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Secure Tenancies (Victims of Domestic Abuse) Bill [HL] 2017-19: analysis of progress

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Summary

The *Secure Tenancies (Victims of Domestic Abuse) Bill 2017-19* will ensure that when provisions in the *Housing and Planning Act 2016* are brought into force requiring local authorities in England to offer only fixed-term tenancies, this will not apply to certain victims of domestic abuse. The Bill addresses a concern raised during the 2016 Act's progress through Parliament that victims of domestic abuse would be less likely to leave their homes if doing so would result in an offer of a tenancy with reduced security of tenure.

Detailed background on changes to 'lifetime' tenancies in the social rented sector can be found in the Library briefing paper: Social housing: the end of 'lifetime' tenancies in England?

During the debate on Second Reading, Lord Bourne of Aberystwyth said:

> This short, targeted Bill is an important part of the Government's wider aim of supporting victims of domestic abuse to leave their abusive situation, and ensuring that they and their families are provided with the stability and security they need and deserve.

The Bill was introduced in the House of Lords on 19 December 2017. The debate on Second Reading took place on 24 January 2018. The Bill was considered and amended in Committee on 6 March 2018. Third Reading took place on 13 March.

The Bill's debate on Second Reading in the Commons took place on 19 March 2018. The Bill was then considered by Public Bill Committee in two sittings on 27 March 2018. No amendments to the Bill were made in Public Bill Committee. The Bill's Report and Third Reading Stages are scheduled to take place on 8 May 2018. All debates on the Bill can be accessed on Parliament's Bill pages.

The Bill has cross-party support and has been welcomed by Women's Aid and other organisations who support victims of domestic violence.

This paper provides background on the Bill and information on amendments and issues raised during its progress through Parliament.

The Ministry of Housing, Communities and Local Government (MHCLG) published a Note of impacts in January 2018. A Lords Library note was published on 5 January 2018 in preparation for the Second Reading debate in the House of Lords.

1. Background

Detailed background on changes to 'lifetime' tenancies in the social rented sector can be found in the Library briefing paper: Social housing: the end of 'lifetime' tenancies in England?

1.1 Secure tenancies: a tenancy for life

Tenancies currently offered by local authorities in England are, as a general rule, secure tenancies governed by the *Housing Act 1985*. Secure tenancies offer what is often referred to as a 'tenancy for life' which means that the tenant retains security of tenure provided they do not breach the conditions of their tenancy (e.g. fail to pay the rent).

The *Localism Act 2011* introduced a *power* for local authorities to offer "flexible tenancies" to new social tenants. Flexible tenancies are secure fixed-term tenancies with a statutory minimum term of two years. This provision came into force in April 2012. This discretionary power has been little used by local authorities.[1]

1.2 The Housing and Planning Act 2016

In the Summer Budget 2015 the Government announced that it would "review the use of lifetime tenancies in social housing to limit their use…and ensure the best use is made of the social housing stock."[2]

Measures were included in the *Housing and Planning Act 2016* to prevent local authorities in England from offering secure tenancies for life in most circumstances. In Public Bill Committee, the Minister noted that social landlords had not taken advantage of the discretionary powers introduced by the *Localism Act 2011* to offer flexible tenancies and went on:

> …we believe that continuing to offer social tenancies on a lifetime basis is not an efficient use of scarce social housing. The new clauses will significantly improve landlords' ability to get the best use out of social housing by focusing it on those who need it most for as long as they need it. That will ensure that people who need long-term support are provided with more appropriate tenancies as their needs change over time and will support households to make the transition into home ownership where they can. In future, with limited exceptions, local authority landlords will only be able to grant tenancies with a fixed term of between two and five years, and will be required to use tenancy review points to support tenants' move towards home ownership where appropriate.[3]

Government amendments introduced at a later stage gave local authorities discretion to offer tenancies of up to 10 years in length, and potentially longer for families with children.

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1 CORE lettings data 2015/16 showed that only 8% of council tenancies were granted on a fixed-term basis.
2 Summer Budget 2015, para 1.155
3 PBC Deb 10 December 2015 (morning) c650

The relevant provisions of the Act, sections 118-121 and Schedule 7, are not yet in force. One statutory instrument (affirmative) is expected which will prescribe the circumstances in which a local authority is able to offer a further 'lifetime' tenancy to existing secure tenants who apply to move home.[4] Progress in developing the regulations was probed during the Lords debate on Second Reading of the *Secure Tenancies (Victims of Domestic Abuse) Bill 2017-19* on 9 January 2018. Lord Bourne of Aberystwyth, Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government and Wales Office, responding for the Government, said:

> …we are working on those regulations. I will certainly cover in a letter to noble Lords exactly where we have got to on them. When the Housing and Planning Act went through I think we discussed one particular situation where people downsize. That is certainly something that we would want to cover. I will make sure that noble Lords are updated on that ahead of Committee.[5]

1.3 Implications for domestic abuse victims

As the *Housing and Planning Bill* progressed through Parliament there was a good deal of debate about potential exemptions from the requirement to offer a fixed-term tenancy. There were concerns that victims of domestic violence would be less likely to leave their homes if doing so would result in an offer of a tenancy with less security of tenure. In response to a Labour amendment on this issue,[6] Baroness Evans of Bowes Park, for the Government, said:

> In developing the regulations that determine when a local authority may grant existing lifetime tenants a further lifetime tenancy when they move home, we will give very careful consideration to whether this should include those who are moving home to escape violence or intimidation of any kind.[7]

At Report Stage in the House of Lords Baroness Evans, when pressed on the matter, confirmed that an exemption for those leaving their homes to escape domestic violence would be included in regulations.[8] She also said that authorities would be required to provide victims of domestic violence with a replacement lifetime tenancy.

Lettings data indicates that from April 2015 to March 2016 about 1.6% of all social lettings were to existing tenants who moved to another social home to escape domestic abuse.[9]

During the debate on Second Reading of the *Secure Tenancies (Victims of Domestic Abuse) Bill,* Baroness Lister of Burtersett, Labour Peer, said that it had not proved possible under the terms of the 2016 Act to require authorities to provide new lifetime tenancies to victims of domestic abuse, hence the need for primary legislation.[10]

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4 Deposited Paper 2017-0016
5 HL Deb 9 January 2018 c158
6 HL Deb 14 March 2016 cc1708-10
7 HL Deb 14 March 2016 cc1714-5
8 HL Deb 18 April 2016 cc502-3
9 HL Deb 9 January 2018 c135
10 HL Deb 9 January 2018 c137

1.4 Conservative Party Manifesto 2017

The Manifesto for the 2017 General Election included a commitment to act to ensure that "victims who have lifetime tenancies and flee violence are able to secure a new lifetime tenancy automatically."[11]

2. The Bill

2.1 Duty to grant old-style tenancies: victims of domestic abuse (clause 1)

This clause will amend the *Housing Act 1985* to extend the circumstances in which an old-style secure tenancy must be offered by a local authority to cover victims of domestic abuse.

This requirement will apply where the person is or was a tenant with a 'qualifying tenancy' (either as a sole or joint tenant) and the authority is satisfied that the person, or a member of their household, has been a victim of domestic abuse by another person and the new tenancy is being granted for reasons connected with that abuse.

Clause 1 was amended during Report Stage in the House of Lords to ensure that victims who could be judged as having lost their security of tenure by leaving a sole tenancy due to domestic abuse, or where a joint tenant terminates the tenancy, will still be entitled to an old-style secure tenancy. Lord Bourne explained:

> To give examples of this, in the first case, where the victim has a sole tenancy the local authority may consider that the tenancy is no longer secure on the basis that, having fled, she no longer occupies the property as her sole and principal home and has no intention to return. In the second case, where the victim has a joint tenancy, the joint tenant who remains in the property may have brought the joint tenancy to an end, for example, because he—it will usually be he, although it need not be—can no longer cover the rent. This is likely to be most problematic for victims who spend a lengthy period elsewhere—for example, in a refuge or temporary accommodation—before they are rehoused, or where victims move to another local authority area.
>
> As currently drafted, the Bill would not apply in these situations. That struck me as wrong. As I said previously, the Government's aim in bringing forward the Bill is to remove an impediment that could prevent a victim leaving their abusive situation. However, it is not right that someone who takes the difficult decision to flee their home should by so doing risk losing the protection afforded by the Bill.
>
> Amendment 1 will address this issue by extending the Bill to those who were previously lifetime tenants, as well as those who currently are lifetime tenants. Amendment 2 removes the requirement for the tenant to have applied to move, which is no longer necessary, consequent to Amendment 1, which recognises that the tenant may have left the previous tenancy some time ago.[12]

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11 Conservative Party Manifesto 2017, p58

12 HL Deb 6 March 2018 cc1009-10

Baroness Lister, who had raised this issue during the Bill's progress through the Lords, welcomed the amendment.[13]

The requirement will also apply where the person was a joint tenant of an old-style secure tenancy and the authority is satisfied that they or a member of the household has been a victim of domestic abuse another person and the new tenancy is granted for reasons connected with that abuse. This change to clause 1 arose out of a cross-party amendment which was agreed on Report in the House of Lords. Baroness Lister explained the purpose of the amendment:

> We tend to talk about women fleeing domestic violence, because that is the most common scenario: the woman escapes a harmful and dangerous situation and tries to find a place of safety, often in a refuge and often in another local authority area. But there are cases where the perpetrator is removed by the local authority or the police. Indeed, it would appear to be government policy to encourage this where it is safe for the woman to remain in the home and she does not want to leave it. This is partly to avoid the upheaval involved in moving home, for the women themselves and for their children, and, even under the old legislation, partly a desire not to lose the security of an existing secure tenancy. But the policy to encourage the removal of the perpetrator where safe to do so is also motivated by a desire to prevent him—we have noted at an early stage that it is usually "him"—from benefiting from the abuse by driving his partner from the home, as spelled out in the recent consultation document, *Improving Access to Social Housing for Victims of Domestic Abuse*.
>
> I suspect it is a situation that might become more common, although we are talking very much about a small minority now. But even if it is a small minority, minorities matter. Where it is the perpetrator who leaves the home and there is a joint tenancy, I am advised that it is usual practice for a new sole tenancy to be granted in the name of the survivor. This amendment is crucial to protecting the rights of a survivor granted a sole tenancy in such circumstances, in line with the rights it affords to those who flee the home.[14]

Clause 1 defines a qualifying tenancy as an old-style secure tenancy or an assured tenancy other than an assured shorthold tenancy granted by a private registered provider of social housing, the Regulator of Social housing, or by a housing trust which is a charity.

Abuse is defined as violence, threatening, intimidating, coercive or controlling behaviour, or any other form of abuse including emotional, financial, physical, psychological or sexual abuse.

2.2 Extent and commencement (clause 2)

The Act extends to England and Wales but will only apply in England.

Once the Bill has Royal Assent, section 1 will come into force on a day appointed by the Secretary of State.

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13 Ibid.
14 HL Deb 6 March 2018 c1013

3. Other issues raised

The Bill's provisions have secured cross-party support. Women's Aid has welcomed the Bill with the proviso that they would like to see strengthened guidance and improved training for housing officers dealing with domestic abuse cases:

> When survivors escape an abusive relationship, they often have nothing but the clothes on their back. The decision to leave your home and community is made in circumstances of fear and desperation, when all other options have been exhausted. Safe and secure housing for survivors fleeing domestic abuse is therefore absolutely vital. We are delighted that the government has listened to our concerns and committed to ensuring that survivors can keep their lifetime tenancies; however, the future of refuges still hangs in the balance.[15]

Information on Government proposals in relation to the funding of short-term emergency supported accommodation can be found in this Library briefing paper: Paying for supported housing.

The following sections summarise issues raised and attempts to amend the Bill during its progress through Parliament.

3.1 Applying for assistance to another local authority

The position of victims of domestic violence who flee their homes and seek assistance in another local authority's area was raised in the House of Lords and again in Public Bill Committee in the Commons. Melanie Onn, for Labour, moved an amendment to clause 1 of the Bill which would have clarified that the duty to offer an 'old-style' secure tenancy to a victim of domestic violence who had fled from such a tenancy would apply "regardless of whether the qualifying tenancy is in the jurisdiction of another local authority."[16] Melanie Onn emphasised the need for "certainty of housing support"[17] – several MPs cited examples of cases where authorities had refused assistance on grounds of lack of a local connection.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government, Heather Wheeler, agreed that it was important for the Bill to protect victims who apply for housing assistance in another local authority district but said that the Bill already did that and described the amendment as "technically ineffective"[18]:

> Under the Bill, any local authority in England that has somebody presenting with domestic abuse issues must take on a secure tenancy if that person had a secure tenancy before. It cannot be plainer than that, and that why the amendment is ineffective: the measure is in the Bill. The courts have said that local authorities must not apply the local connection test to victims of domestic abuse who apply for social housing, which is again in line with

15 Women's Aid Press Release, 20 December 2017
16 PBC 27 March 2018 c4
17 PBC 27 March 2018 c5
18 PBC 27 March 2018 c6

> guidance issued in 2013. The amendment does not change anything and is therefore unnecessary.[19]

The amendment was withdrawn but Melanie Onn remained unconvinced and said she would not rule out "pursuing further amendments on Report."[20]

3.2 Housing association tenants

The Bill places duties on local housing authorities to offer old-style secure tenancies to victims of domestic abuse in certain specified circumstances. The question of parity for housing association tenants was raised as the Bill progressed through the House of Lords.

Although the original intention of the Government was to include housing associations in the requirement to offer fixed-term tenancies, this was changed as the 2016 Act progressed through Parliament. Associations will retain a discretion to offer fixed-term tenancies. On Report, Lord Bourne explained why associations would not be covered by the Bill:

> I appreciate that noble Lords desire to see parity for tenants of local authorities and housing associations, but it is important to be clear that the organisations are very different. They are subject to different drivers and challenges. Local authorities are public sector organisations, and in future they will generally be required by law to give fixed-term tenancies. Housing associations, on the other hand, are private, not-for-profit bodies and will continue to have the freedom to offer lifetime tenancies where they think them appropriate. The vast majority of housing associations are charities whose charitable objectives require the organisation to put tenants at the heart of everything that they do. Their purpose is to provide and manage homes for people in housing need.
>
> Many associations take their responsibilities for people fleeing domestic violence very seriously. For example, two leading housing associations, Peabody and Gentoo, have set up the Domestic Abuse Housing Alliance together with Standing Together Against Domestic Violence, a UK charity bringing communities together to end domestic abuse. Their mission is to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process.
>
> Housing associations play a critical role in delivering the homes that we need. They can help provide a home for people fleeing domestic abuse only if they have the homes to put them in. This means ensuring they remain in the private sector able to borrow funding free of public sector spending guidelines. Unnecessary control risks reversing the ONS classification of housing associations as private sector organisations.[21]

In Public Bill Committee Melanie Onn moved an amendment to extend the Bill's provisions to housing associations.[22] The Minister explained why the Government would not accept the amendment:

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19 PBC 27 March 2018 c12
20 PBC 27 March 2018 c13
21 HL Deb 6 March 2018 c1007
22 PBC 27 March 2018 cc28-9

> In the first place, local authorities and housing associations are very different entities, which are subject to different drivers and challenges. Local authorities are public sector organisations. When schedule 7 to the Housing and Planning Act 2016 comes into force, local authorities will generally be required to give fixed-term tenancies and will be able to grant lifetime tenancies only in limited circumstances specified in legislation or regulations.
>
> Housing associations are private not-for-profit bodies. They will continue to have the freedom, as now, to offer lifetime tenancies wherever they consider them appropriate. The purpose of housing associations is to provide and manage homes for people in housing need. The vast majority are charities with charitable objectives that require them to put tenants at the heart of everything they do.
>
> We would expect housing associations to take their responsibilities for people fleeing domestic violence very seriously. As some hon. Members may know, the Domestic Abuse Housing Alliance was set up, as the hon. Member for Great Grimsby said, by two leading housing associations, Peabody and Gentoo, together with Standing Together Against Domestic Violence, a UK charity bringing communities together to end domestic abuse. The alliance's stated mission is to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process.
>
> […]
>
> It is vital that we ensure that housing associations remain in the private sector, so that they are able to borrow funding free of public sector spending guidelines. We must also avoid imposing any unnecessary controls that might risk reversing the Office for National Statistics classification of housing associations as private sector organisations.
>
> The amendment would also require housing associations to offer secure tenancies. As I have explained, since 1989, housing associations have granted assured tenancies under the Housing Act 1988, except in very limited circumstances—for example, when dealing with a tenant who has an old-style secure tenancy. The rights of assured and secure tenancies are very different. For example, secure tenants have a statutory right to improve their property, and to be compensated for those improvements in certain circumstances.
>
> The amendment would require private sector landlords to operate two different systems, which would be an unnecessary burden over and above the very limited circumstances in which they still manage pre-1989 tenancies. It would introduce unnecessary additional costs, which would introduce an element of confusion for tenants and would risk the re-classification of housing associations, as I stated earlier.[23]

Melanie Onn withdrew the amendment but reserved the right to explore the matter further on Report.[24]

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23 PBC 27 March 2018 cc30-32
24 PBC 27 March 2018 c32`

3.3 Moving between England, Scotland, Wales and Northern Ireland

On Second Reading and in Committee in the House of Lords, Lord Kennedy of Southwark raised the issue of domestic violence victims opting to move to an area outside of England, given that the Bill's provisions will only apply in England. On Report, Lord Bourne said:

> During both Second Reading and Committee, we discussed co-operation between England and the devolved Administrations where victims of domestic abuse need to move from one country to another within the United Kingdom. I said that I intended to raise this at the next meeting of the devolved Administrations round table, which is to be held in Cardiff on 19 April. I can tell the House that I have written to my opposite numbers in the devolved Administrations to ask that this issue is put on the agenda for the April meeting in Cardiff. In particular, I have let them know that I would like to explore whether we could develop a joint concordat or memorandum of understanding between the four countries of the United Kingdom on our approach to social housing and cases of domestic abuse. I will be very happy to report back on that issue after the meeting on 19 April.[25]

Melanie Onn moved to add a new clause 1 to the Bill during Public Bill Committee which would have required a review of the potential for further cooperation between local authorities in England, Scotland, Wales and Northern Ireland with a view to considering how it might be possible to extend the Bill's provisions to apply across the UK. She said:

> I very much accept the difficulties and sensitivities involved, so the new clause will not force England-only duties on to the devolved nations. It strives to ensure that full collaboration is exercised and provided for to enable all victims to be treated fairly and equally, wherever in the country they come from and wherever they end up. To do that, there must be some method of reviewing the issue, and I personally prefer to understand the issue that we are trying to fix with the import of new legislation.
>
> The new clause would recognise that there should be no detriment to anyone travelling between Northern Ireland, Scotland, England or Wales who requires security of tenure. At the moment, the Bill does not do that, despite the recognition of the problem. The new clause therefore proposes a review period of six months to establish where the problems lie in the legislation and to enable the Government to take steps to resolve them.[26]

The Minister agreed that there should be cooperation between England and the devolved Administrations on this issue. She confirmed that Lord Bourne had asked for the issue be added to the agenda of the roundtable meeting scheduled for 19 April 2018 and said:

> …he would like to explore whether we can develop a concordat or joint memorandum of understanding between the four countries on our approach to social housing and cases of domestic abuse.[27]

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25 HL Deb 6 March 2018 c1008
26 PBC 27 March 2018 cc35-36
27 PBC 27 March 2018 c40

The Minister said she did not believe it would be appropriate to include a duty in the Bill to consider the potential for amending legislation in other parts of the UK. She said she firmly believed that addressing the issue at the devolved Administration roundtable is "the correct approach".[28]

Melanie Onn withdrew the new clause saying she would await the outcome of the meeting on 19 April. She was still concerned that "the legislation will not fully do what is necessary to meet the intention that has been set out."[29]

3.4 Under-occupation and new tenancies

During Public Bill Committee in the House of Commons, Melanie Onn moved an amendment to give local authorities discretion not to apply a Housing Benefit deduction for under-occupation if someone fleeing domestic violence is offered a new tenancy with a spare bedroom. The aim of the amendment was to remove potential barriers to people leaving a violent situation at home.[30]

The Minister said that local authorities ensure, wherever possible, that tenants are offered homes with the correct number of bedrooms for the household.[31] This is backed up by statutory guidance on housing allocations for local authorities.[32] She expected the number of people who would be left under-occupying their homes after a perpetrator had left the home (leaving the victim in situ) to be "very, very small" and referred to the availability of discretionary housing payments.[33]

Melanie Onn withdrew the amendment.

3.5 Charges for evidence of abuse

In Committee, Lord Kennedy moved an amendment to prohibit victims of domestic abuse being charged for obtaining evidence of abuse required to make an application for housing.[34] The amendment was withdrawn but moved again on Report.[35] In this context, specific reference was made to GPs charging fees of between £75 to £100.[36]

Lord Bourne provided the following response in Committee:

> I agree that charging a fee to a victim of abuse who is seeking evidence of their abuse to access services is, let us say, far from an ideal situation. The noble Lord, Lord Kennedy, set out the issue very fairly. Although the amendment is drawn more widely, and does not mention doctors, the point is valid in relation to doctors, for example: as has been the case under Governments of all persuasions, doctors may charge for anything outside the contract relating to NHS services. That is why we are in this position, and

28 PBC 27 March 2018 c40
29 PBC 27 March 2018 c40-1
30 PBC 27 March 2018 c21
31 PBC 27 March 2018 c21
32 Allocation of accommodation: guidance for local housing authorities in England, DCLG, 2012
33 PBC 27 March 2018 c21
34 HL 24 January 2018 c1057
35 HL Deb 6 March 2018 c1018
36 Ibid.

> obviously policy responsibility rests with the Department of Health and Social Care.
>
> However, I think I have some good news for noble Lords who participated in this debate and who are rightly concerned about this, as others will be too. As data subjects, which we all are under the Data Protection Act, individuals can lawfully ask to be provided with their medical records, without charge, thus obviating the need for a letter altogether. I appreciate we need to get that message out there so people are aware of it, but on that basis, I do not think that this would represent a problem.
>
> I will ensure that I get an update on this issue for noble Lords. Because the amendment was tabled only last night—so it was not late as such; it was within the time limit—we have not had long to investigate the issue and had to seek assistance overnight. We are investigating further with the department, but it appears that this issue should not be a concern; if it is, then it is for the Department of Health and Social Care to discuss further. But I agree that in this sort of situation it would be quite wrong—morally wrong, if not legally wrong—to charge victims in this regard.[37]

He provided further clarification on Report:

> It is true that, as a data subject, an individual can ask to be provided with a copy of their medical records. From 25 May this year, when the General Data Protection Regulation becomes directly applicable, a data subject—that is, an individual—cannot be charged a fee except where a request is manifestly unfounded or excessive, or where requests are made for further copies of the same information, in which case the fee must be reasonable and based on the administrative cost of providing the information. Therefore, the law as it will stand when this Bill comes into force will allow a victim to make a request for their records and not to be charged. However, the law on data protection as it stands at present allows an administrative charge to be made. Currently, the *Subject Access Code of Practice* states that a GP may charge a maximum fee of up to £10 if the information is held electronically, or up to £50 if it is held either wholly or partly in non-electronic form.[38]

Lord Kennedy returned to this issue on Report, saying that the Minister's "good news" did not go far enough:

> If you have been a victim of a crime and been beaten, distressed or frightened, it is not good enough to say that you can get around the issue of a fee by putting in a subject access request for your medical records. I have no idea what you would do with your medical records: I assume that you get a big pile of papers giving all your medical history and stuff. So for me it would be my blood pressure, and I am a diabetic so there would be issues about my feet, but I am not sure that medical records would say that you had been beaten, that you have a cut or that you have been bruised. Would they actually say that you had been a victim of domestic violence? If not, we are again in the situation where you might hand your medical records to the authority who might say, "Yes, it says you have a bruise to the head; it does not say that you have been a victim of domestic violence. You might have

37 HL 24 January 2018 c1058
38 HL Deb 6 March 2018 c1008

> fallen over". So there are some issues even with using the records. Will they actually deliver what the noble Lord says?
>
> I think we should be very clear that no victim should ever be charged for a letter or any other form of evidence to say that they are a victim of domestic violence. We need to ensure that that happens. I accept that it is about the doctors' contract and I am pleased that that is going to be reviewed in April, because it is certainly an issue. I accept that it is the Department of Health, not the noble Lord's department, but this is an issue that we cannot let go: it is totally wrong that anyone is charged a fee to prove that they are a victim of a crime.[39]

Lord Bourne committed to having further discussions with the Department and to update the House:

> The early sounding I had when I raised this matter with the Department of Health was that it has the same view that we do. It considers that this issue needs looking at. I have not yet had a detailed response to the points I made but I am very happy to share the general thrust of that as soon as I do, because this is a very reasonable point and one that I am sure the vast majority of GPs would go along with.
>
> On the basis that I undertake to update the House on the discussions that we are having with the Department of Health—recognising, as the noble Lord indicated, that it is the lead department on this—I ask the noble Lord to withdraw his amendment.[40]

The amendment was withdrawn on this basis.

Melanie Onn moved an amendment during Public Bill Committee which would have prohibited *any* charges for obtaining evidence of domestic abuse in the context of a housing application.[41] The Minister undertook to inform the House when a response had been issued to Lord Bourne's letter to the Department of Health and Social Care raising concerns about GPs charging for notes/letters of evidence. She confirmed that victims of domestic abuse can seek evidence from a "wide variety of sources" and can also request a copy of their medical records which should, in most cases, be provided free of charge after 25 May 2018.[42] She summed up:

> The amendment has been introduced to deal specifically with GP charges, but it is widely drawn and, as a blanket prohibition, would apply across the public and private sector. I do not believe that regulating parts of the private sector is appropriate in the circumstances in question, or that it is a matter for the Bill.
>
> For those reasons, I ask the hon. Member for Great Grimsby to withdraw the amendment.[43]

Melanie Onn withdrew the amendment.

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39 HL Deb 6 March 2018 c1019
40 HL Deb 6 March 2018 c1020
41 PBC 27 March 2018 c23
42 PBC 27 March 2018 c23
43 PBC 27 March 2018 c28

3.6 Training and guidance

In Committee, Baroness Lister moved an amendment that would have required the Government, subject to consultation, to issue guidance to authorities about the identification of survivors of domestic abuse entitled to old-style secure tenancies and appropriate evidence requirements. The guidance would also cover the training of officers responsible for discharging an authority's duties under the Bill.[44] She said that Women's Aid thought these issues needed to be addressed for the Bill's goal to be achieved and cited their experience and research into how domestic abuse victims can be treated by local authorities:

> Women's Aid's experience and research suggests considerable inconsistency in how local authorities exercise their current responsibilities towards survivors of domestic abuse. In a small number of cases in a study which tracked 404 women unable to access a refuge space in 2016-17, the housing authority did not consider domestic abuse to be a significant risk factor meriting a homelessness application. Women's Aid cites examples of women being told to return to the perpetrator or to come back when the situation got worse. It argues persuasively that it is crucial that there is clear national guidance as to how to apply this legislation.
>
> A key area is what constitutes appropriate evidence. In particular, Women's Aid argues that such evidence should not be confined to that arising from interaction with the criminal justice system because most women experiencing domestic abuse do not report to the police and may have little or no contact with the criminal justice system. As I suggested at Second Reading, the revised evidence requirements for the legal aid domestic violence gateway offer one possible model, as it has been significantly widened to include evidence from health professionals, domestic abuse services and refuges. However this is not exhaustive, and in a note on evidence requirements which I have passed to officials, Women's Aid provides a list of other possible sources of evidence which could be included in guidance, but again emphasises that these should not be presented as prescriptive or exhaustive.[45]

Responding, Lord Bourne referred to the revised Homelessness Code of Guidance for Local Authorities on which consultation took place in 2017 and which came into effect on 3 April 2018. Chapter 21 of the revised Code provides "guidance on providing homelessness services to people who have experienced domestic violence or abuse, or are at risk of domestic violence or abuse." He set out how the Government was supporting authorities to train their front-line staff, including funding for the National Practitioner Support Service, but said that he did not think it necessary to issue formal guidance to authorities to support them to implement the Bill. He agreed that the need for consistency in training should be reflected in the guidance.[46]

Baroness Lister withdrew her amendment. On Report Lord Bourne again referred to the issue of training:

> The next issue that I undertook to look at during Report was in relation to training. During Committee, noble Lords discussed

44 HL 24 January 2018 c1048
45 HL 24 January 2018 c1049
46 HL 24 January 2018 c1053

> training of local authority officials who will be responsible for the exercise of the duties contained in the Bill. I accepted the points raised by the noble Baronesses, Lady Lister and Lady Hamwee, and the noble Lord, Lord Shipley, regarding the need for consistency in training to ensure that victims of abuse get the support they need from front-line staff, which I shared with officials responsible for the homelessness code of guidance consultation. I also set out the numerous ways in which the Government are supporting local authorities to train their front-line staff to ensure consistency, including the funding we provided to the National Practitioner Support Service for domestic abuse awareness training in 2016, which resulted in the training of 232 front-line housing staff across nine English regions and the production of an online toolkit, and to the National Homelessness Advice Service—the NHAS—to provide training, which included courses covering domestic abuse and homelessness. This NHAS training is being updated to reflect the Homelessness Reduction Act, and we will ensure that the revised material draws attention to the strengthened guidance on domestic abuse contained in the new code of guidance.
>
> I add that we have since published the updated statutory homeless guidance on 22 February. In case noble Lords are unaware of that, I will circulate it to noble Lords who participated in the debate and will place a copy in the Library. This will come into force at the same time as the Homelessness Reduction Act comes into force, on 3 April this year, so within a month. The guidance provides extensive advice to help local authorities handle cases that involve domestic abuse, including having appropriate policies and training in place to identify and respond to domestic abuse.[47]

The issue of guidance and training of local authority officers was again raised in Public Bill Committee where Melanie Onn moved the same amendment as that previously moved by Baroness Lister in the House of Lords.[48] The debate again focused on evidence of inconsistent treatment of victims of domestic violence by local authorities. There was particular focus on authorities turning away people seeking assistance because of a lack of local connection. The Minister, in response, referred to the new Homelessness Code of Guidance for Local Authorities, saying it "provides extensive advice to help local authorities handle cases that involve domestic violence".[49] She argued that sufficient guidance is available on evidence and identification of victims and that it would not be helpful for authorities to have to refer to different pieces of guidance on domestic abuse issues in relation to social housing issues. She said that training of officers is a matter for local authorities, and pointed to funding support provided for the National Homelessness Advice Service and the National Practitioner Support Service (NPSS) for domestic abuse awareness training for frontline staff. She summed up:

> It is not necessary to issue formal guidance on training to local authorities to support them in implementing the Bill. For those reasons, I do not believe that the amendment is necessary, and I

47 HL Deb 6 March 2018 cc1008-9
48 PBC 27 March 2018 c13
49 PBC 27 March 2018 c19

> therefore hope that the hon. Member for Great Grimsby and colleagues will agree to withdraw it.[50]

Melanie Onn questioned the number of staff trained by the NPSS and how many were still in post but agreed to withdraw the amendment.[51]

50 PBC 27 March 2018 c20
51 PBC 27 March 2018 c20

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