



**Response to consultation
by the Ministry of Housing, Communities and Local Government**

**Future delivery of support to victims and their children in
accommodation-based domestic abuse services
July 2019**

Introduction

1. Surviving Economic Abuse (SEA) is the only charity in the UK dedicated to raising awareness of economic abuse and transforming responses to it. 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. Our four strategic priorities focus on awareness-raising, professional responses, systems change and policy influencing. We made [submissions in response to the government consultation last year](#). Transforming the response to domestic abuse, following which the draft Domestic Abuse Bill was published. We also submitted [written evidence to the Joint Committee](#) which conducted pre-legislative scrutiny of the draft Bill and facilitated oral testimony from a survivor of economic abuse in a private session with Committee members. More recently we produced [a response to the Joint Committee's report](#) on the draft Bill. In all of these submissions, we have stressed that housing is a crucially important economic resource for victim-survivors of domestic abuse and is closely linked to physical safety: both at the point at which a survivor is fleeing domestic abuse and when they are seeking to rebuild their lives afterwards. We are therefore pleased that the consultation recognises the significance of including economic abuse "rather than simply financial abuse" within the new statutory definition in the Domestic Abuse Bill (paragraph 28), which was one of the key asks SEA had presented to Ministers. Women often need to be settled before they can think about growing supportive networks, addressing health concerns and taking steps to (re)enter education and the workplace.¹ However, many perpetrators of domestic abuse remain in the

¹ Kelly, L., Sharp, N. and Klein, R. (2014) *Finding the Costs of Freedom How women and children rebuild their lives after domestic violence* London: Child and Woman Abuse Studies Unit and Solace Women's Aid.

family home whilst survivors and their children are forced to move frequently between temporary and often unsuitable housing, resulting in negative physical, psychological and economic impacts.

2. As such, SEA welcome the new legal duty to provide accommodation-based domestic abuse services proposed by the consultation, but emphasises the importance of clarity around what the duty entails and getting its implementation right.
3. We advocate that accommodation should provide a safety net for all women, including those who have no recourse to public funds, and that the consultation takes a holistic view of safety as long-term, secure housing. Safety should not just be physical but also economic. Financial institutions and housing providers must be mandated to support survivors of domestic abuse, recognising the particular vulnerabilities of those experiencing economic abuse and that economic insecurity is one of the main reasons women stay with or return to an abusive partner. As such, the definition of safe accommodation must recognise the importance of securing/maintaining permanent housing for survivors of abuse and the need to protect them from further economic abuse. Within the definition, it is vital that MHCLG and local authorities look beyond emergency accommodation such as refuges, and adopt a “whole housing” approach (see below), especially given the fact that not all women will be able to access refuge accommodation in the first place.
4. Survivors may be at risk of losing privately owned homes if the abusive partner stops paying the mortgage, refuses to sign related paperwork or seeks to re-mortgage/sell properties without their knowledge. To enable survivors to keep their homes, specific support is needed for them to deal with economic abuse. This should seek to maximise their access to economic resources and delink their financial relationship with the abuser. Owner occupation is the most prevalent tenure type in the UK (presently around 64 per cent of households own their own homes²). Moreover, a recent study found that a third (33 per cent) of victim-survivors interviewed owned their own home.³ Responses to housing must, therefore, examine the role that mortgage providers and other stakeholders in the privately-owned housing sector can play in terms of security of housing. “Non-

² Ministry of Housing, Communities and Local Government. (2018) *English Housing Survey, Home ownership, 2016-17*. Published online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724323/Home_ownership.pdf

³ Lilley-Walker, S-J., Hester, M. and the Justice Project Team. (2019) *Policy Evidence Summary 4: Justice, Housing and Domestic Violence, the experiences of homeowners and private renters*. Bristol: University of Bristol.

traditional" stakeholders such as banks and building societies, estate agents and chartered surveyors need to understand the dynamics of domestic abuse and take action to ensure that they do not inadvertently facilitate abuse through their practice and systems. This should be recognised in the definition of accommodation-based services and also in the proposed actions to be taken. Further, in the private rented sector, survivors often lack the financial resources required to pay deposits for private rented housing, and women who have experienced economic abuse face specific challenges linked to rent arrears and poor credit ratings. These issues are compounded by survivors having to navigate high fees, landlords refusing to accept housing benefit and prospective tenants struggling to find guarantors. Ultimately, the provision of permanent housing, and support from bodies such as mortgage providers (banks and building societies), letting agencies, landlords and all housing staff/housing providers must be accounted for in the statutory duty of local authorities. It is not clear that the current proposals achieve this.

5. It is also vital that recognition of economic abuse within the Domestic Abuse Bill and proposals such as those in this consultation are not undermined by other government policies. While the consultation document states that "the Government is clear that it is equally as unacceptable for any individual to abuse their partner by exploiting the fact that their partner's immigration status is dependent on them, as it is for any individual to exploit the fact that their partner might be financially dependent on them" (para 76), we know that both the immigration and benefit systems facilitate this. Stark examples include the exclusion of some migrant women from the Destitution Domestic Violence Concession, and the single payment to joint claimants of Universal Credit rather than separate payments as default. Indeed, the consultation document also recognises that, in many cases, the costs of rent and eligible service charges will be met through Welfare Benefits (para 20), and that more is needed to ensure support for all victims and children (para 25). Yet it does not acknowledge or address how groups that currently fall outside of the benefit system will be accommodated. In addition to women with no recourse to public funds, this also applies to women who struggle to access benefits, as well as women who wish to continue working but cannot afford to pay for a refuge place and are therefore compelled to give up employment in order to access benefits which will cover the expense.
6. We elaborate on some of the issues outlined above in more detail within our answers to the questions posed by the consultation.

Answers to questions

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

SEA disagrees with the definition as it is unclear. There are two key aspects in which it is unclear. One is the conflating of "accommodation" and "accommodation-based services". The list in the proposed definition of accommodation-based services set out in paragraph 30 is, in fact, a list of types of accommodation and not of services. Secondly, it is not clear whether the list includes long-term housing. The consultation document states that the term accommodation-based services is used throughout "to cover all forms of safe accommodation in which victims and their children may live" (para 3) and that "we understand that victims and their children will live in a variety of different forms of accommodation" (para 30). This suggests that the intention is to cover long-term housing, and it is possible that "second stage accommodation" listed in the definition includes such options, but this needs to be clarified and elaborated on. It is important that victim-survivors are supported throughout their journey to fully rebuild their lives following abuse, and this can take a variety of pathways, including remaining in and/or retaining rights over the home they shared with the abuser as well as renting or purchasing another property.

Therefore, SEA recommends that the definition names all forms of accommodation including privately owned and private rented accommodation; encompassing a "whole housing" approach. A full suite of housing options should be available to meet short-term crisis situations, as well as providing long-term security for survivors. The "whole housing" approach to supporting survivors is already recognised by MHCLG which awarded £1.5 million to pilot projects in 17 local authorities to improve early intervention responses and aid survivors in keeping their own homes, when safe to do so. SEA is leading on the privately owned housing element of the whole housing pilot project, educating banks, mortgage providers, estate agents and frontline services on how to support survivors, with the goal of helping women keep their privately owned property and their secure housing status.⁴

The consultation document also needs to list what it means by accommodation-based services such as the support that would be made available to women in refuges and the floating support for women in the community. As we set out in the best practice example included within this submission, commissioners of violence against women and girls services must recognise the importance of

⁴ Women's Budget Group. (2019) *A home of her own, Housing and women*. Published online at: <https://wbg.org.uk/wp-content/uploads/2019/07/WBG19-Housing-Report-full-digital.pdf>

economic stability within coordinated community responses to domestic abuse. This should include making routine screening for all forms of economic abuse an integral part of needs assessment for victim-survivors and ensuring that services can help women attain economic stability (see answer to question 18 below). This should include support managing and navigating situations associated with coerced debt following economic abuse (i.e. through the employment of a Domestic Violence Debt Advocate), support in retaining privately-owned housing and support accessing employment, especially if a woman has had to leave employment when fleeing a relationship or has had their employment sabotaged in the past, as is common in cases of economic abuse.

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

Yes, this is support to victim-survivors to remain and/or retain rights over the home they lived in with the abuser as well as to rent or purchase a different property privately which suits their needs and the needs of their children.

For homeowners, accommodation-based services could signal the means that enable them to remain in their home. Sanctuary Schemes are one of these, but are of little use if a home is being repossessed due to the abuser sabotaging the mortgage payments or, if privately rented. Accommodation-based services should therefore address issues such as access to mortgages and tenancies. It must also introduce protocols for dealing with mortgage/rent arrears in cases of domestic abuse. Where possible, and safe, provisions should be made to ensure women can stay in their homes (presently, it is more common that the abuser retains the home).⁵ This can include actions such as letting agencies/landlords being able to change tenancy agreements made in the abuser's name to the victim-survivor's name.

In order to help survivors retain their privately owned homes, banks, building societies and other mortgage providers need to be able to respond to those experiencing economic abuse and thereby at risk of losing their property rights. FCA regulations on forbearance, new affordability requirements, abusers' legal rights to mortgages and issues in enforcing family court orders are current legal barriers to this.

In addition, legal advice and representation may be needed to help resolve disputes over property rights. However, this is hard to access with victims of economic abuse unfairly failing the capital means test for legal aid as they are

⁵ See Domestic Abuse and Violence Bill. Consultation response from the National Housing and Domestic Abuse Policy and Practice Group. May 2018

assessed as owning assets which they have no access to or control over. For example, survivors with mortgages are less likely to pass the means test as resources of a capital nature (such as properties) are accounted for.

An example of good practice in this realm is the Safe at Home programme in Australia which aims to prevent homelessness for women and their children who have experienced domestic and family violence, by helping them keep their homes. In addition, it strives to hold perpetrators to account for their actions, cause less disruption and help survivors retain social support networks. Safe at Home programmes can be broadly defined as interventions and strategies that aim to keep women and children in their home or in other independent domestic accommodation. Strategies include the importance of focusing on women's financial security either by accessing subsidies or promoting women's employment or return to the workforce or supporting further education/skills development opportunities. Some programmes have the woman's application for a protection order excluding the violent partner from the home as a central component; whereas others provide advice about orders. Importantly, the absence of a protection order does not influence whether the woman can access funds and support.⁶

In order to support survivors with permanent, long-term housing, advice and guidance for providers of social housing and privately rented property, as well as stakeholders in the privately-owned housing sector must therefore be included within any measures introduced. This must include information about the provisions which exist for victims to retain privately-owned accommodation when temporarily in refuge accommodation. Enabling women to stay in/move on to privately-owned housing also relieves pressure on social housing.

Some of the Experts by Experience SEA works with were told that they had "to have been evicted and made homeless" from privately rented properties, before being eligible for the social housing list. They felt that this created unnecessary trauma as well as antagonism and upset with a private landlord. One woman who was in a position unexpectedly (by being offered a lump sum of their savings by elderly relatives) to buy a shared ownership property found that there were none being built in her area. Although she found many affordable shared ownership properties in other areas, she did not meet the local connection criteria required to apply. The local authority told her she was low priority for social housing

⁶ Breckenridge et al. (2015) *National mapping and meta-evaluation outlining key features of effective "safe at home" programs that enhance safety and prevent homelessness for women and their children who have experienced domestic and family violence*: State of knowledge paper. Published online at: <https://www.anrows.org.au/publication/national-mapping-and-meta-evaluation-outlining-key-features-of-effective-safe-at-home-programs-sok/>

because she had no dependents and because she didn't want the stigma of eviction would be on a lengthy waiting list. This resulted in her being homeless, relying on family and friends to host her. SEA has urged the government to address the local connection criteria and invest in providing more social housing, if accommodation-based services are to assist all women.⁷

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

Disagree, as it is not clear if it covers support for long-term housing and related needs.

Q4. Do you define an accommodation-based service not listed here as support? If 'Yes', what is this support service?

Yes, this support service is legal and financial support extending beyond the capabilities of specialist staff in domestic abuse services. These are needed to assist homeowner victim-survivors with complex legal processes involving financial proceedings in the family court, the sale or remortgage of a home or mortgage fraud by abusers. Outreach workers and IDVAs can only do so much to support survivors to access these services. Lawyers are key providers of support, however homeowners are often unable to access the necessary legal support as they fail the means test for legal aid based on the capital thresholds. This is an added barrier to economic safety and the rebuilding of lives for survivors of economic abuse who have had their access to economic resources controlled and sabotaged and who are often coerced into debt.

Estate agents and front-line bank staff often lack the understanding and skills required to support survivors, and where they want to help frequently cite legal barriers which seem to facilitate the control of the abuser. For example, in clear cases of sabotage whereby an abuser is refusing to allow a renegotiation of a mortgage rate to a much lower monthly payment, banks report being powerless to do anything and the survivor subsequently defaults on payments, falls into arrears and faces repossession.⁸ Organisations need to have greater powers to challenge this, and protocols must be in place to support survivors to retain their homes.

⁷ Surviving Economic Abuse. (2018) *Economic abuse is your past, present and future*– a report on the practical barriers women face in rebuilding their lives after domestic abuse. Published online at: https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf

⁸ Standing Together Against Domestic Violence. (2013) *A Guide to Effective Domestic Violence Partnerships*. London: Standing Together Against Domestic Violence. Published online at: http://www.standingtogether.org.uk/sites/default/files/docs/In_Search_of_Excellence.pdf

As mentioned, a “whole housing” approach should inform the support available, bringing in mortgage providers, banks/building societies and money/debt advice services. In addition to ensuring that refuge spaces are available to all women who need them, this approach could put in place measures such as an immediate plan of action relating to mortgage repayments as part of a wraparound package when domestic abuse is disclosed. The private rented sector must also be accounted for in this approach, with provisions made for social and privately rented housing in order to support survivors in maintaining tenancies.

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

Agree. We would however like more clarity on how this duty interacts with homelessness legislation under which victims of domestic abuse are not considered as being automatically in “priority need”, but have to show further vulnerability in order to qualify. SEA supports the APPG on Ending Homelessness call for the “priority need” legislation to be amended to change this situation, and would not want the government’s attention on the proposed duty to supersede considerations of this important reform.

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’?

Agree. Any duty should be accompanied by ring-fenced funding and must, in its implementation, ensure that it does not take away from funding for other domestic abuse services that may not be considered as falling within its remit.

Q7. Do you agree that a duty to cooperate should be placed on Tier2 Authorities and London Boroughs?

Agree

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

The proposed representation on the Local Partnership Boards must be wide enough to ensure that it reflects the “whole housing” approach mentioned above which is key to supporting all survivors of domestic abuse. As such, the Local Partnership Boards should bring in mortgage providers, banks/building societies and money/debt advice services as well as the more traditional stakeholders operating in this space.

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

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

a. What is the structure of the Board?

b. Who are the Board members?

N/A

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

Agree

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

Agree

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

Agree but this needs to be a part of a national plan, as outlined in our response to later questions in this consultation.

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

Agree, local strategies are important but must be dovetailed with a national strategy, otherwise the "postcode lottery" with regards to accommodation provision for survivors may be worsened. Presently, there is disparity between the levels of refuge (and other accommodation-based support) available for survivors between regions and this must be redressed through a national strategy.

Q15. Do you agree with Local Partnership Boards commissioning DA services with Tier 2 Authorities?

We believe that funding of domestic abuse services should take place through ring-fenced grants, as carried out through the Supporting People programme from 2003-2009. A House of Commons research paper looked at this model of funding and highlights the issues that have arisen since the ring-fencing was

removed.⁹ The commissioning of services has resulted in the loss of services run by specialist providers to generic services which can be problematic and of poor quality.¹⁰

A Women's Aid report⁹ outlines issues faced by specialist refuges and the impact of generic provision on services, outcomes and survivors. It found that in one area where a generic provider had been awarded a contract, services had been stripped-back, there was an increase of police reports of domestic abuse, an increase of survivors reporting repeated incidents of domestic abuse and there were complaints made about the refuge by multiple statutory agencies.

Imkaan has also examined the impact of commissioning on "by and for" specialist BME services which have been disproportionately cut¹⁰ and highlighted the need for specialist services for the most marginalised groups, including BME women, disabled and lesbian, bisexual and transgender women.¹¹ They found that BME women simply do not access non-BME specific support: 87 per cent of respondents to their survey stated their preference to receive BME specific support. In addition, they were less likely to return to an abuser if they received specialist support. All respondents said the support of a BME specialist service was a key factor for them accessing the criminal justice system, ranging from police reports to going to court.¹²

Given these issues, local commissioning with national oversight does not go far enough. The National Statement of Expectations does not have statutory footing and is, therefore, not routinely followed. We are concerned that, should funding continue through local commissioning, the proposed statutory duty could be undermined by the practice of competitive tendering.

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

N/A

⁹ Parliament. House of Commons. (2012) *The Supporting People Programme Research Paper* (12/40). London: House of Commons Library.

¹⁰ Standing Together Against Domestic Violence. (2013) *A Guide to Effective Domestic Violence Partnerships*. London: Standing Together Against Domestic Violence. Published online at: http://www.standingtogether.org.uk/sites/default/files/docs/In_Search_of_Excellence.pdf

¹¹ Imkaan and Women's Aid. (2014) *Successful Commissioning: a guide for commissioning services that support women and children survivors of violence*. Published online at: https://1q7dqy2unor827bqjlsoc4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/12/successful_commissioning_guide.pdf

¹² Roy, S. and Ravi, T. (2012) *Vital Statistics 2: Key finding report on black, minority ethnic and refugee women's and children's experiences of gender-based violence* London: Imkaan.

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

N/A

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

Yes, but how this assessment form is developed is key to ensuring that the objective of the consultation, to reach all domestic abuse victims, is achieved. Victims of domestic abuse, particularly those experiencing economic abuse, are often invisible to statutory services so it is important to carefully consider where the data will come from to feed into the needs assessment. For survivors of economic abuse, crime data is likely to show very little if anything at all. Yet in our analysis of successful prosecutions of the coercive or controlling behaviour offence, SEA found that six in ten cases included examples of economic abusive¹³ – this finding is consistent in our ongoing analysis.¹⁴

Homeownership in the UK is around 64 per cent,¹⁵ however homeowners make up a fraction of those known to specialist domestic abuse services and local authorities. This is despite research which shows that around one third of victim-survivors own their own home.¹⁶ Domestic abuse does not discriminate based on wealth and social class, as such more consideration must be given to those who perpetrate abuse via jointly own properties. Local authorities need to understand this and address the differing needs of homeowners in order to ensure comprehensive support. For instance, it is necessary to consider economic resources such as mortgages when assessing need. Work needs to be done to consider how to reach survivors and their children in privately owned accommodation when developing a standardised needs assessment form (see response to question 1 above).

¹³ Surviving Economic Abuse. (2017) *Into Plain Sight: how economic abuse is reflected in successful prosecutions of coercive or controlling behaviour*. Published online at: <http://survivingeconomicabuse.org/wp-content/uploads/2017/12/PlainSight.pdf>

¹⁴ The analysis updated as of June 2019 now has 183 cases, of which 116 involved an element of economic abuse.

¹⁵ Ministry of Housing, Communities and Local Government. (2018) *English Housing Survey, Home ownership, 2016-17*. Published online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724323/Home_ownership.pdf

¹⁶ Lilley-Walker, S-J., Hester, M. and the Justice Project Team. (2019) *Policy Evidence Summary 4: Justice, Housing and Domestic Violence, the experiences of homeowners and private renters*. Bristol: University of Bristol.

The consultation document acknowledges that victims and their children will need to be supported to move outside their local area in some cases; and references a standardised needs assessment which recognises the value in offering reciprocal support across local authority boundaries (paras 56-57). Yet there is little in the document on ensuring that there is a proper estimation of "national need" i.e. estimation of what the national picture should look like (see also response to question 28 below).

This first measure for domestic violence provision in the UK appeared in the 1975 Select Committee on Violence in Marriage report which recommended that one family refuge place should be provided per 10,000 people in the population.¹⁷ This was then reiterated in a resolution of the European Parliament in 1986¹⁸ and by a Council of Europe publication in 2008.¹⁹ However, despite this recommendation having been in place for nearly 45 years, England's refuge provision currently falls short by approximately 1,727 places.²⁰ Research by Women's Aid has found that on any one day, around 94 women and 90 children are turned away from refuges.²¹

Not only is there simply not enough provision for survivors, there exists a "postcode lottery" whereby certain areas are more underserved than others in terms of the provision of specialist support services. This becomes even more acute when specialist support services (such as those for BME women) are mapped (see response to question 15 above). Scoping activity supported by the Equality and Human Rights Commission (EHRC) documented the uneven distribution, and in some areas, absence of specialised violence against women (VAW) support services across nations and regions of the UK. In 2007, over one-third of local authorities had no specialised service provision at all and, in 2009, attention was drawn to the fact that the needs of ethnic minority women in particular were not being met; of the 408 local authorities in England, Scotland and Wales, just one in ten had a specialised service for ethnic minority women.

SEA supports successive recommendations²² that Government at all levels should be mindful of the minimum standards on the geographic availability of third sector specialised support services, in particular the recommendation of a

¹⁷ Select Committee on Violence in Marriage. (1975) *Report from the Select Committee on Violence in Marriage, Session 1974-75* London: HMSO.

¹⁸ European Parliament, Resolution on violence against women, Doc A2-44/86, OJ C 176, 14 July 1986, p 77, para 26(a). Available online at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1986_176_R_0046_01&from=EN

¹⁹ Kelly and Dubois. (2008) *Combating violence against women: minimum standards for support services*, Council of Europe.

²⁰ UKROL data (2014) cited in the Women's Aid. (2017) *SOS Save Refuges Save Lives*.

²¹ Women's Aid. (2017) *SOS Save Refuges Save Lives*.

²² Coy, Kelly and Foord, (2009) *Map of Gaps: The postcode lottery of violence against women support services*, Ending Violence Against Women & Equality and Human Rights Commission.

1992 Home Affairs Select Committee report which called for the establishment of a central, coordinated policy for refuge provision throughout the country. This needs to be set out in the "vision for delivery" (page 19) and overseen by the National Steering Group.

Q19. How often should the needs assessment be conducted?

Every 3 years

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

Agree – they are well placed to making commissioning decisions but, as already mentioned in our response to question 10, ring-fenced grants must be provided so that domestic abuse services do not have to bid against generic providers.

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

Agree. However, the key to ensuring that the work will be carried out as per the new duty when local authorities are so stretched is more detail on how local authorities will be held to account and what the outcome of reporting would be. While standardised reporting is to be welcomed, it is not outlined within the consultation what this will look like, so it is difficult to ascertain whether or not it will promote accountability and transparency.

Q22. Do you agree with the reporting themes suggested?

Disagree, because although the themes cover what needs to be captured in a broad way, detail of how data will be gathered is needed to ensure the quality and usefulness of reporting.

According to the consultation document the definition of "accommodation-based" has been kept wide to include a fuller range of accommodation in which victims and their children may require support, to help local areas meet the support needs of diverse groups of victims and those at lower and medium risk to prevent their needs from escalating (para 30). This is an important acknowledgement since, in the current climate of austerity, support and accommodation-based services are often available only to the highest risk survivors as deemed by a risk assessment; survivors are being prioritised by a score on the DASH-RIC because there are not enough services available, including refuge spaces and specialist key workers. It is vital that a needs-based

approach is adopted, where services support all survivors. This will be a key indicator that there is a sufficient supply of support to meet the demand.

Research has shown that coercive control is the highest risk factor of domestic homicide. Where risk assessments were undertaken with survivors who were murdered, the outcome was most frequently a "standard" level of risk.²³ Therefore, it is imperative that services are available to all survivors irrespective of their deemed "risk" level. Reporting needs to ensure that these survivors are reached and that early intervention work, which minimises the long-lasting impact of abuse on survivors and their children is taking place. Early identification and preventative efforts may benefit from increasing awareness of tactics used to introduce economic control since research and indeed practice indicates that economic abuse precedes physical violence.²⁴

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

Disagree. SEA recommends that the National Steering Group should be chaired by the Domestic Abuse Commissioner established by the Domestic Abuse Bill and not the MHCLG Minister, in order to ensure independence.

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

We endorse the answer to this question within the submission of the National Housing and Domestic Abuse Policy and Practice Group, to which SEA contributed as a member. We would add that, when considering economic abuse, broader representation is required within the national oversight mechanism. To deal with economic abuse effectively, the Department of Work and Pensions, the Treasury and the Ministry of Justice must be involved as a minimum.

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

We cannot agree with the approach as there is nothing outlined regarding how local authorities will provide for survivors with no recourse to public funds (NRPF). Additionally, it does not stipulate whether survivors without additional vulnerabilities will be granted refuge places or deemed a high priority, hence it is difficult to make an assessment of the statutory guidance and its ability to provide for all women. The statutory approach would need to cover all the points SEA has

²³ Sharp-Jeffs, L and Kelly, L. (2016) *Domestic Homicide Review (DHR) Case Analysis* London: Standing Together Against Domestic Violence.

²⁴ Dobash, R. & Dobash, R. (1980) cited in Howard, M. and Skipp, A. (2015) *Unequal, Trapped and Controlled: Women's experience of financial abuse and potential implications for Universal Credit* London: Women's Aid and Trade Union Congress

raised in its response to this consultation – such as with regards to NRPF, working women accessing refuges, provision for those under 18, provision for women with children, provisions to help women keep their homes and pay their rent/mortgages etc.

Q26. What else would you like to have set out within the Guidance?

We would like the guidance to provide for victim-survivors with no recourse to public funds, clarify the situation with regard to the “priority need” legislation and address routine screening for economic abuse which would enable the issues raised in relation to economic abuse to be addressed.

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

A sustainable funding framework and stronger accountability at national level in line with SEA’s recommendations would be useful.

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. SEA is concerned that the accommodation-based services currently listed in the consultation document are not available to all women and their children. Given that refuges are usually reliant on state benefits to fund the housing element of their service, women with no access to benefits are often turned away from refuges which cannot afford to support them. Without addressing this, migrant women with no recourse to public funds who are not eligible for the Destitution Domestic Violence Concession (DDVC) will continue to be excluded from support. Therefore, whilst the proposed policy will go some way to ensure the accommodation needs of victims are met, it is only logical and appropriate that the NRPF rule when women are fleeing domestic abuse is reconsidered, affording all women refuge access. Ultimately, survivors of domestic abuse should not be subject to the rule, or, at the very least, eligibility for a refuge space should be delinked from eligibility for public funds.

Furthermore, working women are disadvantaged in accessing refuges, as they often cannot afford the rent required and so give up employment to be eligible for housing benefit to cover the rent. This system of perverse incentives undermines the ability of survivors to maintain economic stability after leaving an abusive partner, and leaves women with the “choice” of retaining their employment and staying with the abuser or giving up work in order to access safe accommodation.

More support is also needed to enable women to stay in safe accommodation with all of their children, as many refuges do not permit boys over a certain age, generally 12-14.

Women who flee to a new geographical area have to build a "local connection" before they can access secure accommodation. Some victim-survivors are moved on several times to different local authority areas, requiring them to establish this local connection over again. An Expert by Experience SEA works with explained how de-stabilising this is, serving as a barrier to rebuilding her life. Moving from one landlord to another has its own problems, with some not providing for the specific needs of survivors such as additional security. SEA therefore recommends that victims should not have to have or build a local connection.

Following abuse, a lack of access to affordable/suitable housing can result in women having to relocate to areas where they are isolated from friends, family and other support networks. They may also face associated costs of moving and replacing possessions. Employed women may find it difficult to maintain employment (something which is key to economic stability post separation) as a consequence of re-location. Bowstead found that a lack of national provision of local services for domestic abuse led to a "forced migration" of survivors in order to access the accommodation-based services they required to keep them safe. More effective responses and a national plan for local based services could mean that women and children only make the journeys that are strictly necessary, and are more smoothly and swiftly able to move to where they can settle and rebuild their lives.²⁵ Research revealed that, in 2012, the average victim sought refuge a minimum of 20 miles from their home and those with children tended to travel further. Some women had travelled over 400 miles and only 46 per cent of the journeys survivors made were within the same district; forced migration due to a lack of service provision is clearly prevalent.²⁶ The Costs of Freedom report found that the vast majority of survivors surveyed (87 of 100) had moved house to end the abuse: of this group 38 had moved once, 27 had moved twice, 12 had moved three times, 10 had moved four or more times. The fact that nearly a quarter of respondents had had to move three times or more should surely be considered as unreasonable given the disruption this caused to their efforts to rebuild their lives.²⁷

²⁵ Bowstead, J. (2015) Forced migration in the United Kingdom: women's journeys to escape domestic violence. *Transactions of the Institute of British Geographers, New Series* 40: 307–320.

²⁶ Bowstead, J. (2013) *The extent and implications of women's forced migration journeys to escape domestic violence* London Metropolitan University.

²⁷ Kelly, L., Sharp, N. and Klein, R. (2014) *Finding the Costs of Freedom How women and children rebuild their lives after domestic violence* London: Child and Woman Abuse Studies Unit and Solace Women's Aid.

Further, whilst recognising that men may also require access to refuge, provision for women and men must reflect their different needs. Women are more likely to experience economic abuse for a longer period of time (with 78 percent of women saying this form of abuse spanned more than five years compared to 23 percent of men), in multiple forms and within the context of coercive control. This means that female survivors' resources are likely to be more depleted than male survivors' resources, hence it will take them longer to recover economically, if at all.²⁸ This is because women's experiences of economic abuse is linked to their economic inequality more broadly.

As reflected in SEA's response to questions within the consultation document, the following measures need to accompany the proposed policy to ensure that the needs of all victims are met:

- Work must be undertaken to support women to stay in privately owned properties. Banks, building societies and other mortgage providers, as well as estate agents and surveyors also need to have a better understanding of domestic abuse. This includes how the purchase, sale and re-mortgaging of properties may be linked to economic abuse. In addition, an abuser may stop paying the mortgage or refuse to sign paperwork related to it, leading to repossession. A focus on this area would relieve pressure on social housing.
- Non-means tested legal aid must be available to all survivors of domestic abuse.
- Funding provisions must be made for children who experience economic abuse. The depletion of a resident parent's economic resources has a huge impact on children and can affect the house they live in, the school they go to, the food they eat and the ability for them to reach their full potential. SEA has long argued that economic abuse is linked to child poverty.
- Survivors of domestic abuse should have an automatic right to permanent social housing.

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

As noted in SEA's answers to questions 28, the DDVC must be extended to all migrant women survivors of domestic abuse regardless of their immigration status. It is not clear within the consultation proposals that this will be addressed by local authorities to ensure all survivors can access accommodation. Failure to address the barriers some migrant women face in terms of accessing

²⁸ Sharp-Jeffs, N. (2015) *Money Matters: Research into the extent and nature of financial abuse within intimate relationships in the UK*. Published online at: <https://www.refuge.org.uk/files/Money-Matters.pdf>

accommodation) is discriminatory, and contrary to Article 4(3) of the Istanbul Convention which requires implementation of the Convention to be secured without discrimination on any ground including migrant or refugee status.

This consultation could also be an opportunity to review implementation of the DDVC. The purpose of the concession is to enable survivors on spousal visas to apply for leave to remain in the UK in their own right and to access benefits for a three month period so that they can access safe accommodation and support whilst they do this. However the reality is that many refugees have fallen into financial hardship whilst supporting migrant women who access the concession. For example, Southall Black Sisters (SBS) has outlined problems in survivors accessing benefits (housing benefit is vital to a refugee and makes up about half of a refugee's income²⁹) and difficulties in applying for leave to remain under the Domestic Violence Rule.³⁰ If a survivor's temporary visa expires and their application for indefinite leave to remain is unsuccessful, they are no longer able to claim benefits and face destitution. Services face difficult decisions about continuing to provide support whilst being financially sustainable.

Consequently, the number of refuges that advertise their service as supporting women in this situation through Routes to Support (the UK VAWG directory of services and refuges vacancies run by Women's Aid and part-funded by MHCLG) has decreased. Some refuse to accept a survivor until their biometric residence permit has been issued; others also require a written guarantee from a local authority that they will pay the rent should the survivor no longer have access to public funds. Many survivors are unable to secure such a guarantee, which shifts the financial burden from refuges to local authorities.

In order to access welfare benefits, a survivor must have their own bank account, and survivors with unsettled status face additional barriers to those mentioned above when trying to open an account, including access to identification documents, such as those regarding their immigration status which may have been taken by the abuser. This need overlaps with the work currently being undertaken by SEA with banks and building societies to raise awareness and build capacity to support survivors.

Another opportunity to reduce the barriers to accessing accommodation - based services faced by migrant women is to improve access to immigration advice which is key for survivors with no recourse to public funds. Since there is

²⁹ Linney, J., Regan, L. and Gunn, D. (2018) *Funding a national network of refuges: providing a lifeline for families fleeing domestic abuse* London: Women's Aid.

³⁰ Southall Black Sisters. (2019) *Protection For All: The Domestic Abuse Bill and Migrant Women*.

no legal aid for these applications, there can be significant delays in accessing legal advice if it is available at all.³¹

For all these reasons, SEA supports calls made by groups such as the SBS for the DDVC to be applied to all migrant women victims of domestic abuse regardless of their immigration status, and for the period for which the DDVC applies to be extended to at least six months

Women who have a long-term illness or disability are more than twice as likely to have experienced some form of partner abuse (12.4%) in the last 12 months than women who have not (5.1%).³² This is because disability intersects with gender, increasing vulnerability to abuse. Perpetrators may also be carers and have the opportunity to control disability benefit payments and allowances as part of economic abuse.³³ This may leave disabled women without the funds for prescriptions and other necessary items.

Women who are disabled may also face additional barriers to leaving an abuser, as few refuges have places for them. A Freedom of Information request submitted by the BBC in 2018 revealed that just one in ten refuge places is accessible for people with physical disabilities and 20 of the local authorities that responded to the request had no wheelchair accessible refuge spaces. This is despite the fact that women with long term illnesses or disabilities are more likely to experience domestic abuse.³⁴

In addition, 16 and 17-year olds fall between adult and child safeguarding procedures. Because domestic violence refuges rely on the receipt of housing benefit, many are unable to accommodate young people under the age of 18. Sixteen year olds are encouraged to be economically dependent, while government policy states that all young people should be in education and training until the age of 18. This means that it is difficult for 16 and 17-year olds to find full-time paid work and/or claim the welfare benefits required for independent living. Provisions must be made for this group as the inability of young people to be supported by refuges and/or access independent local

³¹ Gov.uk. (2016) *Clarification of OISC's jurisdiction*. Published online at:

<https://www.gov.uk/government/publications/clarification-of-the-oiscs-jurisdiction>

³² Office of National Statistics (2017) *Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2017*.

³³ Howard, M. and Skipp, A. (2015) *Unequal, Trapped and Controlled: Women's experience of financial abuse and potential implications for Universal Credit*. London: Women's Aid and Trade Union Congress.

³⁴ BBC News (2018) *Why disabled women can't access refuge places*. Published online at: www.bbc.co.uk/news/uk/-46371441

authority accommodation places creates economic stability. Research has shown that this is linked to child sexual exploitation.³⁵

³⁵ Sharp, N. (2015) '*Keeping it from the Community*' in Community Safety – Special Edition on Child Sexual Exploitation, Sexual Violence and Community Safety 14(1) 56-66; Sharp-Jeffs, N. (2016) *A lot going on - The links between going missing, forced marriage and child sexual exploitation*, unpublished thesis