial to provide transparency, fairness, and trust, so that local authorities and housing

associations taking part in a reciprocal scheme can see those allocations for victims/survivors from outside the area are proportionate. In the absence of a Managed Reciprocal Scheme, survivors who had a social tenancy are dependent on their landlord to build informal links with neighbouring local authorities or housing associations to arrange emergency transfers or reciprocal moves. This can be inconsistent and dependent on social housing stock being available, which again can take a long time.

Managed Reciprocals are only for survivors who already have a social tenancy, so there needs to be other systems in place to enable neighbouring local authorities to rehouse survivors into social housing where they did not have a social tenancy before. Government should recommend that local authorities put these systems in place to ensure a consistent and fair approach. Areas that have county-wide, or regional choice-based lettings schemes can utilise them to support survivors to access social housing in a neighbouring area, but again, waiting times can still be long, and it is important to ensure that the process is safe, and survivors are linked in with specialist domestic abuse support in the new area.

We recommend the government should more strongly advise through guidance, that neighbouring local authorities work together to provide social housing for survivors, through solutions such as Managed Reciprocal Schemes and other systems that include those who do not already have a social tenancy.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

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