



## DEBATE PACK

Number 2019/0139, 11 June 2019

# Domestic abuse and homelessness

## Summary

A Westminster Hall debate on the subject of 'domestic abuse and homelessness' has been scheduled for 9.30am on 12 June 2019. The debate has been initiated by Neil Coyle MP, who chairs the All-Party Parliamentary Group for Ending Homelessness.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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# 1. Background

## 1.1 Local authorities' duties to homeless applicants (England)

The duties local authorities owe to homeless people in England are contained in Part 7 of the *Housing Act 1996* (as amended). The *Homelessness Reduction Act 2017* (HRA) has, since 3 April 2018, placed a duty on authorities in England to:

- Work to **prevent** homelessness for **all** eligible applicants who are threatened with homelessness, i.e. likely to become homeless within 56 days.
- Work to **relieve** homelessness for **all** eligible applicants who become homeless.

Eligibility is determined in relation to an applicant's immigration status.

**Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge.** The HRA amended the 1996 Act to provide that advice and information services must be designed to meet the needs of people within the district. The particular needs of the following groups must be taken into account:

- a. people released from prison or youth detention accommodation;
- b. care leavers;
- c. former members of the regular armed forces;
- d. victims of domestic abuse;**
- e. people leaving hospital;
- f. people suffering from a mental illness or impairment; and,
- g. any other group that the authority identify as being at particular risk of homelessness in their district.

In addition to direct applications from homeless people/households, **authorities may receive notifications from certain public bodies** where they believe a service user may be homeless or threatened with homelessness; the consent of the individual must be obtained before a referral can be made. The public authorities subject to the duty to refer are specified in the [Homelessness \(Review Procedure etc.\) Regulations 2018](#) and include: prisons; hospitals; and social services authorities.

The Housing, Communities and Local Government (HCLG) Select Committee opened an inquiry into the [Homelessness Reduction Act – One Year on](#) on 5 April 2019. A [one-off evidence session](#) was held on

23 April 2019 during which the witnesses from Shelter and Crisis called for an extension of the duty to refer to GPs.

The [Homelessness Code of Guidance](#), to which authorities must have regard when carrying out their homelessness duties, states that **“Every person applying for assistance from a housing authority stating that they are or are going to be homeless will require an initial interview.”** Where an initial interview indicates that someone is eligible and is homeless or threatened with homelessness, the authority must carry out a further assessment “and **develop a personalised plan to provide a framework for housing authorities and applicants to work together to identify appropriate actions to prevent or relieve the applicant’s homelessness.**”

The new duties introduced by the HRA mean that authorities should actively work with **all** eligible applicants to prevent and relieve homelessness, personalised housing plans are key to this process. Circumstances in which the prevention and relief duties end are explained in chapter 14 of the [Homelessness Code of Guidance](#).

**Authorities only have an absolute duty to secure accommodation for households who are deemed to be unintentionally homeless and in priority need.** If an applicant has become homeless unintentionally, the authority must assess whether they, or a member of their household, falls into a ‘priority need’ category. These categories are set out in section 189 of the 1996 Act and include:

- h. People with dependent children who are residing with, or might reasonably be expected to reside with them, for example, because the family is separated solely because of the need for accommodation; or
- i. People who are homeless or threatened with homelessness as a result of any emergency such as flood, fire or any other disaster; or
- j. Where any person who resides or who might reasonably be expected to reside with them, is vulnerable because of old age, mental illness, handicap or physical disability or other special reason; or
- k. Pregnant women, or a person who resides or might reasonably be expected to reside with a pregnant woman;
- l. All 16 and 17-year olds;
- m. 18-20-year old care leavers;
- n. Vulnerable care leavers;
- o. Vulnerable former members of the armed forces;
- p. Vulnerable former prisoners; and
- q. People who are vulnerable because they are fleeing violence.**

All homeless applicants should be interviewed and, if eligible and homeless or threatened with homelessness, the authority should develop a personalised housing plan.

Categories e-j were added by the *Homelessness (Priority Need for Accommodation (England) Order 2002* which came into force on 31 July 2002.

Chapter 21 of the [Homelessness Code of Guidance](#) provides detailed information for authorities on the provision of homelessness services to

people who have experienced or are at risk of domestic violence or abuse.

**If an applicant/household is in a priority need category and is homeless, the authority must secure temporary accommodation for them pending the outcome of inquiries.** If a full rehousing duty is owed, suitable temporary accommodation must be provided until such time as the duty to rehouse is discharged. The *Localism Act 2011* enables authorities (since 9 November 2012) to discharge their duty to homeless households by offering a suitable tenancy of private rented housing.

On 28 January 2019, the Minister, Heather Wheeler confirmed that there was no intention to introduce “priority housing status” for all homeless survivors of domestic abuse:

Domestic abuse is an abhorrent crime that nobody should have to suffer. The Government is absolutely committed to protecting victims of domestic abuse and their families.

A victim of domestic abuse already has priority need under the homelessness legislation if they are vulnerable as a result of having to leave accommodation because of violence from another person, or threats of violence from another person that are likely to be carried out.

In addition, people who are homeless or owed a duty under the homelessness legislation must be given reasonable preference (priority) for social housing. Statutory guidance issued in 2012 goes further and makes it clear that local authorities should consider giving additional preference (high priority) to those who are homeless and require urgent rehousing as a result of domestic abuse.

The Department has no plans currently to change the definition of priority need or reasonable preference.

[\[Written question – 210048, 28 January 2019\]](#)

A study carried out by the Commission on Domestic and Sexual Violence and Multiple Disadvantage, chaired by Baroness Armstrong, found that domestic violence was one of the primary causes of women’s homelessness. [Breaking down the Barriers](#) (2019) refers to some of the difficulties women who have suffered domestic abuse can face when navigating homelessness services:

The Commission heard that homelessness services were often inappropriate for women’s needs. Examples were shared through evidence of women being placed in mixed complex needs homeless hostels which could be male dominated or where others were using alcohol and substances, making it harder to move on.

[...]

The problems all women trying to escape violence and abuse face in accessing safe and affordable housing are magnified for those facing multiple disadvantage. As with other women, they face the risk of losing secure social housing tenancies (if they have them) and problems in accessing safe temporary move on accommodation after they leave a refuge. Many women referred to what they described as ‘gatekeeping’ in housing departments, which prevented them from accessing immediate emergency

accommodation. These problems were compounded by a lack of knowledge and awareness within housing departments and neighbourhood teams in identifying and supporting survivors, particularly for those deemed to be 'antisocial' or more difficult to house because of their support needs. [pp24-25]

Information on Government initiatives to tackle rough sleeping can be found in this Library paper: [Rough sleeping \(England\)](#).

## 1.2 Statistics: homelessness and domestic abuse

The Ministry of Housing, Communities and Local Government (MHCLG) publishes statistics on local authorities' actions under the *Housing Act 1996* and the *Homelessness Reduction Act 2017* (HRA). The latest available statistics are for the period from October to December 2018.

The statistics are labelled as 'experimental' because of a number of data quality issues, and as such should be treated as indicative rather than precise. All of the below totals are an undercount because six local authorities did not provide data.

In October-December 2018, there were at least **5,380** households owed a prevention or relief duty who were homeless or at risk because of domestic abuse. This accounts for **9%** of the total. A further 1,320 were homeless or at risk because of 'other violence or harassment'.<sup>1</sup>

The statistics also show how many times local authorities logged 'at risk of or has experienced domestic abuse' as a support need for households. **5,460** households had this noted as a support need, making it the third most-commonly recorded support need after mental health issues (13,160 households) and physical ill-health and disability (8,100 households).<sup>2</sup>

Further statistics are available in the Library briefing [Statutory homelessness in England](#) (CBP01164).

## 1.3 Consultation on accommodation-based support

On 13 May 2019, the Government launched a consultation exercise on [Domestic abuse services: future delivery of support to victims and their children in accommodation-based domestic abuse services](#). The Government is consulting on:

...a new delivery model for accommodation-based support. This includes the introduction of a statutory duty on local authorities to provide support that meets the diverse needs of victims of domestic abuse and their children, ensuring they have access to provision that is right for them.

Views are being sought on:

- the definition of accommodation-based services and support

<sup>1</sup> MHCLG, [Live tables on homelessness](#), Initial decisions table A2

<sup>2</sup> MHCLG, [Live tables on homelessness](#), Initial decisions table A3

- leadership and responsibilities
- local and national accountability
- guidance

Consultation closes on 2 August 2019.

## 1.4 Discretionary fixed-term tenancies: protections for victims of domestic abuse

*The Secure Tenancies (Victims of Domestic Abuse) Act 2018* was introduced to ensure that certain victims of domestic violence would retain a right to a 'lifetime' secure tenancy when fixed-term tenancies became mandatory for English housing authorities under the *Housing and Planning Act 2016*. Subsequently, the Government announced that it would not introduce mandatory fixed-term local authority tenancies "at this time."

The Government's Social Housing Green Paper, [A new deal for social housing](#) (Cm 9671), published on 14 August 2018, included a commitment (at paragraph 188) to legislate to put in place similar protections for victims of domestic abuse where local authorities offer **fixed-term tenancies at their discretion**. Clause 54 of the [draft Domestic Abuse Bill](#) would give effect to that commitment.

## 1.5 Draft Domestic Abuse Bill

During March to May 2018 the Government [consulted](#) on proposals for a new Domestic Abuse Bill. The consultation response – [Transforming the Response to Domestic Abuse](#) – was published on 21 January 2019, containing the [Draft Domestic Abuse Bill](#).

The Draft Bill is currently subject to pre-legislative scrutiny. The [Joint Committee on the Draft Domestic Abuse Bill](#) was established on 14 March 2019 and is due to publish its report by 14 June 2019.

## Amendments suggested by the APPG for Ending Homelessness

During May 2019 the APPG for Ending Homelessness, together with the charity Crisis, published [A Safe Home: Breaking the link between homelessness and domestic abuse](#). The report argues that the current approach to according priority need to victims of domestic abuse is flawed in that it requires individuals to show that they are vulnerable (see above, section 1.1).

The report suggests that the Bill should be amended to remove this requirement, such that all people who are leaving accommodation because of domestic abuse have a priority need without an additional requirement of being vulnerable. To this end, the report contains a draft amendment to the Bill (see [page 26](#)).

## 2. Media

### 2.1 Press releases

Gov.uk

[Press release: Government unveils new support for survivors of domestic abuse](#)

13 May 2019

Against Violence and Abuse

[Breaking Down the Barriers: Findings of the National Commission on Domestic and Sexual Violence and Multiple Disadvantage](#)

27 February 2019

Crisis

[We have to stop domestic abuse survivors from becoming homeless](#)

25 January 2019

Women's Aid

[Women and children fleeing domestic abuse sleep rough; failed by local authorities](#)

26 June 2018

### 2.2 Articles and blogs

Local Government Association

[Government's plans to support victims of domestic violence and abuse, House of Lords - 6 June 2019](#)

3 June 2019

New Statesman

[What does the legal duty to provide refuge accommodation mean for child survivors?](#)

3 June 2019

Independent

[2,000 domestic abuse survivors placed at risk of homelessness a year, report finds](#)

30 May 2019

Hestia

[Response to Government's Pledge to Ensure Local Councils Provide Secure Refuge Accommodation](#)

May 2019

BBC

[Domestic abuse: PM vows to end 'postcode lottery' for victims](#)

13 May 2019

Ministry of Housing, Communities & Local Government

[Open consultation: Support for victims of domestic abuse in safe accommodation](#)

13 May 2019

Sun

[Theresa May: Domestic abuse has no place in our country and together we must, and will, defeat it](#)

12 May 2019

Chartered Institute of Housing

[New pledge launched to help more housing organisations tackle domestic abuse](#)

9 April 2019

Times

[Shortage of domestic abuse refuges exposed](#)

6 April 2019

Times

[Too many people fleeing domestic abuse end up homeless](#)

27 March 2019

Chartered Institute of Housing

[CIH Scotland responds to Scottish Government consultation on Emergency Barring Orders](#)

26 March 2019



Huffington Post UK

[Women Fleeing Domestic Abuse Shouldn't End Up Homeless – But Too Many Are](#)

11 March 2019

Guardian

[Many women fleeing domestic abuse face poverty, report finds](#)

6 March 2019

Guardian

[Thousands fleeing domestic violence face squalid housing](#)

14 October 2018

Times

[The hidden homeless are at a higher risk of abuse or exploitation](#)

10 October 2018

Guardian

[Domestic abuse survivors and children sleeping rough, survey finds](#)

20 June 2018

Independent

[Domestic abuse survivors 'falling through the cracks' as system leaves them in 'cycle of homelessness'](#)

9 May 2018

BBC

[Domestic violence: Are there more beds for victims?](#)

8 March 2018

BBC

[Domestic abuse refuge for men opens in Northamptonshire](#)

28 February 2018

Guardian

['Women lie about abuse to get rehoused': dangerous misconceptions about domestic violence](#)

11 December 2017

## 3. Parliamentary Business

### 3.1 Ministerial Statements

#### [Domestic Abuse](#)

Made by: James Brokenshire (Housing Secretary of State for Housing, Communities and Local Government)

13 May 2019

#### [Domestic Abuse](#)

Made by: Sajid Javid (The Secretary of State for the Home Department)

21 January 2019

#### [Supported Housing and Rough Sleeping](#)

Made by: Lord Bourne of Aberystwyth (Parliamentary Under Secretary of State for Housing, Communities and Local Government)

04 September 2018

#### [Public consultation on transforming the response to domestic abuse](#)

Made by: Amber Rudd (The Secretary of State for the Home Department)

08 March 2018

### 3.2 Debates

#### [Victims of Domestic Violence and Abuse](#)

HL Deb, 06.06.2019

#### [Domestic Abuse](#)

HC Deb, 13.05.2019

#### [Rough Sleeping](#)

HC Deb, 07.02.2019, cc 199WH, 205WH, 241-242WH

#### [Victims Strategy](#)

HC Deb, 11.10.2018, cc 339, 345-6, 349

[Homelessness](#)

HL Deb, 12.09.2018, cc 205-6GC, 218GC

[Secure Tenancies \(Victims of Domestic Abuse\) Bill](#)

HC Deb, 08.05.2018

[Domestic Abuse](#)

HL Deb, 22.03.2018

[Domestic Violence Refuges: Funding](#)

HC Deb, 12.12.2017

### 3.3 Parliamentary Questions

[Homelessness: Domestic Abuse](#)

To ask the Secretary of State for Housing, Communities and Local Government, what estimate his Department has made of the number of victims of domestic abuse who are (a) homeless and (b) sleeping rough in (i) London and (ii) England.

04 Feb 2019 | Written questions | Answered | House of Commons | 214656

**Asked by:** Hayes, Helen | **Answered by:** Mrs Heather Wheeler |  
**Department:** Ministry of Housing, Communities and Local Government

[Housing: Domestic Abuse](#)

To ask the Secretary of State for Housing, Communities and Local Government, what estimate his Department has made of the number of victims of domestic abuse entering (a) refuges, (b) temporary accommodation and (c) homelessness in each year since 2013.

04 Feb 2019 | Written questions | Answered | House of Commons | 214655

**Asked by:** Hayes, Helen | **Answered by:** Mrs Heather Wheeler |  
**Department:** Ministry of Housing, Communities and Local Government

[Homelessness: Domestic Violence](#)

To ask the Secretary of State for Housing, Communities and Local Government, whether he plans to introduce priority housing status for

all homeless survivors of domestic abuse in the forthcoming Domestic Abuse Bill.

28 Jan 2019 | Written questions | Answered | House of Commons | 210048

**Asked by:** Champion, Sarah | **Answered by:** Mrs Heather Wheeler |  
**Department:** Ministry of Housing, Communities and Local Government

#### [Homelessness: Domestic Violence](#)

To ask the Secretary of State for Housing, Communities and Local Government, what steps his Department is taking to protect young people who have suffered domestic violence and are homeless.

12 Nov 2018 | Written questions | Answered | House of Commons | 188025

**Asked by:** Gwynne, Andrew | **Answered by:** James Brokenshire |  
**Department:** Ministry of Housing, Communities and Local Government

#### [Homelessness: Domestic Violence](#)

To ask the Secretary of State for Housing, Communities and Local Government, what estimate he has made of the number of victims of domestic abuse who have (a) slept rough and (b) experienced homelessness in each of the last five years.

17 Jul 2018 | Written questions | Answered | House of Commons | 163484

**Asked by:** Harman, Ms Harriet | **Answered by:** Nigel Adams |  
**Department:** Ministry of Housing, Communities and Local Government

#### [Domestic Violence: Homelessness](#)

To ask Her Majesty's Government what steps they will take to ensure that the Homeless Code of Guidance for Local Authorities clarifies that all individuals fleeing domestic abuse are in priority need, regardless of whether they have other forms of vulnerability.

05 Jul 2018 | Written questions | Answered | House of Lords | HL8988

**Asked by:** Baroness Lister of Burtersett | **Answered by:** Lord Bourne of Aberystwyth | **Department:** Ministry of Housing, Communities and Local Government

#### [Domestic Violence: Victims](#)

To ask the Secretary of State for Housing, Communities and Local Government, what statutory duties local authorities have to ensure the protection of (a) male and (b) female victims of domestic abuse.

12 Jun 2018 | Written questions | Answered | House of Commons | 149715

**Asked by:** Sharma, Mr Virendra | **Answered by:** Mrs Heather Wheeler  
| **Department:** Ministry of Housing, Communities and Local Government

#### [Temporary Accommodation](#)

To ask the Secretary of State for Communities and Local Government, how much of the £100 million announced in Budget 2016 to deliver 2,000 low-cost second stage accommodation for rough sleepers and domestic abuse victims has been allocated; and how many such units of accommodation have been built.

21 Dec 2017 | Written questions | Answered | House of Commons | 118353

**Asked by:** Healey, John | **Answered by:** Mr Marcus Jones |  
**Department:** Department for Communities and Local Government

### 3.4 Select Committees' material

Joint Committee on the Draft Domestic Abuse Bill

#### [22 May 2019 - Draft Domestic Abuse Bill - oral evidence](#)

24 May 2019

#### [21 May 2019 - Draft Domestic Abuse Bill - oral evidence](#)

23 May 2019

Home Affairs Committee

#### [9th Report - Domestic abuse](#) HC 1015

22 October 2018

#### [Domestic abuse: Government Response to the Committee's Ninth Report of Session 2017–19](#)

09 May 2019

## 4. Organisations and further reading

[‘A Safe Home’ Breaking the link between homelessness and domestic abuse](#), All-Party Parliamentary Group for Ending Homelessness, 30 May 2019

[LGA responds to report on domestic violence and homelessness](#), Local Government Association, 30 May 2019

[Breaking Down the Barriers: Findings of the National Commission on Domestic and Sexual Violence and Multiple Disadvantage](#), AVA (Against Violence & Abuse) and Agenda, 27 February 2019

[Hand in Hand: Survivors of Multiple Disadvantage Discuss Service & Support](#), A report by Peer Researchers for the National Commission on Domestic and Sexual Violence and Multiple Disadvantage, AVA (Against Violence & Abuse) and Agenda, 31 January 2019

[Housing Options for Survivors of Domestic Abuse](#), Homeless, 22 October 2018

[Nowhere to turn 2018: Findings from the second year of the No Woman Turned Away project](#), Women’s Aid, 26.06.2018

[Safe at Home: Homelessness and domestic abuse](#), SafeLives, May 2018

[Help if you’re homeless: domestic abuse](#), last updated 3 April 2018

[Spotlight #5: Homelessness and domestic abuse](#), SafeLives, no date

[Housing and Homelessness](#), Standing Together Against Domestic Violence, no date

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