

CIH Response to the consultation on the delivery of support to victims and their children in accommodation-based domestic abuse services



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Summary

CIH welcomes the opportunity to respond to the MHCLG consultation on delivery of support to survivors of abuse and their children in accommodation-based domestic abuse services. Supporting access to secure, decent and affordable accommodation-based support services will play a crucial role in the government delivering on its pledge to act to prevent domestic abuse and support survivors to leave their partners.

Currently several different statutory guidance documents set out Government's expectations on local authorities' responses to people seeking housing assistance due to domestic abuse. CIH supports the principle of MHCLG's proposal to place a duty on tier one local authorities to assess the demand and supply of such services and commission existing or new services to meet the assessed demand. However, we believe Government can strengthen these proposals further by enshrining the following in law:

- 1) The exemption of survivors of domestic abuse from residency requirements.
- 2) The automatic deeming of those living in crisis accommodation, such as refuges, as statutorily homeless.
- 3) Placing a duty upon social housing providers to publish and implement a policy on working with survivors of domestic abuse similar to the duty to publish anti-social behaviour policies and procedures (*Anti-Social Behaviour Act 2003 S.12*)

CIH broadly supports the proposals being made and believes they will be a significant step forward towards ensuring that persons fleeing domestic abuse are adequately

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accommodated and supported in the decisions they make about their lives; whether this be leaving an abusive relationship, remaining in their home or any other option. Our responses to the specific questions follow.

Question 1. Definition of ‘accommodation-based services’

Whilst CIH agrees with the need to define ‘domestic abuse services’ clearly, we think that the current definition is not clear enough and too broadly drawn to be effective. CIH supports the National Domestic Abuse Policy and Practice Group, Domestic Abuse Housing Alliance and Crisis call for a ‘whole housing’ approach to services for people suffering domestic abuse. The ‘whole housing approach’ means making the full suite of housing options available to survivors. This must include solutions for people living in owner-occupation, private rented housing and the social housing sector. CIH agrees that the definitions should be amended as follows.

Refuge Services

MHCLG already part funds ‘Routes to Support’ (run by Women’s Aid) which contains the only formal definition of ‘refuge services’. CIH recommends using this definition as a basis for the proposed model.

The ‘planned programme’ is clearly defined and provides a framework for delivering holistic support in safe and secure environments, within a multi-agency response. This definition includes shared houses, self-contained and dispersed accommodation – a combination of accommodation and support types that can provide services to women and children with additional support needs or where dispersed accommodation is the only option, for example, in rural areas.

Other ‘accommodation based’ services

‘Sanctuary/target hardening schemes’ – We are concerned that the inclusion of ‘sanctuary’ or ‘target hardening’ schemes would place homes in the owner-occupied and private-rented sector within the scope of the definition. This might have unintended consequences dependent on the related regulations proposed. For example, a home in the private rented or owner-occupied sector may be subject to regulation around health and safety were it to be included as an ‘accommodation-based service’. Sanctuary schemes and other target-hardening measures are not in and of themselves a ‘service’ but a tool that can be used in conjunction with other community-based services e.g. outreach or floating support.

‘Emergency/temporary/respite services’ – whilst we understand that MHCLG may intend this to refer to very short term accommodation (for example, for only a few days) that provides a safe environment in which to make decisions about the future, we are

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concerned that as currently defined these services might not necessarily be specialist domestic abuse services – particularly as they would be providing services to survivors when they will be at their most vulnerable. We therefore think that if such services are to be included, further consultation is needed to ensure they are the specialist provision that it clearly required at this point.

Move-on accommodation – Whilst we are supportive of the Government’s ambition to provide a range of services to persons fleeing domestic abuse, improved emergency and move on accommodation will mean little if there continues to be a lack of truly affordable ‘social’ housing that offers a permanent solution to the housing needs of survivors of domestic abuse. There must be a clear pathway into permanent accommodation for people fleeing harassment and abuse and this means not only providing for emergency situations but also MHCLG making a significant and ongoing commitment to funding new homes at the lowest ‘social’ rents.

Question 2. Are there any other services, other than those listed, that you would define as an accommodation-based service?

There are no other such services. Please see above.

Question 3. Definition of ‘support’

CIH believes that the definition of support is currently very widely drawn. We think there is a case for separating ‘support’ into schemes where service users leave their home and live elsewhere and services which are delivered in their own home (similar to the separation of accommodation-based and floating support under the Supporting People programme [see DETR, 2001¹]). This would allow floating support, therapeutic support for survivors and their children, counselling and other community-based interventions to fall outside the definition of ‘accommodation-based’. Whilst we appreciate the need for a clear, broad definition of support, we would not like to see a situation where potentially effective interventions were ruled out of scope for funding as they did not meet the definition precisely. Research has shown this happened under the Supporting People programme with valuable group sessions falling beyond the scope of funding as these could not be assigned to an individual (see [Irving-Clarke, 2016](#), pp.192).

We would like to see further detail regarding how the definition given relates to the allocation of funding. Whilst we would like to see the link between individual right to claim and funding maintained, the cost of living in refuge accommodation should not be prohibitive to those who work and therefore do not qualify for means-tested benefits.

¹ DETR (2001) *Supporting People: Policy into Practice*, HMSO, London

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We are also interested in how this definition will intersect with the definition of homelessness and the attendant duties e.g. will there be a separate pathway into domestic abuse services? At present the 'homelessness' pathway is the main route into refuge accommodation.

CIH strongly advocates that this does not happen. Any system that circumvents the statutory homelessness system would mean losing valuable insight into a large part of the homelessness picture. We therefore suggest that a new pathway for those suffering domestic abuse be incorporated into the Homelessness Reduction Act framework including the housing needs assessment and personalised housing plan elements. This would also ensure that data about homelessness and domestic abuse would continue to be recorded within the Homelessness Case Level Information Classification (H-CLIC) data.

Case law precedent has clarified that crisis accommodation (such as refuges) should not fall within the definition of 'accommodation' for the purposes of deciding if accommodation is available when determining homelessness (*Housing Act 1996 s175*). This position was made clear in [Birmingham v Ali and Moran v Manchester \[2009\] UKHL 36](#) where Baroness Hale (citing Women's Aid Federation of England and Wales at paragraph 43) highlighted that,

"a refuge is not simply crisis intervention for a few nights. It is a safe haven in which to find peace and support. But it is not a place to live. There are rules which are necessary for the protection of residents but make it impossible to live a normal family life. It is a place to gather one's strength and one's thoughts and to decide what to do with one's life".

Moran v Manchester confirmed that short term crisis-type accommodation, such as women's refuges, direct access hostels and night shelters, should not be considered accommodation that is reasonable to continue to occupy in the medium and long term. The judgment held that, since refuges were not reasonable for women to continue to occupy indefinitely, they did not need to decide whether refuges were accommodation within the meaning of section 175 *Housing Act 1996*. It is CIH's view that, in order to adequately incorporate this programme of funded services into existing frameworks, government should ensure survivors of Domestic Abuse are adequately prioritised in relevant legislation. This includes ensuring all survivors of domestic abuse are considered to be in automatic priority need for homelessness purposes.

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Question 4. Do you define an accommodation-based service not listed here as ‘support’?

We are not aware of such services. As stated, we think that ‘sanctuary’ and other target-hardening services would be better defined as ‘support’.

Question 5. Introduction of a Statutory Duty and Statutory Guidance

CIH broadly agrees with the introduction of a statutory duty for tier 1 authorities accompanied by statutory guidance.

Question 6. Placing a statutory duty with tier 1 councils

CIH broadly agrees that tier 1 councils should hold the statutory duty. We think the case for this is strong as they already hold a statutory duty in several closely related policy areas e.g. health, children’s and adult’s services, education, safeguarding and health and well-being; and are ideally placed to link these up. We are mindful, however, that the quality of commissioning and service provision is often subject to the quality of relationships between tier 1 and tier 2 authorities (and inter-relationships between tier 2 authorities). It would be useful to have clarity on what measures would be in place to manage conflict or mediate between parties where relationships are poor or there is disagreement; even where relationships are otherwise strong.

Question 7. Placing a duty to co-operate on tier 2 authorities

Whilst we support placing a duty to co-operate on tier 2 authorities, we think that tier 1 and tier 2 authorities should be mandated members of the proposed partnership boards with wider membership built upon this basis. We also question whether tier 2 authorities should be able to nominate a single representative as currently proposed. We think it is essential that all local authority partners are represented when making decisions about commissioning and/or decommissioning services. Research into the Supporting People programme (Audit Commission 2009²; [Irving-Clarke, 2016](#)) found that joint working in London was particularly well developed as the Greater London Authority (GLA) took responsibility for coordinating a joint approach and boroughs were prepared to pool funds where it was practical to do so. We therefore think that the approach of tier 1 authorities leading, and mandated attendance and cooperation of tier 2 authorities is the right one, given that tier 2 authorities are responsible for housing and local planning.

We also think that the partnership boards should be constituted in such a way that encourages and incentivises cross-authority working and allows the flexibility for

² Audit Commission (2009) *Supporting People Programme 2005-2009*, Audit Commission London

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partnership boards to both meet local requirements but also participate effectively in wider sub-regional planning and delivery of services.

Question 8. Representation on partnership boards

CIH agrees with the membership representation set out in the consultation. However, we would like to see housing and homelessness directors mandated to participate in partnership boards. We would also recommend that the terms of reference for boards be drawn broadly to allow individual boards to co-opt members as they see fit and necessary in meeting their duty.

Question 9. Existing structures

Whilst CIH agrees with the proposal for a partnership board to oversee the commissioning and development of domestic abuse services, we are concerned that the convening of such bodies is becoming a standard policy response and will lead to a proliferation of such boards across tier 1 authorities. Safeguarding boards, health and well-being boards and homelessness boards already exist, and we therefore agree with the proposal to allow tier 1 authorities the flexibility to decide where the duty best sits within their own local contexts. We also think there are other local partnership arrangements e.g. Multi-Agency Risk Assessment Conferences (MARACs) that may be well placed to carry out the proposed tasks. Early reporting from [H-CLIC](#) data shows that the homelessness is a key pathway into domestic abuse services. We therefore think that Homelessness Reduction Boards may be best placed to discharge these duties with support from tier 1 authorities and other partners. We are also mindful that the homelessness and housing duty currently lies with tier 2 authorities. We therefore support the proposal to allow flexibility to devolve responsibility for the new duty to this level whilst retaining accountability at tier 1.

In line with this, the *Homelessness Act 2002* places a duty on tier 2 and unitary authorities to have a specific homelessness strategy in place. We suggest that these could be reviewed to include the new duties. We would also like to see a requirement for tier 2 authorities to provide strategic level information to the board at tier 1.

Whilst we support the convening of partnership boards and agree with the proposed flexibility to make them suitable to local circumstances, this would lead to differential local responses. Although this is inevitable, we would also like to see some oversight of these arrangements to ensure consistency in quality and service provision.

Question 11. Duty to convene a local partnership board

CIH welcomes the duty to convene a local partnership board as an important step in ensuring the needs of women, children and other people suffering domestic abuse are

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met and delivering the new duty. We also think it is vital that any new partnership arrangement is adequately resourced (especially following the removal of the Supporting People ringfence in 2010 and the reductions in local authority funding that followed); and is part of a wider strategic framework for delivering local governance.

However, such a duty does not guarantee the right of people who have fled domestic abuse to access to a safe and secure home in which to rebuild their lives.

Question 12. Role and remit of Local Partnership Boards

CIH agrees with the role and remit of Local Partnerships Boards as being responsible and accountable bodies in delivering the new duty to assess need, plan and deliver strategy, commission services and report on outcomes. However, the role of boards must extend beyond 'accommodation-based services' to ensure there is sufficient oversight of a wide range of services including support for survivors to stay in their own homes and work with perpetrators of abuse also.

Question 13. Assessing the need for services

CIH agrees with the role of Local Partnership Boards in assessing the need for services. Robust needs assessments will be essential in ensuring that appropriate services are commissioned and demand for such services met.

We are concerned, however, that an approach assessing need that relies on prevalence data alone will not be accurate or robust given that domestic abuse is currently underreported. We therefore think that using the expertise of local services is critical in ensuring a robust and accurate analysis of need. Also, given the inextricable links between domestic abuse and homelessness, any assessment of need must link explicitly to local assessments of need for homelessness services and include:

- The number of people made homeless because of domestic abuse
- The number of such people found not to be in 'priority need'
- The number of survivors in temporary accommodation and how long they have been there

We also think that whilst local needs assessment will be essential, it is important that there is collation of data at a national level and that this is made available to boards to assist them with planning. [Quilgars and Pleace \(2010\)](#) found that 70 per cent of all refuge referrals come from outside the local authority area in which the service is located and it is important that this is captured and used to inform planning. It is essential that standardised needs assessments at local and national level are used to inform planning and resources.

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Question 14. Developing local strategies

CIH agrees strongly with Local Partnership Boards developing local strategies. This will be essential to planning and delivering a robust strategy that assesses, plans and delivers services by setting out a clear local vision, aims and priorities. It is vital that these local strategies are accompanied by sustained and adequate funding and strong accountability processes to ensure that aims are delivered.

We also think that, given the inextricable links between housing, homelessness, rough sleeping and domestic abuse, the government should consider how the strategies in these areas can be joined up to ensure an effective 'whole housing' approach to domestic abuse that also includes permanent accommodation.

Question 15.

Please see responses to questions 6 and 7.

Question 18. Standardised Needs Assessments

CIH agrees there is value in a standardised needs assessment for local authorities. This must be developed in partnership with them and reflect the need for cross-authority working and the needs of distinct groups within service provision e.g. black and minority ethnic women and children. A standardised assessment of need would help ensure a consistent approach from partnership boards and should be aligned to homelessness/rough sleeping strategies and informed by local specialist services (see also response to Q.13).

Question 19. How often should the assessment be conducted?

We think that the needs assessment should be formally reviewed by MHCLG every 5 years, together with internal annual reviews to ensure it remains relevant. This mechanism was used under the Supporting People programme (DETR, 2001³) and proved successful.

We also think that any significant change could trigger a review or a new assessment to be carried out. The conducting of annual reviews should be included in any monitoring framework; these assessments must include an explicit link with homelessness strategies.

Question 20. Do you agree with partnership boards making commissioning decisions in partnership with tier 2 authorities?

Yes, we broadly agree with this approach.

³ DETR (2001) *Supporting People: Policy into Practice*, HMSO, London

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Question 21. Do you agree that standardised reporting would promote accountability and transparency?

CIH agrees strongly with the need for a robust monitoring/quality assurance framework and that this should be outcomes focussed. This is because it would help ensure greater transparency and ensure that local services are meeting agreed standards.

In agreeing strongly with the need for robust, quality monitoring and supporting the proposal for well thought out regulation, we also caution Government to think carefully before imposing burdensome regulation and consider the increased resource implications for both providers and local authorities before doing so. We think that there is great value in well thought out, consistent monitoring but those assessing service quality services must have the adequate training and resources to ensure this is done effectively.

Evidence shows that this approach does promote accountability and transparency and we would point to the monitoring systems implemented as part of the Supporting People programme. This had several component parts. Firstly, providers that were not local authorities were required to be accredited by administering authorities to ensure they were financially viable and met requirements across a number of policy areas e.g. health and safety and equality and diversity. Audit Commission ([2005](#)) found that whilst providers accepted the necessity of this monitoring, they felt that risk was disproportionately loaded onto them. These assessments were carried out by administering authorities who firstly ignored regulatory judgments by the Housing Corporation (now Regulator for Social Housing) and did not use the 'passporting' that would have enabled them to use accreditation in one area as a passport, thereby negating the need for a second, third (or more) assessment. This duplication was found to have cost local authorities considerable time and money ([Audit Commission, 2005](#)).

The Quality Assessment Framework implemented as part of the Supporting People programme was popular with providers who were able to show the quality and effectiveness of the services they provided ([Audit Commission 2005](#); 2009⁴, [Irving-Clarke, 2016](#)). [Irving-Clarke \(2016\)](#) found that providers reported that they were expected to deliver far more in terms of service quality and place service users at the centre of service development; and that this led to "*safer, higher quality services*" (pp.250). However, consistency in implementation of the standards between local authorities was found to be an issue, manifesting itself in inconsistent demands for

⁴ Audit Commission (2009) *Supporting People Programme 2005-2009*, Audit Commission, London

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information, high cost regulation for organisations providing low-cost services (lack of proportionality) and inconsistent application of the quality standards.

We recommend that funding be allocated to meet the additional costs for local authorities and providers in meeting new monitoring and regulatory requirements. We also recommend that, in developing this framework, government pay due heed to existing frameworks that could inform their approach e.g. Women's Aid Quality Standards/DAHA Accreditation standards.

Question 22: Do you agree with the reporting themes suggested?

CIH broadly agrees with the reporting themes suggested. Evidence that local strategies are in place, working effectively and that needs assessment is adequate provide common sense and proportionate indicators. Evidence that commissioning decisions have been informed by needs assessments is essential, particularly as this was a key criticism of Supporting People (Robson Rhodes, 2004⁵; [Audit Commission, 2005](#)). We also agree that impact should be monitored via KPIs such as those suggested. In saying this, it has taken many years to lobby and obtain a robust monitoring framework for homeless households, the Combined Homelessness and Information Network (CHAIN) in London notwithstanding. We therefore also think that in welcoming such a framework for those fleeing domestic abuse, there is an opportunity to link this with the H-CLIC framework to ensure robustness and accuracy are maintained across the sector. We think this is especially important as homelessness services are a key point of entry into DV services (see H-CLIC data).

We also agree strongly with the need to ensure that people in marginalised groups e.g. people with disabilities, Black and Minority Ethnic (BAME), Lesbian Gay Bisexual and Transgendered (LGBT+) people are adequately provided for. CIH very much agrees with the assertion made in the consultation document (pp.10) (and elsewhere e.g. Henderson, 2019) that domestic abuse is a heavily gendered crime that disproportionately affects women and children. We would also like to see 'older people' included as specific group within the consultation.

We agree strongly that domestic abuse has a strong intersectional aspect and that the groups named above (and in the consultation) can have unique experiences of abuse because of a confluence of these factors. There was an effort within the Supporting People programme (DETR, 2001⁶) to protect services for older people and BAME people (who were seen to be at risk) and encourage cross-authority commissioning to

⁵ Robson Rhodes (2004) *Review of the Supporting People Programme*, Robson Rhodes, London

⁶ DETR (2001) *Supporting People: Policy into Practice*, HMSO, London

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protect domestic abuse services. The Audit Commission ([2005](#); 2009⁷) found that this had not always occurred, we therefore think that, initially at least, this should be an area of particular focus.

In addition to the proposed themes suggested, we also suggest that government look at the 'accreditation' system used under the Supporting People programme (discussed above in question 21).

Question 23: Do you agree with the role and remit of the National Steering Group?

CIH agrees in principle with the need for a national steering group. We welcome the proposed cross-departmental representation to ensure there is a strategic and coordinated approach across government. We also welcome the initial focus on meeting the needs of all survivors on both a national and local basis, and the focus on marginalised, groups as this has been a shortcoming in the past (see above).

We support the National Housing and Domestic Abuse Policy and Practice Group proposal that the government adopt the Imkaan and Women's Aid ([2018](#)) model for a "national oversight mechanism" designed to ensure a mainly local system of funding and commissioning underpinned by national oversight.

This national oversight mechanism would: hold the responsibility for undertaking a national needs assessment to feed into a standardised local needs assessment; 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; have rigorous oversight of the monitoring framework for 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, LGBT victims or people of faith, and their children. We are not assured that this will be enough to safeguard the specialist 'by and for' BME led services which continue to be disproportionately impacted by local cuts and poor commissioning decisions. The national oversight mechanism should deliver a national

⁷ Audit Commission (2009) *Supporting People Programme 2005-2009*, Audit Commission, London

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needs assessment and national ring-fenced funding for 'by and for' BME led services and others with protected characteristics.

The needs of survivors who are homeless or have complex needs, and how well these are being addressed, should also be a standing item for the National Steering Group to review.

Question 24: Do you agree with the proposed representation on the National Steering Group?

CIH broadly agrees with the proposed representation on the national steering group. We also welcome the creation of a specific 'Domestic Abuse Commissioner', that the group will be chaired by an MHCLG minister and particularly that it will have cross-governmental representation. As with our response to question 8 (on local steering groups), we recommend a high degree of flexibility in the membership of this group that allows specialists to be co-opted should a specific issue arise, and their expertise needed.

We recommend that the national steering group includes representation from across government departments that come into contact with adults and children experiencing domestic abuse, this includes the Home Office, Ministry of Justice, Department for Work and Pensions, Department for Health and Social Care, the Department for Education and Cabinet Office. We also recommend that consideration be given to representation from academia and leading policy and practice organisations. CIH would welcome the opportunity to act in an advisory capacity.

Question 25: Do you agree with the overall approach of the statutory guidance?

CIH agrees with the overall approach of the statutory guidance. We also welcome the proposal to issue guidance on how it fits with other guidance and legislation in providing housing and support to domestic abuse survivors. We would like to see particularly robust guidance on how this fits in with guidance and legislation on homelessness. We see this as a key area of linkage as many households fleeing DV will access accommodation-based and other services via the homelessness system. We also agree that the proposed system must provide adequate service for the support needs of diverse groups of people. The list stated at point 74 is comprehensive, however we recommend this stays as flexible as possible.

Question 26: What else would you like set out within the guidance?

Alongside the proposed content CIH would like to see the following in the statutory guidance,

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Strategic housing response

CIH would like to see a requirement and guidance on a more strategic response to domestic abuse. Whilst we support the proposals and agree they will make a real difference to survivors of DV we think that the proposals are too reactive in nature and do not do enough to require/encourage a more strategic response to abuse. We would therefore like to see:

- A requirement for a specific link to homelessness strategies given that this is a primary pathway into domestic abuse services
- A requirement for a specific link to housing need strategies to ensure that an adequate supply of suitable, affordable and social housing is being built – women and children escaping domestic abuse will need suitable housing to either go to from the ‘waiting list’ or from refuge/supported accommodation
- A requirement and guidance for local authorities to work with perpetrators to prevent and deal with abuse. This would address the real problem rather than providing a reactive response
- A requirement for specific links to other relevant strategies such as the Joint Strategic Needs Assessment and strategies in education and children’s services for addressing abuse and abusive behaviour

Question 28: Do you think that the proposed policy will help local areas ensure the needs of all survivors and their children can be met?

We think that the proposed policy has the potential to meet these objectives. However, there is much detail to be fleshed out as the consultation progresses and CIH would value the opportunity to be a part of any discussions. In developing the proposals CIH believes that government should pay close attention to previous policy attempts in this area – especially the Supporting People programme due to the similarity between this policy and the current proposal.

Question 29: What more could the government do to ensure the needs of survivors and their children with protected characteristics are supported?

In addition to our answers to the specific questions posed in the consultation, we would also ask MHCLG to consider the following associated issues: the position of survivors of domestic abuse who are single and the proposals for the future funding of supported housing which includes refuge provision.

Survivors of domestic abuse who are people without children

CIH welcomes Government’s commitment to supporting survivors of domestic abuse by improving access to secure, decent and affordable housing. But we believe there is currently insufficient protection in Part VII the Housing Act 1996 for survivors of abuse

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who are single, namely the sections dealing with priority need (section 189 of the Housing Act 1996).

The Homelessness (Priority Need for Accommodation) (England) Order 2002, pursuant to section 189(2) extended the descriptions of people with a priority need for accommodation to include (among others) people who are “*vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out*”. A person who falls into this category does not have an automatic priority need for accommodation, but instead local authorities are required to apply the vulnerability test to determine priority need. The vulnerability test has a notably high threshold and places single survivors of domestic abuse at increased risk of further abuse and a significant risk of ending up rough sleeping.

Research has highlighted the particular link between domestic abuse and female homelessness in the UK, specifically those who have to resort to rough sleeping ([Moss and Singh, 2015](#)). If women fleeing domestic abuse are not found to be in priority need, there is a significant risk that they will return to abusive situations or end up sleeping rough or making some other unsafe arrangement. Female rough sleepers often have underlying mental health problems and histories of complex trauma; research by Crisis ([Sanders and Albenese, 2016](#)) shows that women are more likely than male rough sleepers to be subject to intimidation or threats of abuse. Recent [media coverage](#) has shown ‘sex-for-rent’ to be a serious and growing problem in the private rented sector; an adequate supply of genuinely affordable housing would also prevent already vulnerable women falling further victim to predatory landlords.

By removing the vulnerability test from cases where single people are fleeing abuse, Government has the opportunity to ensure all survivors of domestic abuse are provided with sufficient support to help them leave their abusive partners and limit the detrimental affects their abusive pasts can have on their futures.

The current [homelessness code of guidance](#) (at 11.12 and 11.121) states that women’s refuges should generally be considered as emergency accommodation only and not be used to perform accommodation duties under Part VII *Housing Act 1996*. The [draft homelessness code of guidance](#) (at 21.35) reminds authorities that “*refuges provide key short term, intensive support for those who flee from abuse*” and that they should work with providers to move people on to alternative temporary accommodation in the absence of a more settled option.

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CIH believes that local authorities should always aim for a settled option as the next move from refuge accommodation to avoid additional disruptive and distressing moves for families fleeing abusive situations. However, due to a lack of affordable rented supply in many areas, this is not always possible.

CIH strongly believes that increasing overall supply and availability of genuinely affordable social rented housing will help limit the need for further moves into temporary accommodation, a prospect which can often deter survivors from fleeing their situations and seeking safety and support in a refuge.

We would also ask that Government urgently reviews how welfare policies like the benefit cap may be undermining efforts to assist those living in refuges and other forms of safe temporary accommodation to move into settled housing in the social rented sector.

Supporting survivors in their existing homes

CIH agrees that guidance should encourage local authorities to use their existing powers to support tenants who are the survivors of abuse to stay in their homes if they wish to do so.

CIH believes MHCLG should also encourage local authorities and registered providers to consider making use of the grounds provided in legislation to evict/remove perpetrators of abuse.

For secure tenancies this is either via ground 1 and/or 2A in Schedule 2 of the *Housing Act 1985*. Ground 1 enables a possession order to be granted *where “an obligation of the tenancy has been broken or not performed”*. If local authorities include clauses in their tenancy agreements prohibiting the use of, or threatening the use of, domestic abuse (or indeed any other type of abuse) to anyone legally entitled to occupy the property, they could also seek to evict perpetrators under ground 1. Ground 2a relates specifically to domestic abuse.

For assured tenancies, this falls under ground 14a detailed in the *Housing Act 1988* (as amended by the *Housing Act 1996*) and relates specifically to domestic abuse.

CIH also encourages MHCLG to include information about the use of sanctuary schemes and target hardening measures in any guidance issued. Anecdotally, we understand that providers of domestic abuse services are reporting that, increasingly, women are unwilling to go into refuges as they see the initial move and the necessary subsequent move as stressful and fear also that they will have to stay a long time.

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Sanctuary schemes can provide the type of support needed to make remaining in the home a viable and preferred option in circumstances where survivors require additional security to feel able to do so.

Funding – the Ring-fence

CIH welcomes the lead from Government to ensure that survivors of domestic abuse are prioritised for appropriate housing and relevant support. We also welcome the introduction of ring-fenced funding for provision of support of this kind. The ring-fence on Supporting People funding was found to be a key factor in its many successes (Audit Commission, 2009⁸; Irving-Clarke, 2016). Audit Commission (2009) found that it enabled the programme to “...*punch above its weight*” (pp.23) and was a key variable in ensuring that funding went where it was most needed. The removal of the ring-fence from Supporting People funds and into Local Area Agreement funding coupled with a lack of legislative grounding for the programme meant that cash-strapped local authorities (the post 2008 financial crisis funding cuts were well in progress by this time) transferred funds to areas where they had legal duties. This led to the diminution of the programme to the point where it now barely exists at all. The history of supported living services suggests that duties produce action where permissive powers do not ([Irving-Clarke, 2016](#)). We therefore welcome the combination of both a legal duty to provide services and the ring-fence on funding as a strong basis for services – as long as these are maintained.

Funding – amount and allocation

Detail of how this funding pot will be sized and allocated between authorities would be welcome and we would value the opportunity to comment on this. When the Supporting People programme was introduced in 2003 a major part of the introduction was a year long transitional period used to size and allocate funding to local authorities (see DETR, 2001⁹; [Irving-Clarke, 2016](#)). Whilst this was not perfect, it did provide time and a system for adequately allocating resources. We think it is vital that financial resources for the new system are allocated as accurately as possible in terms of amount and locus. We would like to see a system for funding allocation that takes account of current need but also assessments of future need.

CIH would also like to see MHCLG address the following important questions in their response to the consultation feedback:

- How co-operation will work between counties and districts to sustain refuges, when the statutory responsibility for homelessness lies with districts.

⁸ Audit Commission (2009) *Supporting People Programme 2005-2009*, Audit Commission, London

⁹ DETR (2001) *Supporting People: Policy into Practice*, HMSO, London

CIH Response to the consultation on the delivery of support to victims and their children in accommodation-based domestic abuse services



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- Whether there will be adequate funding in the pot when initially devolved to local authorities, and if/how that pot will be increased in the future to enable provision of new schemes where needed.
- Whether the ring-fence to the fund will/can be maintained in the long term to ensure that it is focused on sustaining existing refuges and developing new provision if needed.