



Minutes of the APPG on Domestic Violence and Abuse Meeting **'Domestic Abuse Act 2021 – two years on, are survivors being deemed in 'as priority need'?'**

Wednesday 19th July 2023, 14:00-15:30

Hybrid Meeting

Chair: Rt Hon Sir Robert Buckland KC MP

The Domestic Abuse Act 2021 aimed to address previously well-evidenced poor responses from local authority housing teams to survivors made homeless due to domestic abuse. It did so by requiring local authorities to give priority need status to these individuals and those who are eligible for assistance in England. This was one of the earliest provisions in the Act to be enacted, coming into force in July 2021.

At the two-year anniversary of this provision, the APPG on Domestic Violence and Abuse met to examine how well it is being implemented across England and what further support is needed for survivors becoming homeless as a result of domestic abuse. The meeting was chaired by Rt Hon Sir Robert Buckland KC MP with Baroness Lister in attendance.

Rt Hon Sir Robert Buckland KC MP

Sir Robert welcomed the attendees and speakers and thanked them for their time. He provided a brief explanation of the provision, remarking that its enactment was warmly welcomed as it removed the need for survivors of domestic abuse to fulfil the “vulnerability test” in order to be considered as ‘in priority need’ when applying for accommodation. Sir Robert highlighted the importance of examining how the provision is being implemented as survivors are still reporting barriers to accessing safe and affordable accommodation. It was noted that the APPG had invited Felicity Buchan MP, Parliamentary Under- Secretary of State for Housing and Homelessness, to speak but unfortunately, she was unable to attend.

Judith Banjoko, Director of Services, Shelter

Judith began her remarks by saying that whilst she welcomed the Domestic Abuse Act (DAA) and the inclusion of survivors of domestic abuse in the priority need provision, it has not brought about the step change that was hoped for, with too many survivors still unable to access the life-saving support that they need.

On the challenges of ensuring effective implementation and practice of the priority need provision, Judith set out that there are many failings at a local authority level. These include council staff lacking awareness of domestic abuse and having a poor understanding of the law. In addition, gatekeeping practices also remain an issue, with housing officers often asking for police corroboration.

Another significant challenge is under-resourced councils. This results in councils not responding to survivors in a timely manner and survivors being unable to access help from the council's homelessness service. Ultimately, this lack of resource is leading to survivors being unable to escape their abuser and access safe housing, with many ending up in unsuitable accommodation.

Judith shared the example of a pregnant survivor that Shelter had worked with who was told to stay with acquaintances despite there being no room and that putting their tenancy at risk. Ignoring the abuse she experienced, the housing officer contacted her ex-partner and suggested that she returned. Another survivor Shelter worked with was offered accommodation in a hostel with all men. Whilst the survivor was seen to be declining help and disengaging, the council failed to recognise her vulnerable situation and history of sexual assault. These examples illustrate the need for a better understanding of domestic abuse and the law.

Turning to migrant survivors of domestic abuse, Judith highlighted that those with insecure immigration status and women with no recourse to public funds are some of the most vulnerable because their immigration status can be deliberately exploited by perpetrators and their access to support is limited. The Domestic Abuse Commissioner (DAC) has set out the immense barriers faced by migrant survivors, which includes those on student, work or visitors' visas or those who are undocumented. These barriers involve the threat of immigration enforcement when reporting abuse, immigration abuse, and a lack of access to funds, which Judith explained is often manipulated by perpetrators to demand custody of children in court.

In terms of solutions, Judith said that the most immediate thing that the Government can do to support survivors is to unfreeze and increase local housing allowance so that more privately rented properties are available to survivors. She explained that until there are more social housing options, many women will continue to rely on the private rented sector, but there are too few properties that are affordable on current housing benefit. Overall, Judith stressed the need to address the housing emergency by the Government building a new generation of genuinely affordable social housing. Simultaneously, better training and a culture change can make a real difference in the support survivors receive.

To support migrant survivors, Judith asserted that the concession scheme for migrant survivors of domestic abuse (the Domestic Violence Rule and Destitution Domestic Violence Concession) must be extended to all migrant survivors with insecure immigration status. Alongside this, a firewall must be implemented between public services, including housing services, and immigration enforcement, to ensure survivors can report safely and access safe housing without the threat of immigration enforcement.

Rt Hon Sir Robert Buckland KC MP

Sir Robert thanked Judith for her contribution and invited Councillor Clive Woodbridge to speak.

Councillor Clive Woodbridge, Deputy Head of the Safer and Stronger Communities Board, Local Government Association (LGA)

Cllr Woodbridge set out the LGA's support for the DAA especially regarding its inclusion of a statutory definition of domestic abuse which recognises economic abuse, the creation of a DAC, and the funding allocated to councils specifically to provide accommodation-based support for survivors.

Cllr Woodbridge also noted the concerns the LGA raised while the Bill was progressing through Parliament, including the focus on accommodation support being provided at the point of crisis. This often places the onus on survivors to leave their home and move into safe accommodation, which is highly disruptive. The LGA assert that there needs to be a greater focus on survivors remaining in their homes and communities when it is safe. The second concern the LGA continues to raise is the need for a greater focus on the prevention of VAWG. Cllr Woodbridge explained this requires increased investment in evidence-based perpetrator programmes, education for children and young people on healthy relationships and adequate funding for councils' youth services and early-intervention children and family services. In the long term, sustainable Government funding and investment is needed across a whole range of services to take a whole system approach to tackling domestic abuse.

To support councils in relation to domestic abuse, the LGA works with council domestic abuse leads to ensure they have a detailed understanding of what the Act requires them to do. They also share best practice and information from both councils and the domestic abuse sector.

Speaking to the impact of Part 4 of the DAA, Cllr Woodbridge said that the £125 million in annual funding provided to councils has created greater stability for services, provided greater security for previously unfunded posts doing vital work and facilitated the expansion of services. He noted that greater clarity on long term funding is needed.

In terms of the challenges faced by councils in providing support for survivors of domestic abuse, Cllr Woodbridge said that councils are reporting increasingly complex needs presenting to them and that the demand for support including refuge services continues to exceed supply despite the increased investment. Again, this emphasises the need for not only additional investment in support services, but investment in early intervention measures as well.

Echoing Judith's earlier point, Cllr Woodbridge stressed that the lack of social and affordable housing is another major challenge faced by councils, as there are limited accommodation options available for people to move on to from safe accommodation. He asserted that whilst councils will always strive for the best outcomes for vulnerable individuals, extreme and growing housing and homelessness pressures means councils are finding it more difficult to provide suitable accommodation than ever before leaving them unable to fulfil their duties to those in priority need.

To resolve these issues, the LGA is calling for a national level focus on homelessness prevention work with associated funding. In the long term, they are also calling on the Government to enable councils to resume their role as a primary builder of affordable homes. Beyond housing, the LGA is calling for a holistic approach towards tackling domestic abuse and for specialist domestic abuse services to receive long term, sustainable funding. Alongside this, the LGA is urging the Government to use the Victims and Prisoners Bill to increase funding for community-based support for victims of domestic abuse. Cllr Woodbridge also called on the Government to listen to what local areas are saying about the need for flexibility in how they deliver on the new Victims and Prisoners Bill duty to avoid cutting across the structures already in place under the DAA.

Rt Hon Sir Robert Buckland KC MP

Sir Robert thanked Cllr Woodbridge for his contribution and welcomed the final speaker, Isabella Lowenthal-Isaacs.

Isabella Lowenthal-Isaacs, Senior Policy and Practice Officer, Women's Aid

Isabella explained that the priority need provision has been introduced alongside a raft of other recent policy and legislative changes to housing and domestic abuse. These include Part 4 of the DAA, which places a statutory duty on local authorities to fund domestic abuse support in safe accommodation. Alongside the priority need provision, Part 4 also enacts a secure tenancies provision.

As well as this, the Government has held two consultations, one on local connection requirements, which is where local authorities place local restrictions on survivors who come from 'out of area' and the other on joint tenancy laws. Isabella explained that this

latter consultation aimed to address the issue where survivors in joint tenancies who wish to remain safely within their own home, are dependent on perpetrators to voluntarily remove themselves from the joint tenancy. When it is unable to achieve this, survivors face significant legal barriers and are often left homeless and face the burden of starting again. Isabella noted that disappointingly the Government has not published responses to these consultations, which Women's Aid and others responded to.

Isabella also noted an inquiry from the Levelling Up Select Committee into exempt accommodation which asserted that the system is in disarray and involves the exploitation of vulnerable people. The inquiry also concluded that unscrupulous providers capitalise on loopholes to make excessive profits paid for by the taxpayer through housing benefit. Isabella relayed that the Committee recommended that housing benefit is only paid to providers that have recognised expertise and meet the standards in Part 4 of the DAA.

Isabella also highlighted the interconnected nature of the various forms of housing available to survivors. She explained that the lack of sustainable funding for specialist refuges results in survivors being forced into harmful forms of temporary accommodation. The significant profits reaped by rogue providers then contribute to the lack of social housing available, hindering the ability of survivors to safely move on.

Regarding the barriers faced in implementing the provisions under the Act, Isabella said that gatekeeping practices and a lack of understanding around the mechanisms of domestic abuse were unfortunately a common theme. Women's Aid consistently hear from survivors and member services who have experienced housing authorities not following the provisions in the Act and associated guidance. This highlights the urgent need for specialist training to be delivered to all practitioners in statutory agencies. Echoing the remarks of Judith, Isabella said that migrant women with insecure immigration status and those with no recourse to public funds are particularly vulnerable as they are not eligible for housing support and can be made destitute by domestic abuse.

Ineffective implementation of the provision fails survivors by forcing them to stay in unsuitable forms of accommodation, Isabelle pointed out that this undermines the effectiveness of wider legislation, with specialist refuges facing funding shortfalls housing significant numbers of women are ready to move on. At worst, ineffective implementation of the provision forces survivors to return to their abuser, a harsh reality intensified by the cost-of-living crisis. As a society we need to capitalise on the critical moments when survivors feel ready to leave their abuser, the continued disparity between guidance and practice at a local level severely undermines this.

Rt Hon Sir Robert Buckland KC MP

Sir Robert thanked Isabella for her contribution and opened the floor for discussion.

Discussion

- Baroness Lister raised concerns that the Government's responses to the consultations on local connection and joint tenancies have still not been published, noting that it has been over a year since the consultations closed. The complexities around joint tenancies law were cited as a reason for the delayed response, however the Government response to the local connection consultation would be welcome.
- Baroness Lister asked for clarification on how benefits are exacerbating housing issues for survivors. It was explained that there is a shortfall caused by the freeze in housing allowance and inadequate housing benefit. It was noted that if the local housing allowance doesn't cover the cost of running specialist services for survivors, refuges are delivering beyond what they are compensated for whereas generic housing providers deliver minimal support.
- On ensuring that accommodation is safe and accessible for LGBTQ+ survivors, speakers emphasised that demand does outstrip capacity and that we need to invest more in prevention and make sure that we get the appropriate funding to specialist domestic abuse services.
- Rt Hon Sir Robert Buckland KC MP remarked that the DAA is a landmark legislation that shows real commitment to survivors of domestic abuse. He reiterated the need to make sure that it is implemented effectively so that survivors are better supported.
- In terms of training housing associations on domestic abuse, Women's Aid's work with the LGA was highlighted, which includes the production of resources that set out the complexities of domestic abuse. There were calls for all professionals working in a statutory agency to be required to read the statutory definition of domestic abuse and receive training that is informed by specialist domestic abuse services, the Domestic Abuse Matters training was cited as a positive example of this.

Sir Robert concluded the session, thanking all speakers and attendees and noted that details of the next meeting of the APPG will be sent out in due course.