

Written evidence submitted by Surviving Economic Abuse (SEA) [IOC 188]

Summary

- 1 Surviving Economic Abuse (SEA) is the only charity in the UK dedicated to raising awareness of economic abuse and transforming responses to it. All our work is informed by Experts by Experience - a group of women who speak about what they have gone through so that they can be a force for change.¹
- 2 We work in partnership, through the Whole Housing Approach (WHA),² to address the response to domestic abuse in privately owned housing and to economic abuse across all housing tenures. Funded by MHCLG, the WHA is a multi-agency project which endeavours to improve housing options and outcomes so that survivors can achieve stable housing, live safely and rebuild their lives. Our response to this call for evidence focuses specifically on our area of expertise, economic abuse as a form of controlling or coercive behaviour. It is endorsed by: the Domestic Abuse Housing Alliance (DAHA), Standing Together Against Domestic Violence, Against Violence & Abuse (AVA), Drive and Homeless Link.
- 3 Access to safe housing options for survivors of domestic abuse is essential. Without it, survivors are confronted with the 'option' of facing homelessness and housing insecurity or having to return to a perpetrator. The Whole Housing Approach is underpinned by the understanding that housing, homelessness and domestic abuse, as a form of violence against women and girls (VAWG), are interconnected issues and a joined-up approach is essential. The approach aims to improve the response of the housing sector to domestic abuse and deliver a full suite of safe housing options to survivors, including within the private rented and owned sectors.
- 4 While SEA recognises that the focus of the Select Committee is the work of the Ministry of Housing, Communities and Local Government (MHCLG), the response to domestic abuse and violence against women and girls more broadly must necessarily be multi-sectoral. Indeed, the national strategy to end violence against women and girls (2016-20) is cross-governmental. It goes without saying that safe and suitable housing is underpinned by the ability to pay for housing costs (maintaining a tenancy or mortgage) and to live separately from an abuser: either by having a safe home to flee to or access to legal options to exclude the abuser and remain at home. We will therefore raise concerns which fall across government, calling for MHCLG to coordinate with departments including the Home Office, Department for Work and Pensions and Ministry of Justice. In each of the different areas we will identify the current or immediate problems facing the groups who are the target of this inquiry from the perspective of economic abuse, as well as the immediate post-lockdown impacts and action needed to address them.

5 In our response to the Home Affairs Committee (HAC) inquiry into Home Office preparedness for Covid-19 on its further call for evidence on domestic abuse, we outlined where measures to relieve pressures caused by Covid-19 could inadvertently exacerbate economic abuse and made recommendations on how the Government could support survivors of domestic abuse, focusing on economic independence and stability.³ These measures are also necessary to protect survivors facing homelessness and living in the private rented sector so that they can access and maintain safe housing. Our recommendations regarding access safe and stable housing are outlined as follows.

Emergency accommodation

- i. Roll out a swift, coordinated and sufficiently funded strategy to ensure the provision of safe accommodation for domestic abuse survivors.
- ii. Pay block housing benefit payments for all refuge spaces for at least three months.⁴
- iii. Urgently underwrite the costs of hotel and hostel chains offering safe accommodation to survivors of domestic and sexual abuse and ensure specialist support is provided alongside.
- iv. Provide a payment, such as Flexible Funding,⁵ as an emergency grant for survivors of domestic abuse at the point of fleeing abuse.
- v. Ensure all domestic abuse survivors are regarded as in priority need for housing without the need to show further vulnerability.¹
- vi. Provide urgent clarification to local authorities regarding the assistance to be provided to people with No Recourse to Public Funds.

Access to benefits

- i. Provide separate payments in joint claims for Universal Credit as a default.
- ii. Remove the five-week wait for Universal Credit payment.
- iii. Convert advance payments of Universal Credit into grants.
- iv. Remove the two-child tax credit limit and the benefit cap.⁶
- v. Suspend the No Recourse to Public Funds policy.
- vi. Increase Local Housing Allowance rates to reflect the median (50th percentile) local private rents.
- vii. Set aside Local Housing Allowance rates for those who are affected by Covid-19.
- viii. Remove the 39 weeks wait for SMI support so it is available immediately to those who need it and revert the loans back to the SMI benefit.

Housing measures

¹Priority need for survivors has been called for urgently across the domestic abuse and homelessness sectors, with a campaign led by Crisis which we support.
<https://www.crisis.org.uk/media/240051/appgeh-domestic-abuse-campaign-briefing.pdf>

- i. Suspend evictions for survivors for as long as the social distancing measures are in place.
- ii. Take urgent steps to introduce measures and work with private landlords to prevent a surge in 'no-fault' evictions which are in fact due to arrears.
- iii. Make ground 8 of section 8 of the Housing Act 1988 a discretionary rather than a mandatory ground for eviction so that judges can exercise discretion for those in difficult economic circumstances rather than being forced to evict them.
- iv. Ensure mortgage payment holidays are available to all domestic abuse survivors for the maximum period of three months, even if they are already in arrears.
- v. Work with the Financial Conduct Authority, to ensure that they are able to respond to economic abuse and prevent homelessness.

Protection through the courts

- i. Ensure that all occupation order applications relating to domestic abuse are heard as a matter of urgency.
- ii. Ensure that local authority domestic abuse action plans include provision for alternative temporary accommodation for abusers if that is needed to enforce Domestic Violence Protection Orders (DVPOs) and occupation orders.
- iii. Provide automatic extensions of occupation orders, and other protective orders, until the next available hearing.
- iv. Exempt domestic abuse survivors from the legal means test with immediate effect.

Mitigating post-lockdown impacts

- i. Procure accommodation to enable survivors who are ready to move on from refuge to free up spaces.
- ii. Reconsider proposals to strengthen section 8 evictions based on ground 8 of schedule 2 of the Housing Act 1988, to minimise the impact on those experiencing arrears due to economic abuse and as a result of Covid-19.
- iii. Encourage all local authorities to adopt a Whole Housing Approach to domestic abuse.

Background

- 6 SEA's research shows that 95% of domestic abuse survivors experience economic abuse, and the current environment will provide abusers with more opportunities to control, exploit and sabotage their partner's economic resources. The field of employment is a clear example. Job losses, furloughing and failing businesses will leave women without access to the income they would rely on to escape an abuser, access safe housing and build the economic security needed to live independently.

- 7 This is in a context where women are already at a disadvantage in accessing economic resources. Women are more likely to be in low-paid and insecure employment, and they are in the majority of those living in poverty, with female headed households more likely to be poor.⁷ Black, Asian and minority ethnic (BME), disabled, low-income women and single mothers are in a more disadvantaged economic position and therefore will be particularly affected if the crisis is not responded to through a gendered lens.⁸
- 8 The prevalence of abuse at this time is well evidenced. There was an increase in calls to the National Domestic Abuse Helpline by an average of 25% during the week commencing 30 March and on 6th April, calls and contacts to the helpline rose by 120% overnight. Hits to the national domestic abuse website increased by 150% during the initial stages of the lockdown.⁹ Similarly, demand for the Women's Aid national Live Chat service has risen by over 40% since lockdown. While the Covid-19 outbreak has caused an increase in demand for support, it has caused a corresponding decrease in sources of support. A survey has shown that 84% of domestic abuse service providers have had to reduce or cancel one or more services, and over a third of refuge providers have had to reduce or cancel the refuge services they usually provide.¹⁰
- 9 A survey of domestic abuse survivors following the Covid-19 outbreak has found that access to economic resources are high on their agenda, with 52% worried about finances and 39% worried about housing.¹¹ SEA has seen an 85% increase in website traffic since the pandemic began, and an overnight increase of 257% when the second three weeks of lockdown was announced. Similarly, calls to the national guidance service operated by SEA in partnership with Money Advice Plus has seen a 65% increase in calls overall and a 233% increase when the pandemic measures were extended. Most calls to the guidance line concern benefit claims and/or no income, or waiting for income, self-employment and concerns about getting into debt.
- 10 Abusers may use the Covid-19 outbreak as an excuse to gain or increase their control over a survivor's economic resources, or exploit/sabotage them, thereby creating economic dependency and/or instability. This could include spending money intended for housing costs and threatening to throw a woman out of the house at a time when it is even more difficult to find alternative accommodation.

Access to emergency accommodation

- 11 We commend the commitment from MHCLG to protect the most vulnerable in society and bring 'Everyone In,' with a provision of a £3.2 million emergency fund to support rough sleepers. However, many domestic abuse survivors facing homelessness have not been guaranteed the same protection. Survivors are a significant, vulnerable group facing homelessness who also require a swift, coordinated and sufficiently

funded strategy to ensure the provision of safe accommodation, including adequate funding for refuges.

- 12 Many survivors, disproportionately women, face a serious risk of homelessness if they leave a perpetrator. Over one in ten of all homeless acceptances by a local authority were due to domestic abuse in 2010.¹² Research by homelessness and domestic abuse organisations shows that the true scale of the problem is far greater, and that women's and survivors' homelessness is often 'hidden'. St Mungo's research has shown that almost half of their female clients had experienced domestic abuse and a third (32%) of the women they work with said domestic abuse had contributed to their experiences of homelessness.¹³
- 13 We recently wrote to the Secretary of State for Housing, Communities and Local Government with other members of the National Housing and Domestic Abuse Policy and Practice group,¹⁴ urging the Government to guarantee emergency funding of at least £48.2 million to ensure frontline domestic abuse services can cope with Covid-19 and cover additional costs over the next six months.¹⁵ This emergency funding should be ringfenced and should be made available swiftly and allocated fairly to life-saving frontline services. This must include ring-fenced funding for specialist refuges led by and for BME women, migrant women, disabled women, LGBT survivors and other marginalised groups. We also called on the Government to provide local authorities with additional funding to procure emergency accommodation for all homeless households with no fixed abode, including survivors of domestic abuse, in suitable emergency accommodation where they can follow public health advice.
- 14 Access to safe accommodation in the form of refuges and move-on housing options is key to women's economic stability and to rebuilding their lives independently after leaving an abuser. Covid-19 is impacting heavily on refuge provision, with refuges having to close or not take their full complement of residents due to staff and/or residents contracting or having symptoms of the virus. This means that a key source of funding for refuges, which comes as rental income through each resident's entitlement to housing benefit, will be lost. This will be a major obstacle to refuges running their vital services both during and following the outbreak. Reduced staffing and moving to remote working also leaves women with less support than they would usually get from refuge workers, including with important processes such as completing their housing benefit applications.¹⁶
- 15 It is important to recognise that this is happening in a context where refuges were already hard-pressed to accommodate demand for places, with 64% of all referrals to refuges being declined.¹⁷ A study also showed that 45% of people fleeing an abuser end up sofa surfing and almost 12% sleep rough while they wait for a space to free up.¹⁸ The Home Secretary has highlighted that there is limited capacity in refuges and

currently Solace Women's Aid's 23 refuges across London are full.¹⁹ We have already outlined our calls for additional funding for these vital services.

16 SEA and a number of charities co-signed a letter from Southall Black Sisters,²⁰ jointly calling on the government to urgently underwrite the costs of hotel and hostel chains offering safe accommodation to survivors of domestic and sexual abuse. This must be accompanied by specialist support. The Domestic Abuse Commissioner and Victims' Commissioner have also written a letter in support of this plan and an online petition has now gained over 75,000 signatures.²¹ Public Interest Law Centre and Southall Black Sisters have now launched a legal challenge to the government's failure to provide funding for accommodation for domestic abuse survivors during Covid-19, which we support.²² SEA is providing support to Lloyds Banking Group which is putting this model into practice for employees, with its implementation of a new free emergency assistance scheme for employees.

17 Legislation currently does not recognise domestic abuse survivors as in automatic priority need of accommodation and they need to show additional vulnerability to qualify. Priority need for survivors has been called for urgently across the domestic abuse and homelessness sectors, with a campaign led by Crisis.²³ These calls were echoed during the second reading of the Domestic Abuse Bill on 28th April and by the HAC.²⁴ In our letter to the Secretary of State for Housing,²⁵ we requested that priority need is extended to all survivors of domestic abuse and that tests in the homelessness legislation in England are lifted to remove additional barriers to settled housing during the Covid-19 outbreak. We argue that anyone who experiences domestic abuse is, by definition, vulnerable and therefore should automatically qualify for assistance.

18 On 26th March, Dame Louise Casey wrote to Local Authorities stating that MHCLG were doing everything possible to support local authorities to make sure that everyone 'gets inside'. However, people are still being turned away. Our letter to the Secretary of State cited examples of local authorities across England denying help to people due to ongoing confusion regarding the application of the No Recourse to Public Funds (NRPF) policy. Urgent clarification is needed for local authorities so there can be no ambiguity for those working on the homelessness frontline and people are not being incorrectly turned away.

19 The government should:

- i. Roll out a swift, coordinated and sufficiently funded strategy to ensure the provision of safe accommodation.
- ii. Pay block housing benefit payments for all refuge spaces for at least three months.²⁶
- iii. Urgently underwrite the costs of hotel and hostel chains offering safe accommodation to survivors of domestic and sexual abuse and ensure specialist support is provided alongside.

- iv. Provide a payment, such as Flexible Funding,²⁷ as an emergency grant for survivors of domestic abuse at the point of fleeing abuse.
- v. Extend priority need to all survivors of domestic abuse.
- vi. Provide urgent clarification to local authorities regarding the 'Everyone In' strategy and assistance to be provided to people with No Recourse to Public Funds.

Access to benefits

- 20 SEA is concerned that welfare policy may create barriers to safe accommodation. Difficulties in accessing income is forcing survivors to return to an abusive partner, with reports from frontline staff that some women currently in refuge are considering returning to abusers because they have no income to support their and their children's needs.²⁸ Lack of access to economic resources post-separation is the primary reason survivors return to an abusive partner,²⁹ thwarting efforts to flee to safety. Survivors cannot maintain safe accommodation without the economic means to do so.
- 21 In our response to the HAC inquiry,³⁰ we detailed difficulties reported in accessing welfare benefits, issues with the single payment of Universal Credit, the five-week wait for payment and the benefit cap. These issues have led to women not having the money to make ends meet, undermining their ability to maintain safe, secure housing. Research shows that financial barriers to leaving can result in women staying with an abuser for longer than they otherwise would and experiencing more harm as a result.³¹ We also know that women who experience economic abuse are five times more likely to experience physical abuse and are at increased risk of homicide³² and suicide.³³ A range of welfare reform measures (listed below) are necessary to address this, to enable survivors to escape abuse and protect them from homelessness and rough sleeping.
- 22 The NRPF policy denies equal protection to all migrant women, as the limited access to benefits through the Destitution Domestic Violence Concession (DDVC) applies only to those on certain types of visas. SEA signed an open letter to the Prime Minister,³⁴ calling for an urgent ending of the NRPF policy. In a time of public emergency, no woman should fall outside a basic safety net or be left with the stark 'choice' of staying with the abuser or becoming destitute.
- 23 SEA welcomes the end to the five-year freeze in Local Housing Allowance (LHA) rates and the increase to reflect the 30th percentile of local private rents. However, for the majority residing in private rented accommodation, this will still mean that claiming a housing-related benefit due to being out of work will leave a shortfall in rental payments which could quickly accumulate into a significant debt. 63% of private renters report having no savings at all, which means their home is at risk if they lose

their jobs.³⁵ Many at this time will have insufficient means to pay the rent and will need to prioritise essentials such as food. We support calls by the Women's Budget Group³⁶ for LHA rates to be increased to reflect the median (50th percentile) local private rents to help to limit the expected evictions crisis due to spiralling debts.

24 Furthermore, the government should cover any shortfall in rental payments of private tenants unable to pay them due to Covid-19, including those with NRPF, by setting aside LHA rates for those who are affected by Covid-19, as proposed by the Mayor of London.³⁷

25 Homeowners face additional obstacles to maintaining their housing and we have raised concerns about Support for Mortgage Interest loans previously.³⁸ The waiting period for SMI claims of nine months leaves no safety net, particularly for women who have experienced economic abuse and are likely to be in debt. The increase in waiting time for support from 13 to 39 weeks has already coincided with a 10% increase of mortgage possession claims compared to the same quarter the previous year.³⁹ Many women who have experienced a significant loss in income because of the crisis will lose their privately owned homes, adding to the homelessness crisis. Shelter and others raised concerns about the conversion of SMI payments from a state-funded benefit to a loan,⁴⁰ and research by the DWP prior to this change demonstrated that homeowners were concerned about this, with most claimants saying they would not switch to a loan secured against the property.⁴¹ SMI support must be made available immediately to those who need it and SEA recommend that the loans are reverted to the SMI benefit.

26 The government should:

- i. Provide separate payments in joint claims for Universal Credit as a default.
- ii. Remove the five-week wait for Universal Credit payment.
- iii. Convert advance payments of Universal Credit into grants.
- iv. Remove the two-child tax credit limit and the benefit cap.
- v. Suspend the No Recourse to Public Funds policy.
- vi. Increase Local Housing Allowance rates to reflect the median (50th percentile) local private rents.
- vii. Set aside Local Housing Allowance rates for those who are affected by Covid-19.
- viii. Remove the 39 weeks wait for SMI support so it is available immediately to those who need it and revert the loans back to the SMI benefit.

Suspension of evictions and other housing related measures

27 SEA welcomes the measures by the government to provide support with essential housing costs during this time, by way of mortgage payment holidays, and suspension of evictions. These will give much needed relief to domestic abuse survivors

concerned about keeping a roof over their heads. However, they do not go far enough and present unintended obstacles, such as the inability to evict an abuser under grounds 2A and 14A of schedule 2 of the Housing Act 1988 or section 21 of the Housing Act 1988. The suspension on evictions will also not help those in insecure and invisible housing arrangements who are the most vulnerable to abuse by those controlling the property they live in.⁴²

- 28 Furthermore, SEA and others are concerned that these measures are insufficient to prevent the accrual of significant arrears and will only postpone evictions until the suspension is lifted.⁴³ The government has proposed to extend the pre-action protocol to the private rented sector, which would mandate private landlords to take reasonable measures to support tenants facing economic hardship, such as devising repayment plans, before proceeding to eviction. However, private landlords can still serve section 21 'no-fault' eviction notices which can be actioned as soon as the suspension is lifted. Landlord bodies have spoken about the widespread use of the no-fault route to evict tenants in arrears, as it is an easier and cheaper route than section 8.⁴⁴ Urgent measures need to be introduced to prevent a surge in no-fault evictions following the end of the lockdown.
- 29 All tenants, including those living in social housing, may face evictions through section 8 of the Housing Act 1988, which allows landlords to evict tenants on the grounds of non-payment of rent (ground 8 of schedule 2 of the Housing Act 1988). Currently, this is available to landlords once tenants are in excess of two months' arrears and is a mandatory ground, meaning that judges have no choice but to evict tenants who have not reduced their arrears below two months' worth by the time of the court hearing. Due to the five-week wait for Universal Credit and the current economic uncertainty, it is likely that many tenants will accrue at least two months' of arrears. Survivors experiencing economic abuse who were already in arrears may see their situation worsen and risk eviction.
- 30 MHCLG's recent consultation, 'A new deal for renters,' considered strengthening the section 8 eviction process to make it easier to evict those in arrears. This is a cause for concern for SEA as survivors of domestic abuse are four times more likely to receive an arrears-related section 8 eviction notice than the general tenant population.⁴⁵ We support proposals from the Mayor of London to make this a discretionary rather than mandatory mechanism to evict someone, so that judges can exercise discretion for those in difficult economic circumstances rather than being forced to evict them.⁴⁶ We also recommend that evictions are suspended for as long as the social distancing measures are in place.
- 31 Also of concern is the discretion of banks and other mortgage lenders in granting the payment holiday of three months. We have spoken with a survivor who was in a vulnerable situation due to years of economic abuse and applied for the three-month

break. She was given only a one-month break and refused the full payment holiday as the bank was concerned that repayment later would be difficult as she was already high in arrears, a situation caused by economic abuse. SEA has also been contacted regarding a woman who stands to lose her privately owned home as the abuser has stopped contributing towards the mortgage. She is unable to take any action to change the conditions of the mortgage without the abuser's consent. The halt in repossessions will merely serve as a delay, after which she, and many other survivors, may find herself destitute and homeless.

32 Measures must be taken to ensure that owner-occupiers do not become homeless after the lockdown measures. Some survivors will be prevented from applying for the three-month payment holiday by a joint mortgagee to force repossession as an act of deliberate sabotage by an abuser. We encourage collaborative work with the Financial Conduct Authority, so that financial institutions have the knowledge and policies to enable them to support survivors and prevent homelessness. We recommend that survivors of economic abuse are able to access a three-month payment holiday even if the abuser will not agree and that this should be backdated for those who were initially unable to access this and missed payments. This would align with principle five of the UK Finance Financial Abuse Code of Practice,⁴⁷ to help people regain control of their finances. We also recommend that the mortgage payment holiday is extended for as long as the lockdown continues.

33 The government should:

- i. Take urgent steps to introduce measures and work with private landlords to prevent a surge in no-fault evictions which are in fact due to arrears.
- ii. Make ground 8 of section 8 of the Housing Act 1988 a discretionary ground so that judges can exercise discretion for those in difficult economic circumstances rather than being forced to evict them.
- iii. Suspend evictions for as long as the social distancing measures are in place.
- iv. Ensure mortgage payment holidays are available to all domestic abuse survivors for the maximum period of three months, even if they are already in arrears, and backdate these where necessary.
- v. Work with the Financial Conduct Authority, to ensure that they are able to respond to economic abuse and prevent homelessness.

Enabling survivors to stay in their homes - access to court orders and alternative accommodation for abusers

34 We welcome the Home Secretary's announcement on 11th April 2020 of £2million funding to support survivors. During this announcement, the Home Secretary stated, "I'm clear about this - perpetrators should be the ones who have to leave the family home, not the supposed loved ones whom they torment and abuse." SEA agrees that survivors and their children should not have to be the ones who lose their home and we know in many cases a lack of access to economic resources means that leaving is

not an option. Survivors often have to leave belongings behind, supportive networks are lost and children face the loss of friends and the disruption of finding a new school. There must be a focus on accommodation for abusers so that survivors do not have to pay the emotional and economic costs of leaving. ‘Perpetrator management’ is a strand of the MHCLG-funded Whole Housing Approach project.

- 35 Research by the University of Bristol⁴⁸ examining the needs of private renters and homeowners experiencing domestic abuse demonstrated the importance of occupation orders to override legal rights and remove the abuser from the home. These orders are especially important for homeowners who may not have the economic means to access alternative accommodation, whilst still liable for mortgage payments, and private renters trapped in a fixed-term period of a tenancy. Some survivors find themselves ineligible for housing-related benefits because they have a job and simultaneously unable to leave their job because they must pay the mortgage or rent, or other debts.
- 36 Similarly, those who are exempt from benefits altogether due to the NRPF policy may also have no option but to remain in the home whilst they seek support to regularise their immigration status. This is all the more apparent due to social distancing measures which mean options for staying with friends and family have narrowed, with those who are the most isolated and with limited support networks, particularly migrant women, most affected.
- 37 Non-molestation orders are being used to create so-called “safe zones” within a property so that an abuser can remain living in the home, as an alternative to an occupation order which would exclude them from the home. Concerns have been raised about this dangerous use of court orders recently in the media.⁴⁹ We have heard that these orders are being used in practice during the Covid-19 crisis on an interim basis, whilst awaiting a hearing to determine an occupation order. This means that a survivor must serve on the abuser the court paperwork and then continue to live together, with any children, until the court hearing. Not only is the abuser informed that the survivor wishes to separate and has spoken out about the abuse, but also that they have taken steps to remove them from their home. It is well understood that challenges to the abuser’s control escalate risk and that separation is the most dangerous time for a survivor. We are also concerned that it may take several months for these hearings to be listed, greatly extending the length of time survivors must wait for a decision. The government must ensure that all occupation order applications relating to domestic abuse are heard as a matter of urgency.
- 38 For the family courts to grant these protective orders, provisions need to be made to accommodate the abusers. Emergency (ex-parte) occupation orders are vital for the safety of the survivor and any children living in the home so that the judge can consider making an interim protective order before paperwork is served on the

abuser. When considering these applications, judges have to decide whether to remove an abuser from their home before they have had an opportunity to respond, or to wait to hear from them before taking action. This decision is not a new one, however it is even more difficult now that an abuser may face homelessness during the current public health emergency. A guarantee that interim accommodation would be provided for the abuser would aid proper decision making in such instances. Otherwise, the survivor will have to flee and lose their home or stay with the abuser.

- 39 We are aware that lack of alternative accommodation for abusers has also been raised by several police forces as a barrier to obtaining Domestic Violence Protection Orders (DVPOs), preventing action from being taken to remove abusers from the home on a temporary basis. In one case, for example, it was reported that a judge was reluctant to make a perpetrator homeless. In response to this Northumbria Police and relevant local authorities have come to an agreement to guarantee that an abuser will be offered accommodation should a Domestic Violence Protection Notice (DVPN) be served by an officer. This arrangement was agreed to in the spirit of the 'Everyone In' commitment, recognising that this is necessary for wider public health, as well as to ensure the health and safety of both parties and their support networks. Recipients of DVPNs may be at risk of becoming rough sleepers or go to stay with those who may be vulnerable, such as elderly parents, creating a health risk. There is also an additional pressure that could be placed on the survivor, feeling they must let the abuser return to ensure safety of parents, vulnerable family members or the abuser themselves. Alternatively, survivors and their children may be forced to leave, potentially requiring a refuge space or other accommodation. This response is a good example of joint working between agencies and should be adopted across the country.
- 40 The HAC recognised that there is a need to ensure that DVPO cases are heard swiftly and that alternative temporary accommodation for perpetrators is provided during lockdown.⁵⁰ We agree with their recommendation that local authorities need to ensure that their domestic abuse action plans include provision for alternative temporary accommodation for perpetrators if that is needed to implement DVPOs and keep survivors safe, and would add that this needs to be extended to occupation order applications.
- 41 As courts move to online hearings, and pressures increase on pro bono legal services which are also negatively impacted by Covid-19, this is a time of heightened anxiety for domestic abuse survivors who need to access the family justice system. SEA and others have raised elsewhere⁵¹ how the family courts themselves become an arena for further economic abuse, as women struggle to navigate a complex legal system as litigants in person because they fail the legal aid means test. It is important to recognise the connection between the family courts, access to legal aid and the housing needs of survivors of domestic abuse. The barriers to self-representation in court have increased during the current pandemic, with reports of some women only

having 15 minutes to covertly talk on the phone to their solicitor whilst in the toilet, let alone complete application forms, court statements and other paperwork.⁵² With avenues for action by landlords closed-down whilst evictions are suspended, these legal orders are more crucial than before for those renting privately and the need for legal representation also heightened.

- 42 The domestic violence waiver for the legal aid means test may help some who need to apply for an occupation order, however this is not well-known and is of no use to those who cannot afford to pay the resulting contributions due to economic abuse. The government should exempt domestic abuse survivors from the legal means test with immediate effect to ensure that all who need to make an application for a protective order can do so, as advised by the HAC.⁵³ Proper access to legal assistance to vindicate their rights could enable more domestic abuse survivors to remain in rented homes and avoid homelessness.
- 43 There are reports of emergency non-molestation order applications, which are usually heard within 24 hours, taking up to three weeks to be listed due to delays caused by the pandemic.⁵⁴ Provisions must be made for ex-parte orders to be heard urgently. We support calls from Northumbria Law School for automatic extensions of occupation orders, and other protective orders, until the next available hearing. Without this, many orders will expire before a court date becomes available, in some instances meaning that the abuser will be able to return to the home and the survivor will no longer be safe there. This must come alongside a funding injection to manage the caseload within family courts. Without this cash injection, the system may reach breaking point.⁵⁵ Sir Robert Neill MP, Chair of the Justice Select Committee, also impressed the importance of funding for the family jurisdiction during the second reading of the Domestic Abuse Bill in parliament.
- 44 We agree with the HAC that a full Covid-19 cross-Government strategy on domestic abuse is needed to cover both the period of lockdown and the period immediately after. The housing needs and related issues of survivors cannot be addressed by MHCLG alone and there needs to be a collaborative effort across departments.
- 45 The government should:
 - i. Ensure that all occupation order applications relating to domestic abuse are heard as a matter of urgency.
 - ii. Ensure that local authorities' domestic abuse action plans include provision for alternative temporary accommodation for abusers if that is needed to implement DVPOs and occupation orders.
 - iii. Exempt domestic abuse survivors from the legal means test with immediate effect.
 - iv. Provide automatic extensions of occupation orders, and other protective orders, until the next available hearing.

- v. Ensure an immediate cash injection to the family courts.
- vi. Implement a cross-Government strategy on domestic abuse to cover both the period of lockdown and the period immediately after lockdown.

Mitigating post-lockdown impacts

- 46 An urgent move-on strategy is needed for when lockdown is lifted, for survivors who will be forced to leave hotels and those in refuges who are ready to move on. This is important in order to free up spaces for those requiring specialist accommodation-based support. During the second reading of the Domestic Abuse Bill, Claire Coutinho MP raised a strategy implemented in her constituency whereby accommodation units have been funded to anticipate a surge in demand after the lockdown measures are lifted. In the North East, Gentoo (a partner of the Domestic Abuse Housing Alliance) have developed a partnership with Wearside Women In Need to provide twenty units so that women who are ready to move on can do so quickly without the bureaucratic processes of housing applications. We urge the government to anticipate this surge in demand and respond proactively, replicating this scheme across the country so that safe accommodation does not become a postcode lottery.
- 47 Ring-fenced funding is necessary to meet the surge in demand for support after the crisis, as outlined in our letter, through the National Housing and Domestic abuse Policy and Practice Group, to the Secretary of State for Housing.⁵⁶ The lack of available social housing, and affordable private rented housing will be a barrier to meeting this demand. This needs to be accompanied by changes to welfare policy to remove barriers to accessing safe accommodation, such as the NRPF policy.
- 48 The abolition of section 21 of the Housing Act and associated changes will need careful consideration, especially regarding proposed changes in relation to arrears. Shelter⁵⁷ and The Law Society⁵⁸ have previously raised concerns about proposals to strengthen arrears-based evictions, which are magnified by the current economic context. Survivors would be disproportionately affected by these proposed changes due to the nature and extent of economic abuse.
- 49 SEA encourages all local authorities to adopt a Whole Housing Approach⁵⁹ to domestic abuse to ensure that all survivors can access safe and appropriate accommodation.
- 50 The government should:
- i. Procure accommodation to enable survivors who are ready to move-on from refuge to free up spaces.
 - ii. Reconsider plans to strengthen section 8 evictions based on ground 8 of schedule 2 of the Housing Act 1988, to minimise the impact on those experiencing arrears due to economic abuse and as a result of Covid-19.
 - iii. Encourage all local authorities to adopt a Whole Housing Approach to domestic abuse.

May 2020

- ¹ See Surviving Economic Abuse (2018). *Economic Abuse is your past, your present and your future* - a report on the practical barriers women face in rebuilding their lives after domestic abuse - https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf
- ² <https://www.dahalliance.org.uk/what-we-do/whole-housing-approach/>
- ³ <https://committees.parliament.uk/committee/83/home-affairs-committee/publications/written-evidence/?page=3>
- ⁴ Joint VAWG sector open letter to the Prime Minister, 3 April 2020, above,
- ⁵ https://www.dahalliance.org.uk/media/10657/11_-wha-flexible-funding.pdf
- ⁶ <https://committees.parliament.uk/committee/83/home-affairs-committee/publications/written-evidence/?page=3>
- ⁷ Women's Budget Group (2020), *Crises Collide: Women and Covid-19*
- ⁸ Women's Budget Group (2020), *Crises Collide: Women and Covid-19*
- ⁹ <https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abuse-helpline-since-lockdown-measures-began/>
- ¹⁰ <https://www.womensaid.org.uk/womens-aid-calls-for-emergency-cash-injection-during-covid-19-crisis/>
- ¹¹ <https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20survey%20results.pdf>
- ¹² The Department for Communities and Local Government (DCLG), Live Tables on Homelessness, Table 774. Available at: <https://www.gov.uk/government/statistical-datasets/live-tables-on-homelessness>
- ¹³ St Mungos (2014) *Rebuilding Shattered Lives*: <https://www.mungos.org/publication/rebuilding-shattered-lives-final-report/>
- ¹⁴ The National Housing and Domestic Abuse Policy and Practice Group, led by the Domestic Abuse Housing Alliance (DAHA), aims to find consensus, share best practice and influence policy and practice on domestic abuse and housing in England and devolved authorities.
- ¹⁵ National group letter to Robert Jenrick requesting better support for survivors fleeing domestic abuse during COVID-19, 24/04/2019, <https://www.dahalliance.org.uk/media/10706/national-group-letter-to-robert-jenrick-on-da-covid19-240420.pdf>
- ¹⁶ Joint VAWG sector open letter to the Prime Minister, 3 April 2020, above
- ¹⁷ Women's Aid, *The Domestic Abuse Report 2020: The Annual Audit*
- ¹⁸ Women's Aid, *Nowhere to Turn, 2018*
- ¹⁹ <https://www.theguardian.com/society/2020/apr/14/fiona-dwyer-2m-for-coronavirus-domestic-abuse-victims-its-pitifulm>
- ²⁰ <https://southallblacksisters.org.uk/press-releases/press-release-hotel-chains-womens-charities-urge-government-to-help-women-escape-abuse/>
- ²¹ <https://you.38degrees.org.uk/petitions/help-domestic-abuse-survivors-during-the-coronavirus-crisis>
- ²² <https://www.pilc.org.uk/campaigns/covid19-and-domestic-abuse-take-action/>
- ²³ <https://www.crisis.org.uk/media/240051/appgeh-domestic-abuse-campaign-briefing.pdf>
- ²⁴ House of Commons Home Affairs Committee, Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home, Second Report of Session 2019-21
- ²⁵ National group letter to Robert Jenrick requesting better support for survivors fleeing domestic abuse during COVID-19, 24/04/2019, <https://www.dahalliance.org.uk/media/10706/national-group-letter-to-robert-jenrick-on-da-covid19-240420.pdf>
- ²⁶ Joint VAWG sector open letter to the Prime Minister, 3 April 2020, above,
- ²⁷ https://www.dahalliance.org.uk/media/10657/11_-wha-flexible-funding.pdf
- ²⁸ Joint VAWG sector open letter to the Prime Minister, 3 April 2020 - <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/An-open-letter-to-the-prime-minister.pdf>
- ²⁹ Surviving Economic Abuse (2018) *Transforming the response to domestic abuse*, Response to the Government consultation.
- ³⁰ <https://committees.parliament.uk/committee/83/home-affairs-committee/publications/written-evidence/?page=3>

-
- ³¹ Earlywhite, M. and Stohl, I. (2005) *In Our Shoes: The Next Steps*, Washington: State Coalition Against Domestic Violence
- ³² Websdale, N (1999) *Understanding Domestic Homicide* California: Northeastern University Press
- ³³ Aitken, R and Munro, V.E. (2018), *Domestic Abuse and Suicide: exploring the links with Refugees' client base and work force*
- ³⁴ <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/An-open-letter-to-the-prime-minister.pdf>
- ³⁵ MHCLG (2019) English Housing Survey: Headline Report 2018-2019 (<https://bit.ly/39EM4mX>)
- ³⁶ Women's Budget Group (2020), *Crises Collide: Women and Covid-19*
- ³⁷ <https://www.london.gov.uk/press-releases/mayoral/mayor-calls-for-rent-protection-during-covid-19>
- ³⁸ Surviving Economic Abuse, House of Lords Economic Affairs Committee Response to the call for evidence: The economics of Universal Credit, February 2020.
- ³⁹ Office for National Statistics, Mortgage and landlord possession statistics: October to December 2016
- ⁴⁰ https://england.shelter.org.uk/_data/assets/pdf_file/0003/420888/Shelter_response_to_DWP_-_Support_for_Mortgage_Interest_-_February_2012.pdf?_ga=2.164602559.1008067110.1522152484-1330344100.1507109571
- ⁴¹ DWP, Conversion of Support for Mortgage Interest from a Benefit into a Loan, 23rd March 2018.
- ⁴² EAW briefing on Covid-19 and the duty to prevent VAWG - <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/EAW-Coalition-Briefing-on-COVID19-Pandemic-and-Duty-to-Prevent-VAWG-April-2020-FINAL.pdf>
- ⁴³ Women's Budget Group (2020), *Crises Collide: Women and Covid-19*
- ⁴⁴ <https://landlords.org.uk/news-campaigns/blogs/the-myths-surrounding-section-21>
- ⁴⁵ Jackson, R. (2013) The Role of Registered Social Landlords in tackling domestic abuse in Gwent and the wider implications
- ⁴⁶ <https://www.london.gov.uk/press-releases/mayoral/mayor-calls-for-rent-protection-during-covid-19>
- ⁴⁷ <https://www.ukfinance.org.uk/financial-abuse-code-practice>
- ⁴⁸ Justice, housing and domestic abuse, the experiences of homeowners and private renters (2019), Sarah-Jane Walker, <https://www.dahalliance.org.uk/media/10214/bristol-uni-housing-and-dva-briefing-final-210819-report.pdf>.
- ⁴⁹ <https://inews.co.uk/news/coronavirus-unsafe-inaccurate-domestic-violence-safe-zone-advice-victims-risk-2538547>
- ⁵⁰ House of Commons Home Affairs Committee, Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home, Second Report of Session 2019-21
- ⁵¹ SEA response to Ministry of Justice consultation 'Assessing the risks of harm to children and parents in private law children cases', August 2019
- ⁵² <https://www.lawgazette.co.uk/news/solicitor-spends-hours-in-call-queue-for-update-on-abuse-injunctions-/5103963.article>
- ⁵³ House of Commons Home Affairs Committee, Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home, Second Report of Session 2019-21
- ⁵⁴ <https://www.lawgazette.co.uk/news/solicitor-spends-hours-in-call-queue-for-update-on-abuse-injunctions-/5103963.article>
- ⁵⁵ Written evidence submitted by Northumbria Law School, Home Office preparedness for Covid-19 inquiry, <https://committees.parliament.uk/download/file/?url=%2Fwrittenevidence%2F2119%2Fdocuments%2F4327%3Fconvertiblefileformat%3Dhtml&slug=cor0049html>
- ⁵⁶ National group letter to Robert Jenrick requesting better support for survivors fleeing domestic abuse during COVID-19, 24/04/2019, <https://www.dahalliance.org.uk/media/10706/national-group-letter-to-robert-jenrick-on-da-covid19-240420.pdf>
- ⁵⁷ https://england.shelter.org.uk/_data/assets/pdf_file/0003/1848243/A_New_Deal_for_Renting_.pdf
- ⁵⁸ <https://www.lawsociety.org.uk/policy-campaigns/consultation-responses/a-new-deal-for-renting-consultation-law-society-response/>
- ⁵⁹ <https://www.dahalliance.org.uk/what-we-do/whole-housing-approach/whole-housing-toolkit/>