

Consultation response

## **Response to MHCLG consultation:**

# **Support for victims of domestic abuse in safe accommodation**

August 2019

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Shelter helps millions of people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

## Introduction

We welcome the opportunity to respond to this important consultation on the future delivery of support to survivors of domestic abuse and their children in accommodation-based domestic abuse services.

Domestic abuse is an increasing problem. The recording of domestic abuse-related crimes has risen over the past few years. In England and Wales, the police recorded 599,549 domestic abuse-related crimes in the year ending March 2018. This was an increase of 42% from the year ending March 2016.<sup>1</sup>

As well as devastating lives, the impact of domestic abuse is costly to the state. The Home Office estimate that domestic abuse resulted in £550 million in housing costs to Government in the year ending March 2017, including temporary housing, homelessness services and repairs and maintenance.<sup>2</sup> It is pertinent we ensure that the response is effective to minimise the impact both on survivors and the state.

Domestic abuse is, by its very nature, a housing issue, as well as a criminal one, because domestic abuse and other forms of violence against women and girls (VAWG) typically occur within the home. Women are most at risk at the point of, or shortly after, separating from an abuser and over half of women killed by men in 2017 were killed in their own home, or the home they shared with the perpetrator.<sup>3</sup>

So, the response from the public and private housing, and homelessness, sectors is crucial in delivering an effective response. Lack of access to safe, secure housing is a major barrier to escaping abuse and features strongly in a survivors' decision-making about whether they stay with, or leave, an abuser. If survivors cannot find another suitable home (e.g. because they cannot afford it alone), they can be at risk of homelessness. Survivors can be confronted with the 'option' of facing homelessness and housing insecurity or having to return to a perpetrator.

At Shelter we work with women fleeing domestic abuse who face homelessness due to barriers in accessing a place they feel comfortable, safe and free from harm. We also know that these experiences have not always been talked about in wider debates in housing and homelessness, let alone heard or acted upon. We are currently conducting research exploring the housing and homelessness issues experienced by domestic abuse survivors. This has revealed immense dissatisfaction with the temporary housing options available to those fleeing abuse, to the point where it can incentivise a return to the perpetrator, thereby placing survivors at further risk of harm.

Access to safe housing options for survivors of domestic abuse is therefore essential. Along with the rest of the sector<sup>4</sup>, we call for a 'whole housing approach' to ensure that no survivor is faced with such a devastating choice. A 'whole housing' approach that tackles the interconnected issues of housing, homelessness and domestic abuse, and violence against women and girls, in a consistent, joined up way. It aims to improve the response of the housing sector to domestic abuse and deliver a full suite of safe housing options to survivors (including remaining in owner-occupation, renting in the private or social sectors – including via Housing First, supported hostel accommodation, or remaining in the original home as part of a sanctuary schemes).

But this must be underpinned by specialist refuge provision to deliver specialist support to women and children escaping from life-threatening harm.

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<sup>1</sup>This in part reflects police forces improving their identification and recording of domestic abuse incidents as crimes and an increased willingness by victims to come forward. Office for National Statistics November 2018 Domestic abuse in England and Wales: year ending March 2018.

<sup>2</sup> Oliver, R., Alexander, B., Roe, S. & Wlasny M. (2019) The economic and social costs of domestic abuse. Published online: Home Office

<sup>3</sup> Femicide Census (developed by Karen Ingala Smith and Women's Aid Federation of England working in partnership, with support from Freshfields Bruckhaus Deringer LLP and Deloitte LLP). (2018) *The Femicide Census: 2017 findings. Annual Report on cases of Femicide in 2017*. Published online: Karen Ingala Smith and Women's Aid.

<sup>4</sup> [Domestic Abuse Housing Alliance](#) (DAHA)

We therefore welcome the government's commitment to deliver a secure future for refuge services through the proposed statutory duty. However, as has been well documented, funding for refuges and other forms of safe accommodation for survivors - including homelessness provision that meets the specific needs of those facing multiple and severe forms of disadvantage - remains insufficient to meet demand<sup>5</sup>. So, if a new duty is to be meaningful, this must be addressed.

We also need a joined-up approach at the national level. There are significant overlaps between these proposals and a range of other government commitments in the housing and homelessness sectors, including:

- MHCLG's review of implementation of the Homelessness Reduction Act 2017, which is due to report by April 2020.
- MHCLG's proposed new 'Homelessness Reduction Boards, which do not appear to have been developed in alignment with the suggested multi-agency partnership boards for accommodation-based domestic abuse services;
- The government's rough sleeping strategy and commitment to have rough sleeping by 2022 and ending it by 2027;
- The government's proposed white-paper on social housing.

Currently, the government is spending just a fraction of the cost of domestic abuse on services which prevent domestic abuse and support survivors and their children to cope and recover. If the aims of the Domestic Abuse Bill are successful, demand for these overstretched services will rise yet further, yet the Bill itself is only accompanied by £20m of additional national government spending.

We are calling for a clear commitment from national government - including all relevant departments - to underpin this landmark legislation with a sustainable funding settlement for the national response to domestic abuse. This includes sustainable funding for all elements of specialist support provision, and an effective multi-agency response from statutory services.

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<sup>5</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

## Summary

- We welcome the Government's aim to make the right support services available, regardless of the type of accommodation provided. We also welcome the intention to create a wide definition of 'accommodation-based services' to include a fuller range of accommodation in which victims and their children may require support.
- However, most of the 'accommodation-based services' listed are simply generic accommodation, either the original home (sanctuary schemes) or generic accommodation (e.g. room in a homeless hostel or a self-contained flat or house in the community).
- Refuges should be listed separately as 'specialist, accommodation-based services' because they are distinct from other types of accommodation listed. They don't simply provide somewhere to live but are unique in providing residents with a planned programme of therapeutic and practical support from staff and peer support from other residents.
- There is a risk that such a wide definition of 'accommodation-based services' could lead to a further shift in funding and commissioning towards generic accommodation services, provided by large registered providers of social housing, or large TA providers, with no domestic abuse expertise.
- A secure and consistent pathway into a safe, permanent home for survivors must be established as a core objective. A previously largely consistent pathway from specialist domestic abuse refuge into secure - often social - housing has been undermined by the lack of available social housing. The freeze to local housing allowance means that the alternative of a private rental is now largely unaffordable.<sup>6</sup> We need to deliver 3.1 million more social homes over 20 years in order to provide hope for those in greatest difficulty.<sup>7</sup>
- We support Crisis in recommending an amendment to homelessness legislation so that everyone who is homeless as a result of fleeing domestic abuse is in automatic 'priority need' for settled rehousing under the main homelessness duty. This will create the legal basis from which to support a secure pathway out of the refuge system and into settled rehousing.
- We broadly support the definition of support, and in particular the focus on 'specialist' staff. However, we recommend that further support services are listed, including advocacy (particularly via Independent Domestic Abuse Advisors or IDVAs); specialist legal advice (such as family and housing law); support for people with protected characteristics under equalities legislation, provided by and for groups of survivors; and counselling and therapeutic services, including for children.
- We strongly support a statutory duty framing the delivery of support. This could help to end the postcode lottery that survivors currently face when trying to access support. We particularly welcome that the duty framing the provision of support is focused on accountability in achieving outcomes, and not specific service requirements, which could lead to statutory provision but not the delivery of the independent, specialist services women and children need.
- To help achieve accountability, we recommend that the duty is underpinned by clear definitions and quality standards, based on established sector standards, such as Violence Against Women and Girls Sector Shared Standards<sup>8</sup>. Quality standards, supported by national and monitoring oversight, are essential to ensure that survivors receive a good service and public money is spent cost-effectively.

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<sup>6</sup> Kleynhans, S., *A united front to ending the LHA rate freeze*, Shelter, 2018

<sup>7</sup> Shelter, *Vision for social housing*, Shelter, 2018

<sup>8</sup> The Violence Against Women and Girls Sector Shared Core Standards have been developed by the Violence Against Women and Girls (VAWG) Sector Sustainability Working Group, formed in 2013 by Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid.

- Without this, there is a risk that, in a context of restricted local authority budgets, the duty could incentivise generic provision, which does not have tackling domestic abuse nor violence against women and (VAWG) as a core strategic aim, nor have the expertise to deliver the specialist trauma-informed support that survivors and their children need.
- It is important the new duty delivers a comprehensive package of support delivered by a range of providers, including refuge providers, across one local area. A new statutory duty must not unintentionally result in local commissioners and partners withdrawing funding, or removing focus, from the essential elements of a comprehensive package of support.
- We recommend that the statutory duty rests with Tier 2 authorities. As housing is the major need of people feeling domestic abuse, it makes sense for the statutory duty to be provided by authorities which have a duty to strategically assess the need for, and deliver, homelessness assistance and housing.
- If the government decides to go ahead with applying the Local Partnership Board to Tier 1 local authorities, we strongly recommend this is backed up by clear guidance on cross-border working and joined-up commissioning to make the most effective use of resources and ensure that the needs of all victims and their children are being met.
- We do not believe a duty to cooperate goes far enough to ensure the expertise of Tier 2 local authorities is reflected and housing and homelessness needs of survivors of domestic abuse and their children are met.
- We agree with the proposed representation but call for guarantees that specialist services will be meaningfully represented, and supported to engage effectively, on these boards. It is also critical that the other public bodies and commissioners - including PCCs, CCGs and representatives from public health, adults and children's services, housing teams and NPS and civil and criminal court services - engage meaningfully on the boards.
- The voices of service users, past and present, should also be represented on partnership boards. Being at a vulnerable point in their lives makes it important to ensure services are shaped by their needs and views.
- We agree with the proposed representation on Local Partnership Boards but call for guarantees that specialist services will be meaningfully represented, and supported to engage effectively, on these boards. It is also critical that the other public bodies and commissioners - including PCCs, CCGs and representatives from public health, adults and children's services, housing teams and NPS and civil and criminal court services - engage meaningfully on the boards.
- The voices of service users, past and present, should also be represented on partnership boards. Being at a vulnerable point in their lives makes it important to ensure services are shaped by their needs and views.
- Robust needs assessments for the full suite of accommodation and community-based domestic abuse services are essential for the planning, commissioning and delivery of quality service provision. As many victims do not report domestic abuse, prevalence data alone are not enough for an assessment of need.

## Response to specific consultation questions

### Accommodation-based services

#### Q1. Do you agree with our definition of ‘accommodation-based services’ for victims and their children?

##### Disagree

##### Comments

We welcome the Government’s aim (Ministerial Foreword) to make the right support services available, regardless of the type of accommodation provided. We also welcome the intention (paragraph 30) to create a wide definition of ‘accommodation-based’ to include a fuller range of accommodation in which victims and their children may require support.

For this consultation and the wider review, MHCLG defines ‘accommodation-based services’ as:

- Specialist refuge accommodation, including refuges which provide dedicated support to victims with protected characteristics and/or complex needs. These may include refuges for BAME, LGBTQ+, and disabled victims and their children.
- Dispersed accommodation.
- Properties with Sanctuary Schemes or other enhanced security measures.
- Other forms of emergency accommodation – e.g. respite accommodation or temporary accommodation.
- Move-on and second stage accommodation.

***We suggest that the title of ‘accommodation-based services’ is amended simply to ‘accommodation’.***

Most of the ‘accommodation-based services’ listed are simply generic accommodation, either the original home (sanctuary schemes) or generic accommodation (e.g. room in a homeless hostel or a self-contained flat or house in the community). For example:

- Sanctuary Schemes or other enhanced security measures are not in and of themselves an ‘accommodation-based service’. They are only likely to be effective if they are delivered as one element of a community-based service - such as floating or IDVA support.
- Emergency/temporary/‘respite’ accommodation is certainly not an accommodation-based domestic abuse service and does not provide the level of safety and support required by women and children who are escaping from severe abuse and trauma, and in some cases remain at high risk of murder. In fact, homeless B&B accommodation can feel very unsafe, with bathing and toilet facilities having to be shared with other (male) occupants, regular aggressive behaviour, violence and alcohol/drug abuse from other occupants, and non-residents able to get into the building. In 2018, 28% of temporary accommodation was provided out-of-area.<sup>9</sup>

**Women with lived experience of domestic abuse and housing issues in Greater Manchester recalled that being “stuck in limbo” in temporary accommodation disrupted their access to supportive networks of friends and family and their routines, particularly for those with children, and also negatively impacted their self-esteem, leading to some women returning to the home where they were facing the abuse.**

<sup>9</sup> MHCLG, *Live tables on homelessness*, Temporary accommodation, TA1, 2019

## ***The need for specialist domestic abuse accommodation-based support - refuges***

Refuges should be listed separately as ‘specialist, accommodation-based services’ because they are distinct from other types of accommodation listed. They don’t simply provide somewhere to live but are unique in providing residents with a planned programme of therapeutic and practical support from staff and peer support from other residents. Support offered by refuge services also includes access to support for children, where needed.<sup>10</sup> Specialist services deliver holistic support in a safe and secure environment, either provide, or work closely alongside, community-based services and deliver unique added value within a multi-agency response to domestic abuse within local areas.<sup>11</sup>

There is a risk that such a wide definition of “accommodation-based services” could lead to a further shift in funding and commissioning towards generic accommodation, which don’t deliver the genuinely safe, supportive environment that survivors need.

There have been significant changes to provision of accommodation-based services over the past decade, the result of which is fewer, larger services covering larger geographical areas and an increase in ‘generic providers’ - those whose core business is not domestic abuse.<sup>12</sup>

There are now 158 providers running the 269 refuge services in England. Only two thirds (66%) of all refuge services are run by dedicated providers, with the remaining third run by housing associations, local authorities or other charities with a wider remit.<sup>13</sup>

If the definition of ‘accommodation-based services’ remains the same, there is a real risk the accommodation and services funded and commissioned will be generic housing services, provided by large registered providers of social housing, or large TA providers, with no domestic abuse expertise.

It is important that the Government **increases access** to specialist accommodation options for survivors, rather than commissioning an increasing number of generic services. For example, women survivors may prefer women-only homelessness accommodation and services, which offer the flexibility and expertise to meet their often complex needs. Such services play a key role in linking survivors with specialist support, e.g. local domestic abuse community services or helping prepare clients to access a more structured refuge environment.

**Women from Greater Manchester, with lived experienced of domestic abuse and housing or homelessness issues contributing to Shelter’s ongoing research, felt there was a severe shortage of women-only provision, and that addressing this would be hugely beneficial to improve their experiences of securing accommodation where they felt safe, as many women felt uncomfortable in mixed accommodation. Access to a wide range of options can be particularly helpful to women with additional support needs, or a larger family size, which can pose challenges in communal living, such as refuges.**

It is essential that MHCLG adopt a clear definition of ‘specialist’ to ensure that the services funded through this model truly have the specialism and expertise to deliver the trauma-informed support survivors and their children need. We recommend that the model recently adopted by the Welsh Government in statutory commissioning guidance underpinning the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 is used as a basis for this.<sup>14</sup>

<sup>10</sup> The planned programme of therapeutic and practical support will include access to: information and advocacy, emotional support, access to specialist support workers (eg. drugs/alcohol misuse, mental health, sexual abuse), access to recovery work, access to support for children (where needed), practical help; key work & support planning (work around support needs including e.g. parenting, finances and wellbeing); safety planning and counselling.

<sup>11</sup> Linney, J., Regan, L. & Gunn, D. with Llewellyn, D. and Assomull, R., *Numbers for Good, Funding a National Network of Refuges* Women’s Aid, 2018

<sup>12</sup> Women’s Aid (2018) *Survival and Beyond: The Domestic Abuse Report 2017*. Bristol: Women’s Aid; Women’s Aid (2019) *The Domestic Abuse Report 2019: The Annual Audit*, Bristol: Women’s Aid

<sup>13</sup> *The Domestic Abuse Report 2019: The Annual Audit*, Bristol: Women’s Aid, 2019

<sup>14</sup> Welsh Government, *Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV): Statutory Guidance for the Commissioning of VAWDASV Services in Wales*, March 2019

## ***Move on to a settled home with resettlement support***

A secure and consistent pathway into a safe, permanent home for survivors must be established as core objective. A previously largely consistent pathway from specialist domestic abuse refuge into secure - often social - housing has been undermined by the lack of available social housing. The freeze to local housing allowance means that the alternative of a private rental is now largely unaffordable.<sup>15</sup> We need to deliver 3.1 million more social homes over 20 years in order to provide hope for those in greatest difficulty.<sup>16</sup>

The result is that women and children will now commonly leave refuges and move into another form of temporary, move-on or second stage accommodation. 87% of over 100 women leaving refuges provided by Solace Women's Aid in 2015 were moved into continued temporary accommodation.<sup>17</sup> Move-on or 'second stage' accommodation is not, however, a permanent solution. The lack of a secure move-on pathway not only results in further significant uncertainty and disruption for survivors and their children but incurs significant costs in temporary accommodation. In 2017-18, councils spent just under £1 billion (£996 million) on temporary accommodation for homeless households.<sup>18</sup>

We have called for the government to invest each year, for ten years, £12.8 billion in capital grant. This will unlock a total housebuilding programme worth £46.2 billion per year on average.<sup>19</sup>

Resettlement support should also be included within the definition of 'specialist, accommodation-based services', as there is a clear need for move-on accommodation, which includes resettlement support. This is a core part of the work of refuges to support survivors to recovery and independence. Resettlement support is more intensive than regular floating support and continues to provide a short-term programme of support to survivors who have moved on from a refuge.

We recommend the government gives further thought to how best move-on accommodation can be delivered by specialist domestic abuse providers, and whether it is best included within an expanded definition of a refuge service.

Finally, we support Crisis in recommending an amendment to homelessness legislation so that everyone who is homeless as a result of fleeing domestic abuse is in automatic 'priority need' for settled rehousing under the main homelessness duty. This will create the legal basis from which to support a secure pathway out of the refuge system and into settled rehousing. Without this change in the law, many survivors are ineligible for help to move into settled accommodation leaving them without access to a home where they can rebuild their lives. This can result in survivors becoming stuck in refuge accommodation, even after they no longer require it, blocking this space for someone in immediate need of safety.

## **Q2. Are there any other services, other than those listed, that you would define as an accommodation-based service?**

We suggest that accommodation provided to asylum seekers, via the National Asylum Support Service, could be added to the list.

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<sup>15</sup> Kleynhans, S., *A united front to ending the LHA rate freeze*, Shelter, 2018

<sup>16</sup> Shelter, *Vision for social housing*, Shelter, 2018

<sup>17</sup> Solace Women's Aid, *The Price of Safety*, 2016. [Accessible online](#).

<sup>18</sup> In 2017-18 councils in England spent 1.394 billion on homelessness. MHCLG, *Local authority revenue expenditure and financing England: 2017 to 2018*, Revenue outturn housing services (RO4), LA drop-down

<sup>19</sup> Jeffwitz, W., *Capital grant required to meet social housing need in England 2021-31*, National Housing Federation, 2019

## Support

### Q3. Do you agree with our definition of 'support'?

#### Broadly agree, but recommend some amendments

#### Comments

MHCLG define support as the work of:

- Service managers
- Refuge staff
- Key workers, including those which provide dedicated support or counselling/therapy to victims with protected characteristics and/or complex needs
- Children's support workers
- Outreach workers providing housing-related support in safe accommodation
- Advice services
- Translators and interpreters
- Counsellors and therapists (for both adults and children)

We broadly support this, and in particular the focus on 'specialist' staff.

However, we recommend that a number of changes are made to ensure it accurately reflects the nature of service provision:

- Children's support workers: an expanded definition is needed to recognise the centrality of children's services within specialist domestic abuse services (refuges) and the comprehensive package of support they provide. In addition to children's support workers, refuges provide an essential safeguarding and child protection function, play therapists, and practical measures to ensure that refuges provide a safe and supportive environment for children to recover from trauma.
- Advice services: should be amended to 'advocacy and advice services'. Government should recommend that Independent Domestic Abuse Advisors (IDVAs) should be funded to access advice and advocacy. IDVAs not only provide, or refer to, information and advice, but provide significant levels of support to survivors, advocating on the behalf of adult and child survivors and working together with multi-agency partners.
- Outreach workers providing housing-related support in safe accommodation: we recommend this is amended to 'floating support' as this better-reflects the service provided.

We recommend some further support services are added to the list, including:

- Peer support
- Drop-in support
- Helplines
- Counselling and therapeutic services, including for children. This is an area that has been significantly cut and so it is particularly disappointing that it is not listed under support.
- Specialist legal advice services, such as housing and family law advice services, particularly for people who can't access legal aid. Survivors who are mortgagees can face particular problems with regaining access to, or selling, their homes to avoid repossession and homelessness.
- Support for people with protected characteristics under equalities legislation, provided by and for groups of survivors including: black, Asian and minority ethnic (BAME); those with disabilities; lesbian, gay, bi-sexual and trans (LGBTQ+) survivors. These recognise the multiple forms of discrimination that women face and provide specialist support tailored to their specific needs and experiences. We recommend that MHCLG work with organisations including Imkaan, Galop, HOPE and Stay Safe East to define this accurately and ensure sufficient funding is delivered for such support.

A contributor to Shelter's research with women in Greater Manchester with lived experience of domestic abuse and housing issues spoke of the added difficulties she had encountered as a result of her trans gender identity:

***“A huge barrier for trans women accessing services is the perception that we are not welcome to do so, or that we may cause discomfort to other survivors by our presence”***

This can lead to many trans women returning to perpetrators, “sofa surfing”, engaging in survival sex, entering further abusive relationships or rough sleeping (and resultantly often reverting to a male gendered presentation to avoid being identified as trans which can elicit violence or sexual assault).

#### **Q4. Do you define an accommodation-based service not listed here as support?**

See our response in Q1 in relation to refuges, which are the only form of specialist, accommodation-based service for survivors of domestic abuse. Other forms of accommodation and support listed are general needs accommodation with floating support.

#### **Statutory Duty**

#### **Q5. Do you agree with our approach of introducing a statutory duty underpinned by statutory guidance?**

#### **Strongly agree**

#### **Comments**

MHCLG propose a four-part duty:

1. a duty on lead authorities to convene a multi-agency Local Domestic Abuse Partnership Board, (which must perform certain specified functions, as outlined and explained in statutory guidance. These are to:
  - a) Assess the need and demand for accommodation-based support for all victims and their children, including those who require cross-border support.
  - b) Develop and publish strategies for the provision of support to cover the locality and diverse groups of victims.
  - c) Make commissioning / de-commissioning decisions.
  - d) Meet the support needs of victims and their children.
  - e) Monitor and evaluate local delivery
  - f) Report back to central Government
2. a duty for lead authorities to have regard to statutory guidance in exercising these functions;
3. a duty on the Secretary of State to produce the statutory guidance; and
4. a duty on Tier 2 district, borough and city councils and London Boroughs to cooperate with the Local Domestic Abuse Partnership Boards.

We strongly support a statutory duty framing the delivery of support. We strongly support the government's aims to safeguard provision of support, clarify governance and accountability, ensure needs assessments are undertaken, and enhance understanding of service provision across England through monitoring and reporting.

In our view, a statutory duty could help to end the postcode lottery that survivors currently face when trying to access support, improve accountability, and create more consistency in provision.

We particularly welcome that the duty framing the provision of support is focused on accountability in achieving outcomes, and not specific service requirements, which could have led to statutory provision but not the delivery of the independent, specialist services women and children need.

To help achieve accountability, we recommend that the duty is underpinned by clear definitions and quality standards, based on:

- Violence Against Women and Girls Sector Shared Standards<sup>20</sup>
- Women's Aid's National Quality Standards
- Imkaan's Safe Minimum Practice Standards
- Respect Standards
- SafeLives' Leading Lights service standards and Insights outcomes measurement system
- Domestic Abuse Housing Alliance standards

Quality standards, supported by national and monitoring oversight, are essential to ensure that survivors receive a good service and public money is spent cost-effectively.

Without these measures in place, and in a context of restricted local authority budgets, we are concerned that the duty could incentivise generic provision, which does not have tackling domestic abuse nor violence against women and (VAWG) as a core strategic aim, nor have the expertise to deliver the specialist trauma-informed support that survivors and their children need. Generic provision can be provided at lower cost, a key factor for commissioners, but may not represent good value for money in achieving successful and sustainable outcomes.

In addition, we are concerned that the creation of a statutory duty for accommodation-based services alone could have unintended consequences for the provision of wider community-based services which are essential for an effective response to survivors and their children.

It is important to recognise that a comprehensive package of support is critical for keeping survivors and their children safe within their homes and to prevent and alleviate homelessness caused by domestic abuse. This is often delivered by a range of providers, including refuge providers, across one local area.

A new statutory duty must not unintentionally result in local commissioners and partners withdrawing funding, or removing focus, from the essential elements of a comprehensive package of support.

We therefore recommend the statutory duty aims to deliver a comprehensive package of support, which should include:

- training of professionals
- prevention, education and awareness-raising activities
- group work and peer support
- multi-agency work including co-location of services
- advocacy, ideally provided by Independent Domestic Abuse Advisors (IDVAs)
- community outreach services
- drop in services
- counselling and therapeutic services
- children's workers and young people's violence advisors (YPVAs)
- local helplines and
- an effective response to perpetrators.

The statutory guidance will be essential in this regard. Statutory guidance must also clarify specialist refuge provision should be integrated within a 'whole housing' approach to domestic abuse that ensures that survivors can access a range of safe housing options based on their needs

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<sup>20</sup> The Violence Against Women and Girls Sector Shared Core Standards have been developed by the Violence Against Women and Girls (VAWG) Sector Sustainability Working Group, formed in 2013 by Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid

**Q6. Do you agree with placing the statutory duty on Tier 1 Authorities (County Councils, Metropolitan Councils, Unitary Authorities and the Greater London Authority) as ‘Lead Authorities’?**

**Disagree**

**Comments**

MHCLG propose that the ‘lead authorities’ should be Tier 1 local authorities (county councils, metropolitan councils, unitary authorities, GLA), with Tier 2 local authorities (district, borough and city councils, London boroughs) subject to a duty to cooperate.

Tier 1 authorities are proposed because MHCLG believe they are best placed to lead work across their areas because:

- they have the larger geographic footprint and, often, similar footprints to those of key partners, such as Police and Crime Commissioners, which supports planning of services.
- the provision of support across these wider areas may help some victims move across the area to stay safe.
- Tier 1 authorities also have related responsibilities and governance arrangements to draw on in leading this work, including their work on social care and convening of Health and Wellbeing Boards, Community Safety Partnerships and Children’s Services.

However, the consultation (paragraph 34) argues that local authorities are best placed to lead the commissioning of support for victims and their children because they:

- are already responsible for related issues such as homelessness, wider housing strategy and children’s and adults’ social services
- have existing relationships with service providers and key agencies and can draw on their experience of funding and commissioning domestic abuse services
- know their areas and are in the best position to understand and assess need for services from both within and beyond their local areas

We therefore recommend that the statutory duty rests with Tier 2 authorities. As housing is the major need of people feeling domestic abuse, it would make sense for the statutory duty to be provided by authorities which have a duty to strategically assess the need for, and deliver, homelessness assistance and housing. So, there is a strong case for aligning the duty to convene a Local Partnership Board with these duties. This would help to ensure that the housing and homelessness needs of victims and their children are being adequately assessed and met in every local area.

We are concerned if the duty rests with Tier 1 local authorities this will not be sufficient to ensure adequate services are being provided at a local level. This is driven by a concern that Tier 1 authorities may be less likely to direct resources to services which they do not have responsibility for.<sup>24</sup> It will also be more difficult for Tier 1 authorities to accurately assess the accommodation needs of survivors of domestic abuse and their children, because much of the information that would inform this is held by Tier 2 local authorities who have responsibility for homelessness.

Furthermore, in our experience, it can be difficult to ensure that local housing authorities accept a homelessness duty to people fleeing domestic abuse. This can leave people at a vulnerable point in their lives without a clear route to access help, or challenge when that help is not forthcoming. For example, our Bristol service report cases where the housing options team require the applicant to provide a high level of police evidence of abuse before accepting that an applicant is homeless because of the need to escape abuse, even when they have confirmation from support organisations or other professionals. A statutory duty to meet the support needs of victims and their children may help ensure that barriers to accessing accommodation are removed.

Finally, if accommodation-based services are delivered at the Tier 1 (county) level, survivors may have to leave their home local authority area when they would rather stay where they have support and their children are settled in school, because the accommodation they are offered is in another district in the county. Already, 28% of homeless temporary accommodation is out-of-area, and this can have a very negative impact on lone parents and children.<sup>21</sup>

In general, two tier local authority structures can make partnership working on homelessness more complex and difficult to deliver. These problems have been compounded in two tier areas where Supporting People programmes have been cut, undermining partnership arrangements that had been established alongside Supporting People commissioning. This can result in the provision of services becoming more fragmented.

If the government decides to go ahead with applying the Local Partnership Board to Tier local authorities, we strongly recommend this is backed up by clear guidance on cross-border working and joined-up commissioning to make the most effective use of resources and ensure that the needs of all victims and their children are being met.

We recognise that in areas with two tier local government having the statutory duty at lower tier level could create additional logistical and cost implications for statutory agencies and other partners, which often operate across wider geographical boundaries. To address this, the Government should encourage cross border working where this meets local requirements, for example by allowing local authorities the flexibility to collaborate across boundaries to deliver their duties.

#### **Q7. Do you agree that a duty to co-operate should be placed on Tier 2 Authorities and London Boroughs?**

##### **Disagree – Tier 2 authorities should have the statutory duty**

###### **Comment**

As previously argued, we do not feel only placing a duty to cooperate on Tier 2 authorities and London boroughs is sufficient to ensure that the housing and homelessness needs of survivors of domestic abuse and their children are met.

In many parts of the country, Tier 2 local authorities not only hold the experience and expertise in funding and commissioning services but have the responsibilities for homelessness too. Their expertise and intelligence must inform strategic, joined-up commissioning for refuge services, and would help ensure the duty doesn't further incentivise large-scale contracts which favour generic provision.

We do not believe a duty to cooperate goes far enough to ensure the expertise of Tier 2 local authorities is reflected.

###### **Accountability**

#### **Q8. Do you agree with the proposed representation on Local Partnership Boards?**

##### **Agree**

###### **Comments**

We agree with the proposed representation but call for guarantees that specialist services will be meaningfully represented, and supported to engage effectively, on these boards. Attending and providing expert input into governance structures can be resource intensive and services already undertake significant consultancy/advisory roles within local areas, providing knowledge and expertise to statutory agencies, which are often unfunded.

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<sup>21</sup> MHCLG, [Live tables on homelessness](#), Temporary accommodation, TA1, 2019

It is also critical that the other public bodies and commissioners - including PCCs, CCGs and representatives from public health, adults and children's services, housing teams and NPS and civil and criminal court services - engage meaningfully on the partnership boards. Currently there is only a statutory duty on the local authority to convene the partnership and tier two local authorities to cooperate - and not on the other crucial partners to attend and also deliver funding. There is of course a risk that these partners may withdraw from investing in refuge services because this new funding model is seen as the responsibility of local authorities and MHCLG.

The government must consider whether additional duties - and financial responsibilities - on other partners such as PCCs and CCGs are required to ensure they are represented at sufficiently senior level on the partnership board and invest in the domestic abuse services that they accrue significant financial benefits from.

We know that women fleeing domestic abuse can often face homelessness due to many barriers in accessing a place they feel comfortable, safe and free from harm.

Given the strong link between domestic abuse and homelessness, we recommend the proposed representation on Local Domestic Abuse Partnership Boards is expanded to include senior local authority representatives responsible for homelessness. There must be strategic alignment between proposed Local Partnership Boards and Homelessness Reduction Boards (or similar statutory or non-statutory local homelessness boards).

The voices of service users, past and present, should also be represented on partnership boards. Being at a vulnerable point in their lives makes it important to ensure services are shaped by their needs and views.

**Q9. Do you believe your local authority has an existing governance structure in place which could meet the proposed role of the Board?**

**N/A – as a national organisation**

**Comment**

Whilst some local areas may have existing governance structures able to undertake these functions, we would be concerned if this significant new statutory duty becomes just one agenda item for a Community Safety Partnership or Health and Wellbeing Board. We are aware of various different local accountability and governance arrangements for the commissioning and provision of domestic abuse services, which MHCLG should look into further, as many of these will be well placed to deliver the duty.

**Q10. If you believe your local authority has an existing governance structure in place that could meet the proposed role of the Board...**

**N/A**

**Q11. Do you agree with a duty to convene a Local Partnership Board?**

**Agree**

**Comments**

We support the proposed duty but highlight that whilst in some areas strong multi-agency partnership arrangements between specialist services, commissioners and multi-agency partners are well established, in other there may be significant challenges in setting up collaborative boards that meet the needs of survivors and their children.

Since 2014 MHCLG have required local authorities and specialist services to work in partnership to access funding for accommodation based domestic abuse services. During this time the sector has seen examples of extremely poor partnership working, including the exclusion of specialist services in planning and delivering services, and failures to collaboratively assess local need and provision,

resulting in service duplication and overlap. It is essential that the new local multi-agency boards learn from these lessons and deliver equitable, effective partnerships which are truly effective in delivering person-centred services that meet the needs of users and secure value for money. Measures to ensure meaningful representation of survivors and service users and involvement in service design and delivery, and outcomes monitoring as set out in the response to question eight, will be essential.

In addition, the government must consider whether additional duties - and financial responsibilities - on other partners such as PCCs and CCGs are required to ensure they are represented at sufficiently senior level on the partnership board and invest in the domestic abuse services that they accrue significant financial benefits from.

#### **Q12. Do you agree with the role and remit of Local Partnership Boards?**

**Agree**

##### **Comments**

We support the role of partnership boards in overseeing service provision with a clear governance and accountability framework, and through undertaking needs assessments, developing local area strategies, commissioning services and reporting on outcomes. It is critical to ensure that this remit extends beyond accommodation-based services alone and ensures that the board oversees the full range of domestic abuse service provision as set out in response to question five. There are numerous interconnections between accommodation-based and community services that need to be considered when setting up a new multi-agency board for domestic abuse at local level. It will be a missed opportunity if this new local accountability structure does not oversee wider domestic abuse and VAWG support provision, and of course how this fit into a 'whole housing' approach to domestic abuse.

#### **Q13. Do you agree with Local Partnership Boards assessing need for services?**

**Agree**

##### **Comments**

Robust needs assessments for the full suite of accommodation and community-based domestic abuse services are essential for the planning, commissioning and delivery of quality service provision. As many victims do not report domestic abuse, prevalence data alone are not enough for an assessment of need because this data tell us nothing about the impact of the abuse and the sort of support required.

Many victims are also "hidden" in local needs assessments, due to gaps in protected characteristics, equalities data and the significant numbers of women who are experiencing homelessness - including rough sleeping and sofa surfing - whose experience is not captured. Utilising the expert advice of specialist services is therefore critical for developing a full and accurate understanding of local need.

To assess need for service for survivors with complex needs, a full range of agencies who may have contact with the client group must be included in the assessment process. These agencies may include, but are not limited to, local homelessness services, drug and alcohol services, and mental health services.

Given the inextricable links between domestic abuse and homelessness, it is important to ensure that needs assessments for domestic abuse and VAWG are aligned to - and inform - local needs assessments for homelessness and rough sleeping, in which women's needs are often hidden. Women sleeping rough are often missing from administrative datasets collected by homelessness services and other agencies, because they may not be in contact with some services and there is evidence that they avoid contact with some homelessness services.<sup>22</sup> The guidance for local needs assessment should

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<sup>22</sup> <https://www.mungos.org/publication/women-and-rough-sleeping-a-critical-review/>

equip local areas to actively search for robust and rich data about women's homelessness even where this is not immediately available, as a population group at very high risk of domestic abuse.

We are also clear that an assessment of demand at national, as well as local, level will be essential to underpin this new model. Local needs assessment cannot be based on local data alone - as around two thirds of women escaping into refuge are from a different local area. Whilst local partnership boards assessing need for survivors is essential, it will only be effective if it includes an assessment of demand at a national level too. It is essential that a local standardised assessment works to tackle these challenges, and that it is underpinned by a robust assessment of need and demand at national level to ensure that the demand for support can be met by specialist services resourced to meet women and children's needs.

#### **Q14. Do you agree with Local Partnership Boards developing local strategies?**

**Agree**

##### **Comments**

A strategy setting out a clear vision, aims and priorities - with established funding and lines of accountability - is essential for a robust response to keeping survivors and their children safe and providing quality support. We are clear that the partnership board must lead a strategy on all service provision for domestic abuse at tier one local authority level, and consideration should be given to how this will link to comprehensive needs assessment and provision of services for other forms of VAWG. We also recommend that the government give further consideration to how these strategies will align to the delivery of a 'whole housing' approach to domestic abuse and other related strategies and plans - including for homelessness, rough sleeping and social housing - in this regard.

#### **Q15. Do you agree with Local Partnership Boards commissioning domestic abuse services in partnership with Tier 2 Authorities?**

**Agree**

##### **Comments**

Whilst we support this approach, it is important to recognise that in many parts of the country, Tier 2 local authorities not only hold the experience and expertise in funding and commissioning services but have the responsibilities for homelessness too. It will be essential to ensure their expertise and intelligence informs strategic, joined-up commissioning for refuge services, and to establish safeguards which mean that the statutory duty does not further incentivise large-scale contracts which favour generic provision. It will also provide the opportunity for sharing learning across areas. If services are to be commissioned by Tier 1 authorities it will be important that there are opportunities for service providers to engage with all authorities in service delivery.

#### **Q16. Local authority/ providers: What would be the practical implications of meeting the proposed requirements of the statutory duty?**

##### **Comments**

The national network of refuges continues to face a funding crisis, with an uncertain funding landscape, short-term contracts and poor commissioning practices continuing to provide a major barrier to services meeting demand from survivors and their children seeking safety. Data from Routes to Support shows that, according to the Council of Europe recommendation<sup>23</sup>, as at May 2018 there was a shortfall of 1,715 bed spaces in England.<sup>24</sup>

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<sup>23</sup>Kelly and Dubois, Combating violence against women: minimum standards for support services, Council of Europe, 2008. [Accessible online.](#)

<sup>24</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

Almost 60% of all referrals to refuge services in 2017–18 were declined (for any reason). Over one in six of these referrals were declined due to a lack of space or capacity to support the survivor. It cannot be forgotten that behind these statistics are the experiences of women and children who are at serious risk of harm and murder. Women's Aid's Nowhere to Turn Project, funded by MHCLG, has shown clearly that survivors unable to access a refuge space are faced with the 'choice' of rough sleeping, sofa surfing or returning to the perpetrator.<sup>25</sup>

Demand figures also mask the significant barriers facing certain groups of survivors from accessing safety: fewer than one in five refuge vacancies in 2017–18 could accommodate a woman with two children, and only 1.0% of vacancies were in rooms fully accessible for wheelchairs.<sup>26</sup> Urgent, secure and long-term funding is needed to ensure that all survivors and their children can access specialist services that are sufficiently resourced to meet their needs. We recommend the proposed new statutory duty to be underpinned with:

- sufficient and ring-fenced local funding, delivered through the multi-agency partnership board, for specialist refuge provision which meet the needs of survivors from all backgrounds;
- sufficient and ring-fenced national funding for refuge provision which is led 'by and for' those who it supports, such as refuge services led by and for BME women.

It is of course crucial to recognise that the cost of domestic abuse to society in one year was £66 billion, with the direct costs to the Exchequer amounting to £365m a week or £19bn a year. Currently, however, the government is spending just a fraction of this cost on services which prevent domestic abuse and support survivors and their children to cope and recover. If the aims of the Domestic Abuse Bill are successful, demand for these overstretched services will rise yet further, yet the Bill itself is only accompanied by £20m of additional national government spending. We are calling for a clear commitment from national government - including all relevant departments - to underpin this landmark legislation with a sustainable funding settlement for the national response to domestic abuse. This includes sustainable funding for all elements of specialist support provision, and an effective multi-agency response from statutory services.

**Q17. Local Authority: What would be the financial implications of meeting the proposed requirements of the statutory duty?**

N/A

**Needs Assessment**

**Q18: Do you think that Government should develop a standardised needs assessment form for local areas to use in assessing need for domestic abuse support services?**

See response to question 13

**Q19. How often should the needs assessment be conducted?**

We recommend that a local needs assessments should be completed every three to five years, depending on commissioning cycles. The national needs assessment should be updated a minimum of once a year.

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<sup>25</sup> Women's Aid (2018), Nowhere to Turn: Findings from the Second Year of the No Woman Turned Away Project, Bristol: Women's Aid.

<sup>26</sup> Women's Aid (2019), The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

## Reporting on Outcomes

### Q20. Do you agree with Local Partnership Boards making commissioning decisions in partnership with Tier 2 Authorities?

**Agree**

#### Comments

We recognise that it may not be appropriate for all members of the partnership board to make commissioning decisions, as there may be conflicts of interest. However, as the government's VAWG Commissioning Toolkit makes clear, there must be a strong focus on co-production and recognition that commissioning for domestic abuse and other forms of VAWG is only effective when done in partnership with survivors and specialist services who should be involved at each stage of the process - from needs assessment to planning, delivery and evaluating. Whoever is responsible for commissioning these services should take a collaborative approach involving both service users and providers to ensure services are designed to truly reflect the needs of the local area.

### Q21. Do you agree that standardised reporting would promote accountability and transparency?

**Agree**

#### Comment

We agree that reporting should be standardised. Currently, specialist services face a huge amount of differing and contradictory monitoring requirements for the range of different funders we report to - yet conversely there is no clear oversight, monitoring or accountability at national level. A standardised approach is important for transparency, monitoring funding and local commissioning, and ensuring that services are meeting agreed standards and providing value for money. It would also help to identify best practice in different local areas, and highlight gaps in service provision. It is essential that the monitoring framework works to identify both high and poor quality services, and the impact that changes to provision have on service quality.

Standardised reporting must be developed from established frameworks for standards and outcomes monitoring within the sector - including Women's Aid's Quality Standards and On Track case management and outcomes management system, Imkaan's Safe Minimum Practice Standards and Synthesis system and SafeLives' Leading Lights service standards and Insights outcomes measurement system. A monitoring framework must streamline the multiple reporting requirements services are currently required to complete, and must not introduce onerous new requirements.

### Q22. Do you agree with the reporting themes suggested?

**Disagree**

#### Comments

Although we agree with the themes suggested, far more detail on how monitoring and reporting on the effectiveness of local needs assessment, strategies and commissioning decisions will work, as well as the government's proposals for outcomes and impact monitoring, is required. For example: which partners and stakeholders will be included to provide evidence of how effectively a local partnership is working; how will data analysis, assumptions and conclusions on these reporting themes be quality assured; and how will the views and experiences of survivors be captured in this regard.

The outcomes and impact of service delivery and local decision making requires far more definition, in line with the data that providers already collect and report on, and in order to ensure robust national oversight of the services survivors are getting. This must not introduce onerous new requirements on providers, and must operate in line with existing frameworks, as set out above.

### **Q23. Do you agree with the role and remit of the National Steering Group?**

**Disagree**

#### **Comments**

We are concerned that the national steering group proposed will not be able to deliver the significant reforms required to deliver a sustainable funding system that ensures the national demand for support is met in services resourced to meet the needs of survivors and their children. We recommend that the government adopts a 'national oversight mechanism', as set out in the proposed 'hybrid' funding model for refuges published by Women's Aid and supported by Imkaan and Refuge in 2018. This model is essential to ensure that a largely local system of funding and commissioning is underpinned by national oversight that provides assurance no survivor is turned away from the support they need.<sup>27</sup> We are not assured that a 'steering group' alone will plug the significant gap in national accountability for the commissioning, funding and provision of refuge services.

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.

### **Q24. Do you agree with the proposed representation on National Steering Group?**

**Disagree**

#### **Comments**

As set out in the response to question 23, we would like to see a national oversight mechanism established. In addition to representatives from local government, Police and Crime Commissioners (PCCs), health bodies, specialist domestic abuse service providers, housing associations and homeless providers membership of this mechanism should include survivors, and national specialist bodies for survivors with protected characteristics such as Imkaan, Galop, Deaf Hope, Stay Safe East and Shaping Our Lives. The mechanism should also include the expertise of grant funders like Lloyds Bank Foundation, the Big Lottery Fund and BBC Children in Need, which already invest hugely in the sector, have significant expertise in grant scrutiny processes, and can be involved in overseeing an effective funding process.

In addition, all government departments that have a responsibility for ensuring a sustainable future of the refuge sector - including the Department for Education, the Department for Health and Social Care, DWP, Ministry of Justice and the Home Office - should be required to attend. We call for MHCLG to consider both how to ensure these departments are represented at sufficiently senior level, and how they can be incentivised to provide funding to the services that they accrue financial benefits from.

The National Steering Group should include a representative responsible for homelessness within MHCLG, and in particular a representative working on the Rough Sleepers Sleeping Initiative and Rough Sleeping Strategy, to ensure that joint working on homelessness and domestic abuse, as recommended for local authorities, is mirrored at the highest level.

Finally, while MHCLG will be crucial in setting and monitoring the delivery of standards and provision, it is important that the mechanism has a level of independent oversight. The government should consider the links between this mechanism and the proposed new Domestic Abuse Commissioner, and whether

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<sup>27</sup> Jo Linney, Lorraine Regan & Domini Gunn with Dominic Llewellyn and Roshni Assomull, Numbers for Good, Funding a National Network of Refuges (Women's Aid, 2018)

the Domestic Abuse Commissioner could be an appropriate, independent chair for a national oversight mechanism.

## **Guidance**

### **Q25. Do you agree with the overall approach of the statutory guidance?**

**Agree**

#### **Comments**

We agree with the introduction of statutory guidance, which could be a powerful tool for improving the consistency and quality of provision. However, we are clear that the guidance must be informed by learning from the implementation of previous guidance delivered by MHCLG and the Home Office on service provision in the sector - including the National Statement of Expectations for VAWG Services and MHCLG's 'priorities' for domestic abuse services. Unfortunately, without robust requirements and national oversight, guidance does not equate to consistent delivery across the country. Statutory guidance must set out clear requirements - and not only 'priorities' or 'expectations' - for standards and service provision that are then monitored and assessed by the national oversight mechanism with powers to hold local authorities accountable for inadequate and unsafe provision.

### **Q 26 What else would you like to have set out within the guidance?**

#### **Comments**

As set out in our response to question five, it is crucial that the guidance sets out the approach of the partnership board in overseeing all - not only accommodation based - types of domestic abuse service provision, and ensuring that the statutory duty is one part of a 'whole housing' approach to domestic abuse within local areas.

We also recommend that the statutory guidance includes requirements for standards for local delivery and service quality, including the provision of services that meet recognised quality standards and deliver positive outcomes for survivors and their children. Without appropriate safeguards around service quality and standards the proposed statutory duty could further incentivise generic services which can be provided at lower cost but which do not have the expertise to deliver the specialist support services that survivors and their children need. The VAWG Sector Shared Standards, Women's Aid's National Quality Standards, Imkaan's Safe Minimum Practice Standards and Respect standards should be used as the basis for this but should be established as 'requirements' with a clear monitoring and accountability framework, rather than 'priorities' or 'expectations'.

The statutory guidance should also set out essential elements of best practice - as outlined in the VAWG Commissioning Toolkit and recently published statutory guidance on commissioning for Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) services in Wales - for the partnership boards to deliver. Both these documents set out best practice in: co-production; collaboration, partnership and governance; needs assessment; mapping current provision and spend; equality impact assessments; delivering a plan and strategy; procurement and commissioning (including grant funding); and monitoring and measuring outcomes.

### **Q27. What support would you find most useful to meet the requirements of the statutory duty and guidance?**

#### **Comments**

If the proposed new statutory system is to deliver the government's aim of 'providing support to all victims and their children', it will be essential that the following measures are implemented alongside the guidance:

- Adequate levels of sustainable, long-term funding: meeting the support needs of diverse groups of survivors including children will only be possible if the government commits to additional funding to ensure that the needs of those facing multiple barriers to accessing services and multiple forms of disadvantage can be met in adequately resourced services at a local level, and ring-fenced national funding for the 'by and for' sector to ensure survivors have choice in the service provision they access.
- Further measures to deliver real accountability and oversight: the national oversight mechanism requires powers to be able to respond to, and sanction, local partnership boards where they are failing to deliver the statutory guidance - for example a mechanism through which they can intervene until compliance with the requirements in guidance is demonstrated.

**Q28. Do you think that the proposed policy will help local areas ensure the needs of all victims and their children can be met?**

**No**

**Comments**

Whilst we strongly support the aim to ensure the needs of all victims and their children it is not clear what the government are proposing in terms of actual changes or reforms, or what 'helping ensure' provision of support means. Access to support for certain groups of survivors and their children remains a severe challenge given the current demand and capacity constraints within the national network of refuges. It can be extremely difficult for a woman to access a refuge space if she is disabled or deaf, has support needs around mental health or substance use or has an offending history. Women with no recourse to public funds face insurmountable challenges in accessing a refuge space. Statistics from Women's Aid's Annual Audit report show this starkly. In 2017-18:

- 17.3% of all refuge services have a specialist mental health support worker(s);
- 8.9% of all refuge vacancies have a specialist drug or alcohol worker;
- just 1.0% of vacancies were in rooms fully accessible for wheelchairs and a further 1.2% were suitable for someone with limited mobility;
- and only 5.8% of refuge vacancies would even consider a woman who had no recourse to public funds.<sup>28</sup>

Demand figures also mask the significant barriers facing certain groups of survivors from accessing safety: fewer than one in five refuge vacancies in 2017–18 could accommodate a woman with two children, and only 1.0% of vacancies were in rooms fully accessible for wheelchairs.<sup>29</sup> Urgent, secure and long-term funding is needed to ensure that all survivors and their children can access specialist services that are sufficiently resourced to meet their needs. We recommend the proposed new statutory duty to be underpinned with:

- sufficient and ring-fenced local funding, delivered through the multi-agency partnership board, for specialist refuge provision which meet the needs of survivors from all backgrounds;
- sufficient and ring-fenced national funding for refuge provision which is led 'by and for' those who it supports, such as refuge services led by and for BAME women.

Limited refuge provision for survivors with complex needs is a cause of homelessness, Research from the Women's Aid No Woman Turned Away programme reported that 31% of women with mental health problems and 65% of women with substance use problems were refused an available refuge space because of their needs. The charity found that 1 in 10 women were forced to sleep rough whilst waiting for a refuge space, and that women with more support needs were more likely to have to sleep rough while waiting. Rough sleeping exposes survivors to further harm from violence and abuse.

<sup>28</sup> Women's Aid (2019), The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

<sup>29</sup> Women's Aid (2019), The Domestic Abuse Report 2019: The Annual Audit, Bristol: Women's Aid

Meeting the support needs of diverse groups of survivors - including BAME women, LGBTQ+ women, disabled and deaf survivors, young and older survivors, those with offending history, people of faith, those with complex mental health or substance use needs, survivors who are homeless or sleeping rough, those with no recourse to public funds, survivors from the Gypsy, Roma and Traveller community, male victims, and those forced to flee their local area - will only be possible if the government:

- commits to additional sustainable future funding for services to ensure that the needs of those facing multiple and severe forms of disadvantage can be met in adequately resourced specialist services, including by funding specialist, flexible outreach, advocacy and floating support for survivors living in unsafe accommodation and homeless survivors, including those sleeping rough and by looking at alternative accommodation models - such as 'Housing First' - where required;
- delivers ring-fenced national funding for the 'by and for' sector to ensure survivors facing multiple forms of discrimination have choice in the service provision they access;
- establishes a national oversight mechanism with responsibility for undertaking a national needs assessment, which is essential for ensuring that the needs of victims facing multiple forms of disadvantage and discrimination are captured and can inform provision;
- delivers urgent legislative reforms to protect survivors through the Domestic Abuse Bill - including changes to the eligibility of the DDVC and DVR, a ban on local authorities imposing local connection restrictions on refuge services, and automatic entitlement to priority need for housing - as set out below;
- provides separate sustainable future funding for women-only homelessness accommodation as a safe route away from the streets and a gateway to domestic abuse support provided by the specialist sector. We recommend that overall homelessness funding is restored to the levels invested in homelessness services before the financial crash, with an extra £1 billion in each year of the next Spending Review period and beyond if needed, to drive a long-term reduction in homelessness and rough sleeping. This funding should be accompanied by a requirement that women-only homelessness accommodation is available to women in every part of the country.
- provides funding for early intervention, including accredited perpetrator interventions

We are particularly concerned by the government's assertion that this approach will 'respond to the needs of' survivors with no recourse to public funds. Without legislative changes to ensure that women with NRPF can access the welfare benefits required to fund their housing costs within refuges, and to enable local authorities to spend public funds on their possible, this will not be possible. Due to their continued funding constraints, very few refuges are able to provide the funding required to pay for a woman with NRPF's stay within a refuge. The No Woman Turned Away project run by Women's Aid has shown starkly that the majority of women with NRPF searching for a safety for themselves (and their children) are not able to access the DDVC - which provides time limited access to benefits whilst a victim applies for indefinite leave to remain under the Domestic Violence Rule. 67% of the women supported by Women's Aid's No Woman Turned Away project in 2016 who had no recourse to public funds were not eligible for the DDVC because they were not on a spousal visa.<sup>30</sup> We are calling for the Domestic Abuse Bill to deliver urgent changes to the eligibility and time limit for the DDVC and DVR.

- sufficient and ring-fenced national funding for refuge provision which is led 'by and for' those who it supports, such as refuge services led by and for BAME women.

Domestic abuse puts people at risk of homelessness - but survivors do not have a clear statutory right to safe and secure accommodation by virtue of the domestic abuse alone. People fleeing domestic abuse may be assessed as being in priority need for rehousing because they are 'vulnerable'.<sup>31</sup> But, in reality, agencies working with homeless survivors report domestic abuse in isolation is rarely considered to qualify someone as in priority need if they do not have an additional vulnerability.

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<sup>30</sup> Women's Aid, *Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project*, 2017. [Accessible online.](#)

<sup>31</sup> Housing Act 1996, Part VII, s.189 (1)(c)

In 2017, only 2% of people were found to be in priority need and made an offer of settled housing because they were vulnerable as a result of domestic abuse.<sup>32</sup> This is despite evidence showing a stronger relationship between domestic abuse and homelessness than this figure would suggest. Since 2015, almost a fifth (18%) of the women who were homeless when they approached Crisis reported domestic abuse as the reason for their homelessness.<sup>33</sup> Similarly, research by St Mungo's found that a third of their female clients reported domestic abuse had contributed to their homelessness.<sup>34</sup> In some circumstances, domestic abuse might not be the direct cause of someone's homelessness but linked to it. Crisis research found that 61% of homeless women and 16% of homeless men had experienced violence and or abuse from a partner at some point.<sup>35</sup>

Providing evidence to demonstrate vulnerability can be traumatic and near impossible for people who have experienced domestic abuse; particularly if they have to do this repeatedly to multiple agencies. There are accounts of survivors being told to return home to a dangerous situation, or to the place of violence, to retrieve ID or evidence to prove they are homeless due to domestic abuse.<sup>36</sup> This includes cases of people being asked to provide a criminal reference number or a letter from the perpetrator admitting to the abuse. There is a lack of consistency between local authorities when it comes to approach and evidence of the 'vulnerability test' being used a gatekeeping tool.

Research by Women's Aid found that 53% of the women they supported through the No Woman Turned Away project were prevented from making a valid homelessness application by their local authority. Of these, a quarter were told they could not make an application as they were not in priority need.<sup>37</sup>

The Homelessness Reduction Act (2017) means that local authorities now have a legal duty to provide meaningful support to everyone who approaches them as homeless. This includes support to help prevent their homelessness from occurring in the first place, and for those people who are already homeless, help to find them a home. Despite this welcome change, there is no guarantee that people fleeing domestic abuse will receive an offer of settled housing if these two options fail to prevent or resolve their homelessness.

It is essential that the Domestic Abuse Bill ensures individuals fleeing domestic abuse are automatically considered in priority need for housing, as is already the case in Wales.

It is of course crucial to recognise that the cost of domestic abuse to society in one year was £66 billion, with the direct costs to the Exchequer amounting to £365m a week or £19bn a year. Currently, however, the government is spending just a fraction of this cost on services which prevent domestic abuse and support survivors and their children to cope and recover. If the aims of the Domestic Abuse Bill are successful, demand for these overstretched services will rise yet further, yet the Bill itself is only accompanied by £20m of additional national government spending. We are calling for a clear commitment from national government - including all relevant departments - to underpin this landmark legislation with a sustainable funding settlement for the national response to domestic abuse. This includes sustainable funding for all elements of specialist support provision, and an effective multi-agency response from statutory services.

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<sup>32</sup> MHCLG, Live tables on homelessness: Table 773

<sup>33</sup> Crisis client database figures 01/07/2015 – 18/04/2019

<sup>34</sup> St Mungo's, Rebuilding Shattered Lives, The final report: Getting the right help at the right time to women who are homeless or at risk, London: St Mungo's.

<sup>35</sup> P. Mackie and I. Thomas, Nations Apart? Experiences of single homeless people across Great Britain, London, 2014, Crisis. Available at: [https://www.crisis.org.uk/media/20608/crisis\\_nations\\_apart\\_2014.pdf](https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf) [accessed: 12/04/19]

<sup>36</sup> APPG for Ending Homelessness (2019), A Safe Home, London: APPGEH

<sup>37</sup> Miles, C & Smith, K (2018), *Nowhere to turn, 2018, findings from the second year of the No Women Turned Away project*. Bristol: Women's Aid. The analysis in this report is based on case work data from 264 women.

**Q29. What more could the Government do to ensure the needs of victims and their children with protected characteristics are supported?**

Alongside sufficient and ring-fenced local funding, delivered through the multi-agency partnership board, for specialist refuge provision which meet the needs of survivors from all backgrounds, it is essential that the government recognise that the proposed duty will not secure the future of specialist services led 'by and for' BAME, LGBTQ+, disabled and deaf women, who lead services of significant national importance. The 'led by and for' model is unique; it offers choice to women from marginalised communities to receive tailored support from services that reflect their identities and have developed particular expertise in tackling the barriers they face.

These services face significant challenges in a fully localised funding and commissioning structure. As well as defining 'by and for' support clearly within this model, further measures are required to safeguard their future. We recommend that the government establish a national oversight mechanism to oversee the delivery of sufficient and ring-fenced national funding for refuge provision which is led 'by and for' the communities that it supports.

Currently women in paid employment are required to pay a higher rent for refuge accommodation which they often cannot afford. Working women therefore give up employment to be able to claim benefits which are higher and cover the rent. This creates a situation of perverse incentives where women are faced with the "choice" of keeping their jobs and staying with an abuser or leaving and becoming unemployed.<sup>38</sup> The government should revisit the policies on funding of refuge places to ensure that working women do not have to give up work in order to secure a place in refuge.

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<sup>38</sup> Liberal Democrats Policy Paper, *Real Women* (2009) - [http://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/1811/attachments/original/1390823352/91\\_-\\_Real\\_Women.pdf?1390823352](http://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/1811/attachments/original/1390823352/91_-_Real_Women.pdf?1390823352)