

Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust.  
Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project  
(Grant Number ES/M010090/1)



## Policy Evidence Summary 4: Justice, housing and domestic abuse, the experiences of homeowners and private renters

July 2019

The information in this briefing has been prepared by Sarah-Jane Walker and Marianne Hester for the Domestic Abuse Housing Alliance (DAHA). The briefing draws on data collected as part of the ESRC-funded research project *Justice, Inequality and Gender-Based Violence* (Grant number: ES/M010090/1), conducted by the Universities of Bristol, West of England and Cardiff between 2015 and 2018 (PI: Professor Marianne Hester).

### 1. Introduction

In May 2019 the UK Government unveiled a new package of support for victims-survivors of domestic violence and abuse (DVA) which sees a legal duty placed on local authorities to deliver support to victims-survivors of domestic abuse in accommodation-based services backed by funding to place services on a sustainable footing. The intention is that this new requirement will end the variation across the UK in support for those fleeing domestic abuse (<https://www.gov.uk/government/news/government-unveils-new-support-for-survivors-of-domestic-abuse>). While this is a step forward and will hopefully assist many victims-survivors of DVA who are, for example, accommodated in social housing it may not address the specific needs of those victims-survivors who are either homeowners or privately renting.

The 'whole housing' approach works to support women to stay in their privately rented or privately-owned homes. According to the National Housing and Domestic Abuse Policy and Practice Group, the private rented sector (PRS) needs to be better informed and aware of what constitutes domestic abuse to improve its response and adhere to safeguarding responsibilities<sup>1</sup>. In addition to private landlords, other 'non-traditional' stakeholders such as banks and building societies (and other mortgage providers) also need to have a better understanding of DVA including how economic

<sup>1</sup> Domestic Abuse and Violence Bill. Consultation response from the National Housing and Domestic Abuse Policy and Practice Group. May 2018



*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

abuse may be linked to the purchase, sale and re-mortgaging of properties<sup>2</sup>. In response to the recent consultation on the Government's DVA Bill a number of recommendations were made to ensure that policies related to housing, such as access to social security, do not undermine victims-survivors' ability to escape from DVA and rebuild their lives.<sup>3</sup>

In order to build on the evidence base and fill the knowledge gap regarding issues faced by victims-survivors of DVA who are homeowners or private renters the Peabody Trust commissioned the University of Bristol to conduct analysis of victim-survivor interview data collected as part of the Justice, Inequality and Gender Based Violence project.<sup>4</sup>

## **2. The Justice, Inequality and Gender Based Violence research project**

The 'Justice, Inequality and Gender Based Violence' project 2015-2018 (hereafter 'the Justice project') aimed to explore how victims-survivors of gender-based violence and abuse (GBV)<sup>5</sup> -and practitioners who work with them - understand, experience and perceive justice (criminal / civil / family and alternative forms of justice) in order to close the knowledge gap that exists regarding justice, inequality and GBV. A key part of the Justice project's multi-method approach<sup>6</sup> included in-depth, semi-structured interviews conducted with 251 victims-survivors of GBV. While the Justice project did not set out to specifically ask participants about issues relating to gender based violence and housing, a sub-set of victim-survivor interview transcripts identified specific aspects of housing relating to their experiences of (in)justice and the challenges and barriers faced by victims-survivors wanting to move on with their life but who find themselves unable to because of issues relating to their housing status or financial issues related to the perpetrator's abuse of the housing situation (mortgaged and privately rented properties). The experiences described by victims-survivors during the interviews reveals the reality / real life struggles with re-establishing their - and their children's -

---

<sup>2</sup> 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 violence. [https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report\\_FINAL-1.pdf](https://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf)

<sup>3</sup> Surviving Economic Abuse (2018) Transforming the response to domestic abuse. SEA May 2018. Response to the Government consultation see [https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc\\_May-2018.pdf](https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc_May-2018.pdf)

<sup>4</sup> [https://research-information.bristol.ac.uk/en/projects/justice-inequality-and-gender-based-violence\(49bc49cc-1db3-4675-b2ed-94a46555a0e9\).html](https://research-information.bristol.ac.uk/en/projects/justice-inequality-and-gender-based-violence(49bc49cc-1db3-4675-b2ed-94a46555a0e9).html))

<sup>5</sup> We used the UK Government's definition of GBV as 'Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life' <https://www.gov.uk/government/publications/call-to-end-violence-against-women-and-girls>

<sup>6</sup> The research involved four distinct stages across which the team accessed, collected, harmonised, coded and analysed a dataset including over 1200 items of national and international literature; 1500 police case file records, survey data relating to 1900+ refuge and community-based service users and 251 interviews with victims-survivors and 40 interviews with practitioners who work with victim-survivors.

lives, and 'injustice' was often described by participants as being left to pay the costs of freedom and safety that involved a place to live.

## **2.1 Housing status of victims-survivors in the Justice project**

Over two thirds of our victim-survivor interview sample (71%) were either living in private rented property (38%, n=79/207) or owned their own home (33%, n=68/207). A further 14% (n=30/207) were council tenants and 5% were living in a specialist domestic violence refuge (n=11/207, many of whom reported being left destitute by their abusive partner as they were in the UK on a spousal visa and had no recourse to public funds). Another 5% reported being homeless or staying with family or friends (n=11/207) and 5% reported living in 'other' accommodation (n=10/207) including two participants who had been accommodated by the Home Office whilst seeking asylum and another living in a hostel.

## **2.2 Housing costs /priority bills**

- Of the 118 victims-survivors reporting a financial impact of the abuse experienced, over a quarter (26%, n= 31) reported problems paying housing costs /priority bills. Of these,
  - 90% were female
  - Over half (58%, n=18) were currently in paid work
  - 68% had children (n=21/31) and two thirds of these (67%, n=14/21) had children under 18yrs
  - All had experienced some form (often multiple forms) of domestic violence /abuse, including 46% who reported experiencing rape and sexual assault from (ex)partners and 21% experiencing so called 'honour' related violence /abuse.
  - Most were living in private rented property (39%, n=12/31) and 23% (n=7/31) owned their home.

## **2.3 Barriers to 'justice' in relation to housing issues**

Barriers to justice in relation to housing issues stemmed, in the main, from the fact that where a victim-survivor and perpetrator were on a joint tenancy agreement or mortgage, both parties were classed as a single legal entity. This had both financial and safety implications for the victim-survivor. During the victim-survivor interviews, situations were described where the perpetrator had caused damage to the property and/ or refused to pay their fair share of the rent/mortgage or priority bills for the property thus leaving victims-survivors financially liable. Or perpetrators had refused also to leave the tenancy/mortgage, leaving the victim-survivor with no choice but to leave their home - and in some cases all their possessions – to set up home elsewhere in order to escape. Fears for their (and their children's) safety were also raised by victims-survivors where their abusive partner had a legal right /means to access the property at any time. For example some reported that as joint tenant/mortgage holder, they were unable to change the locks at the property without prior agreement from the landlord/letting agent/mortgage provider for fear of facing a penalty, leading them to feel unable to protect themselves (and their children) and thus unsafe in their own home.

### **3. Victims-survivors living in private rented accommodation**

This section provides a summary of key issues raised in the interviews with victims-survivors who were private renters, a profile of those victims-survivors and their experiences of (in)justice relating to housing issues.

#### **3.1. Summary of key issues for private renters**

Need for awareness raising /prevention work within the private rented sector (PRS) regarding:

- *Financial penalties for victims-survivors (including the cost of starting over in new accommodation)*
- *Barriers to safety*
- *Use of court orders*
- *Emotional impact of having to leave the family home*
- *Experiences of help-seeking amongst victims-survivors*

#### **3.2. Profile of private renters**

Descriptive analysis of participant demographic data shows the largest proportion of victim-survivors interviewed for the Justice project reported living in private rented accommodation<sup>7</sup> (38%, n=79). Of these,

- Almost all were female (97%, n=77/79); heterosexual (85%, n=64/75) and 'white' (76% compared to 24% recorded as BME).
- 86% were British nationals (n=68/79); 9% were non-EU nationals (n=7/79) and 5% recorded as 'other EU' (n=4/79).
- 90% reported experiencing emotional abuse; 81% had experienced control / manipulation; 75% had experienced physical violence / abuse; 67% had experienced stalking / harassment (off-line); 66% reported experiencing financial abuse; 58% experienced sexual violence/abuse (56% experiencing rape or sexual assault as an adult); and 46% experienced on-line stalking / harassment.
- Over a quarter (28%, n=22) had experienced so-called 'honour' related violence / abuse (including pressure to marry).
- Over half (58%, n=43) reported mental health issues or learning disabilities and 16% (n=12) reported physical disability.
- In terms of highest qualification, most participants/survivors were educated to university degree level (60%, n=44)<sup>8</sup> with 23% (n=17) educated to A-level/NVQ level 1/equivalent and 11% (n=8) educated to GCSE/NVQ level 2 / equivalent.

---

<sup>7</sup> Refers to housing status reported at the time of interview

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

- 68%<sup>9</sup> were in paid employment (n=49), 3% were retired (n=2) and 1% in education /training (n=1).
- Most victims-survivors in this category had children (62%, n=48/78) and of these at least 60% had children under the age of 18yrs at the time of abuse<sup>10</sup>.

### **3.3. Experiences of private renters**

The victim-survivor interviews revealed a number of barriers to justice and/or help-seeking experienced by private renters in relation to housing issues.

#### **3.3.1 Financial penalties for victims-survivors**

Victims-survivors living in rented accommodation on a joint tenancy agreement described a number of financial penalties related to DVA and housing issues (expressed as a form of 'injustice' due to the unfairness of the situation they found themselves in). Some found themselves in the position of having to end the joint tenancy in order to escape an abusive partner who refused to leave the tenancy. However, under the joint tenancy agreement terms landlords often require a single deposit for the whole tenancy. As a result one participant found she was liable for damage caused to the property (even though that damage was caused by the perpetrator in the course of the abuse),

*I was the one who sort of formally ended the tenancy in the flat ... because if he's throwing rages there was a bit of damage ... so that had to come out of my half of the deposit. Yeah cos I didn't want them to lose out, so I just took that on the chin really (VS012)*

Being classed as a single legal entity under a joint agreement meant victims-survivors also found themselves liable for the whole rent and/or bills i.e. where the perpetrator refused to pay their share, and as result found themselves getting further into debt,

*I got left with a load of debt from my first partner. Paid it off*

Where the perpetrator has access rights under a joint tenancy, victims-survivors may also find themselves more vulnerable to having their possessions stolen by the perpetrator,

*...I'd have to like take things out of my house, like my daughter's PSP and the DS and stuff like that, cos he'd go and sell them (VS169)*

*I think I actually changed the locks after he came in and took the furniture (VS057)*

A key financial burden reported by victims-survivors was the cost of having to start over, after being forced to choose between their home -in which they have invested for years in some cases -and their safety. For some, moving to safety and attempting to rebuild their life post-separation meant paying high rents on top of the cost of having to furnish new property because they felt they had no

---

<sup>10</sup> Age of children at the time of the abuse missing for 15/48 participants.



*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

option but to leave their possessions behind in order to get away from their abusive partner. Some reported having to finance this move through credit cards -and hence for some – this meant they found themselves getting further into debt.

For some participants the cost of having to move to new accommodation is just one of the many financial burdens they had to deal with as a result of experiencing financial and other abuse,

*there was loans that he'd taken out without my consent. Like stupid ones like with the <bank>, which charge you an absolute fortune. And a couple of credit cards I think, yeah...but I've managed to move property, which cost me a fortune, I've managed to pay all that off, and I'm still surviving cos he tried to have everything taken off me. You know he tried to have the house taken off me, he tried to have my children taken off me (VS194)*

One survivor described how she wanted to stay in her flat because she had invested so much in it but the impact of abuse on her mental health as well as concerns for her safety meant she also felt she had no choice but to re-locate, incurring further debt to finance the move,

*I wanted to keep the flat because I'd paid everything in that flat and he never invested anything, it was all my money. And then I thought why should I not stay there, and he needs to look and live somewhere else, why should I leave, what for. But then I had such nightmares there because I was abused in that flat for so many years. And all these memories when I was alone there it was really not good. And then the other concern that I had was that he knows where I am and that concerned me a lot. So I decided it's hard, I invested a lot of money but for my own safety it's better I move [but] when I moved I only had a few things... I needed to buy a complete new household more or less, furniture and everything, I was sleeping on the floor, this place was unfurnished when I moved in, I lived on the floor ... so I had to buy almost everything. And the rent is so expensive, so it went all on my credit cards. Then I had the solicitor costs on top of that as well (VS122)*

Another described having to forfeit her possessions and buy new in order to make a clean break and not give her abusive partner any excuse to contact her,

*The first time I moved out when I was pregnant, everything was mine. I took like all the goods in the kitchen, it was only the sofa and the bed that wasn't [hers]..so I took all that with me but then the second time I moved I just left everything because the first time, he made a big deal about me taking everything I own. He didn't have cooker, he didn't have fridge, he didn't have this, he didn't have the washing machine and, uh, so the second time I just scrubbed the house I was leaving, set a fresh bed in it, I filled the freezer, I re-filled the fridge, the cupboard, left him absolutely everything he needed just so he couldn't say, "Well she's gone and she's took, left me with nothing". Uh, so, I tried to like, cut all contact with him (VS268)*

### **3.3.2 Barriers to safety**

A key problem regarding joint tenancy agreements is the potential legal difficulties which create barriers to achieving safety (and thus justice), either through difficulties in removing a perpetrator

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

from the home in the first place or preventing them re-entering the home. Following a physical assault by her partner one participant was advised by police of the potential difficulty in removing the perpetrator had they been on the tenancy agreement,

*R: they didn't arrest him because I didn't want to press charges, I just wanted him out the house...well I had to get proof that the house was in my name, because he said that he was on the tenancy, so I had to get like the tenancy agreement and prove that he wasn't on the tenancy agreement before they actually got him out of the house*

*I: Gosh so that must have been quite stressful also trying to prove that he wasn't on the tenancy agreement.*

*R: Yeah it was.*

*I: Did they ever explain what would have happened if he was on the tenancy agreement?*

*R: Yeah I'd have had like a harder time getting him out of the house cos it would have been a joint tenancy (VS169)*

The extract above suggests that even following a physical assault, the onus was put on the victim-survivor to prove to attending police officers that the perpetrator was not on the tenancy agreement before he could be removed (which she reported as stressful) rather than the onus being put on the perpetrator to prove that he *was* on the tenancy agreement.

Without some sort of court order abusive perpetrators who are joint tenants seemingly have equal right to access the property/home whenever they like. This means that victims-survivors potentially find themselves unable to conduct target hardening, such as changing the locks, without prior permission and again the onus is on the victim-survivor to seek this permission,

*[the police] sent round a domestic violence advisor I think, or arranged it. So I had a lady come round and she did a risk assessment for the house, advised me about change- ... well I think I actually changed the locks after he came in and took the furniture. Which, because I'm in a rented house, was slightly difficult because I had to get the landlord's permission (VS057)*

### **3.3.3. Use of court orders**

The interviews revealed that victims-survivors had used a range of criminal or civil injunctions (including Restraining Orders, Non-molestation Orders and Domestic Violence Protection Orders<sup>11</sup>) allowing them to remain in their home and/or avoid leaving everything they own behind to escape abuse. A small number of private renters (n=3) had obtained an occupation order to remove the perpetrator from the property. This, in the main, was described as a useful (although only

---

<sup>11</sup> For further information on key issues for the measures on protection orders proposed in the Governments DVA bill see Bates, L., Hester, M and the Justice Project Team (2018) Domestic Violence Bill Policy Evidence Summary 2: Protection Orders for DV. Bristol: University of Bristol.  
<http://www.bristol.ac.uk/sps/research/projects/current/justiceinequality>

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

temporary), measure providing the victim-survivor with space needed to make alternative accommodation arrangements,

*So I got an occupation order for him that lasted...two months I got, two months to look for a flat and he couldn't come back. (VS122)*

*The fourth time, I thought, "I'm not going to get out of here alive," so I just ran and stayed with my friend for nine weeks, until I went to court and got through all the occupation order and everything...we went back to court, and that's when the occupation order was given to me, and he was told that he had 28 days to get out. Obviously, between all that, he got arrested, because he was still stalking me and hassling me. (VS272)*

The quote above suggests however, despite potentially offering a 'route to justice' in terms of allowing the victim-survivor the opportunity to find alternative living arrangements, occupation orders cannot guarantee the safety of the victim or offer a longer-term solution to their housing needs.

The onus is on the victim-survivor to apply for a court order and thus for them to persuade a court that they and/or their children are at risk of significant harm. However, this process is potentially neither quick nor inexpensive. If a victim-survivor is in receipt of benefits they may obtain help with the cost of a court order. However if the victim-survivor is not in receipt of benefits but in employment they may have to pay for the order, which can cost in the region of £1500-£3500 (<https://www.reducingtherisk.org.uk/cms/node/182>). Thus, as highlighted within our interview data, victims-survivors could be in paid work but paying off debts as a result of abuse leaving them little spare cash to live on after the rent / priority bills etc had been paid. Thus, some victims-survivors found themselves without the means necessary to pay for crucial legal services (e.g. cost of solicitors and injunctions etc) which could have made them feel safe/safer and able to remain in their home.

### **3.3.4. Emotional impact of having to leave the family home**

In addition to the financial cost, victims-survivors also recounted the emotional / psychological cost to leaving or losing their home e.g.,

*I've been there all my life. When my parents left I took it over, it's my house. So I don't see why we should be the one to uproot, I've got my kids settled in school and I don't want to upset them, they've been through enough (VS159)*

### **3.3.5 Help-seeking**

Participants revealed a mix of positive and negative experiences when help or justice-seeking for housing problems, from specialist DVA support services, police, legal professionals, and landlords / letting agents,

*When I moved into here [DV organisation] got all the target hardening in place with the police, they had the police come out and they gave me all extra locks for the windows, for the door they put house alarm in. Gave me personal attack alarms and everything (VS268)*

8





*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

*[IDVA] phoned me, and she actually come with me. I think the first time, when I went to do the non-molestation order, it was just me and my sister. Then, the second time, I went for the occupation order, and [IDVA] came with me. (VS272)*

*He'd turn up, do what he wanted and go...I had a TAU put on the house. And all the locks changed, but I had to pay for it myself (VS126)*

*the IDVA said you need to do that [additional security measures], and that's one of the first things I did, I phoned up the landlord. (VS057)*

*I ended up spending over £600 in solicitors' fees and didn't get anywhere. And my solicitor... cos I've said about you know going to court and things, and he said oh no that's not a good idea. And of course, when you look back it's only ... at the time you don't know what's good advice and what isn't.... I've only recently discovered that you know like Women's Aid have got a legal helpline and they could have helped me. And so in that sense I felt let down ... because it's just so hit and miss whether you get a good solicitor or not. (VS050)*

Two participants reported positive experiences when seeking help from landlord / letting agent,

*.. the landlord's been brilliant, changed all the locks, locked him out. Probably wasn't supposed to do that, but I was living in fear that he'd come back in the middle of the night and take everything or do something worse. ...I managed to arrange ... whether they liked it or not ... I think the letting agency don't really like it, but they do not hold the key to this house because at that point it was a joint tenancy and he would not get off the joint tenancy. So I have a problem with them as well. I didn't want them to hold the key because the branch would hold the key and he would go into the branch, he could produce the document saying I'm the joint tenant, get the key, come in the house ... either beat me up or take the furniture or abduct my child, I don't know, but anyway they don't hold the ... they know that the next door neighbour holds the key so if there's an emergency I have a trusted next door neighbour that knows a little bit the situation. (VS057)*

*I emailed my landlord and I told him what the problem was, and I said, "I need to get him evicted. The only way I can do that is if you officially evict us both," and he said he would do that. So that was the only way I got [perp] out of the house...anyway, with him living in [different town], I gave my address to his brother, who lives in [different Region], in an email, and he must have given it to [perp], because [perp] came round here... I told my landlord what was happening, and my landlord made sure he left. (VS319)*

The two quotes above highlight the importance of good /open communication with a landlord and the benefits of having an understanding or sympathetic landlord, which can offer a 'route' to safety / justice for victims-survivors of DVA.

#### **4. Victims-survivors who own their own home / mortgage holders**

This section provides a summary of key issues raised in the interviews with victims-survivors who were homeowners, a profile of those victims-survivors and their experiences of (in)justice relating to housing issues.

#### **4.1. Summary of key issues for homeowners**

- *Continued abuse (financial / control / harassment) post-separation*
- *Loss of property / investment in property*
- *Lack of financial means to protect access to their own property / investment*
- *Barriers to safety*

#### **4.2 Profile of homeowners**

Participant demographic data shows the second largest proportion of victim-survivors interviewed for the Justice project owned their own home / had a mortgaged property (33%, n=68). Of these,

- Almost all were female (91%, n=62); heterosexual (94%, n=75/68); 'white' (88%, n=59/67 compared to 12% BME n=8/67); and British nationals (91%, n=62/67: 9% non-EU nationals (n=7/67). Only 5% were recorded as 'other EU' (n=4/67) and only 6% (n=4/68) reported being LGBT.
- 91% reported experiencing emotional abuse; and 91% had experienced control / manipulation; 79% had experienced physical violence / abuse; 65% had experienced stalking / harassment (off-line); 79% reported experiencing financial abuse; 54% experienced sexual violence/abuse (44% experiencing rape or sexual assault as an adult); and 43% experienced on-line stalking / harassment.
- Nearly 1 in 5 (19%, n=13/68) had experienced so-called 'honour' based violence / abuse (including pressure to marry).
- Over half (54%, n=37/68) reported mental health issues or learning disabilities and 9% (n=6/68) reported physical disability.
- In terms of highest qualification, most participants / survivors were educated to university degree level (72%, n=43/60) with 18% (n=11/60) educated to A-level/NVQ level 3/equivalent and 7% (n=4/60) educated to GCSE/NVQ level 2 / equivalent.
- 80% were in paid employment (n=53/66), 3% were retired (n=2/66) and 2% in education /training (n=1/66).
- Most had children (79%, n=52/66) and 39% had children under the age of 18yrs.

#### **4.3 Experience of homeowners**

As outlined below, the interviews revealed a number of issues, recounted by survivors/homeowners in terms of barriers to justice and/or help-seeking and in relation to housing issues.

##### **4.3.1 Continued abuse (financial / control/ harassment) post separation**

Participants described various ways in which their abusive ex/partner had been able to continue their abuse post separation, with a clear understanding of how the perpetrator was attempting to control or harass them. For example, perpetrators were described as being deliberately obstructive

during the separation process, resulting in the victim-survivors facing financial difficulties and being effectively trapped (financially or physically/geographically) as they found themselves unable to leave the marital home (and thus unable to move on),

*I'm paying all the mortgage and everything for the house, but because [perp]'s refusing to sort out financials - because he knows that once financials are done I'll get the decree absolute granted- then I can't move from the house because I'd have to pay this mortgage and the mortgage for the house ... the new house that I'd move into, if that makes sense... he fired his solicitor because he didn't like their advice, so he's representing himself which means that he's not doing... my solicitor said that we'd need to take him to court now for being deliberately obstructive... if we go through court he can drag it out for another 12 months if he wants to. (VS013)*

*[perp]'s being very difficult with valuations of properties, but he's just pushing and pushing to maximise everything. He's the one with cash in the bank, I haven't got cash, I've got assets, and he's refusing to let me liquidise my assets in order to raise the cash to fight him with in court – which is another unfairness, I would love to be able to see that redressed...because of the assets that I have, that's the problem. It would be lovely, but unfortunately because of these assets. (VS010)*

*we have a house in [perps] country which we need to sell, and the court have told him that we've got to sell it, and he's refusing to, it's been on the market for 4 years, and because of that I can't get housing benefit or any kind of help. It's all a bit of a control thing, and when it is sold they've advised that he has to pay me £1000 a month in spousal maintenance. Until then he only has to pay £200.... I wanted to change house and he says well you're not allowed to change the school of the child, you can't do that without my permission. So he's controlling me from afar (VS057)*

*My legal bill on my divorce, was £40,000, this is where the legal system is insane. [perp] acted as a litigant in person, which again, is permissible by law. But really, I believe that when there is such a divorce, that is fraught with so many difficulties, where I had so many orders against this guy, where I believed my life was in danger, and the man was purposefully delaying things. He was not complying, we had to bring him to court a few times. (VS309)*

*[perp] took all my life savings. £30-40,000...Up to the last two years when he got made redundant, we both contributed. And since then we've still got a house together that's in negative equity and he's not paid anything towards it... there's still the potential that I'm going to have to meet him to sort the house out ... he could potentially get the house from me, not pay it, so that they then come after the house that I'm living in now. Which is exactly what he would do if he could. (VS005)*

#### **4.3.2 Loss of property / investment in property**

In describing their experiences some participants explained how they had been left in large amounts of debt as a result of abuse and despite having assets on paper (i.e. owning property) were left struggling with day-to-day finances. The quote below highlights the very complex financial situation one victim-survivor found herself in,

*[perp] wants me to pay him an interim lump sum. He wants me to pay him money on a regular occurrence. He wants half the house. Well, in the middle of all that, I'm dealing with [a debt management group]. They're trying to sort out the debt that I've been left with. I was on long-term sick leave for six months, because of the stress I was under, because of the court case, the child custody case and everything. I had to go back to work, because if I didn't go back to work, I had no money...while I was on sick leave, I had an interview for my job, because my job was being re-banded, and I wasn't successful. I was told that I hadn't got a job. So I could go onto the redeployment list, which I did, and they've managed to give me a job at a lower grade. It's made up a little bit, but I've lost £7,000 a year on my salary, just to keep a job. But I still have all the debt that he's left me with. So they worked my debt based on the salary that I was going to get, so they were wanting £1,400 a month to pay the debts off. That's the mortgage, the outstanding mortgage, and all the other debtors. That would leave me £600 to live on, but that was before my salary dropped down to my current salary. So I'm actually £400 a month worse off, and there's no way I can pay them £1,400, when I only get £1,500 and something. I'd be living on £100. My daughter's childcare is £100 a month, so that doesn't leave anything for petrol or food, or anything. So, I need to renegotiate that. But they say if I was paying at that rate per year, it would take me 20 years to pay off the debt. I'm probably going to have to declare myself bankrupt and give the mortgage back to the bank manager, because I can't afford to live in the house. I can't afford to sell it, because we're in negative equity. I can't afford to do the repairs. But when I did speak to a solicitor, he said, "But why isn't your husband paying towards the mortgage?" I went, "Because he doesn't want to." They were like, "But he's liable for half of it." I went, "Well, not according to the banks, because it's got my name on it. They're chasing me for the debt." (VS307)*

Another participant recalled her negative experience of the legal process post separation, highlighting the lack of understanding amongst legal professionals of the nature and impact of DVA,

*I am going to be left with all the debt of the house and I have got to pay [perp] out, he is not going to have to pay for any of the debt. That is another reality of how the court system works. The judge did not want to know, and his words were, "I am not interested." He questions all counter questions about the reasons why we are here. After I had to go through literally years of bank statements of his and mine to prove who was the one doing the spending and who was creating all the debts. That was supposed to counteract on value and what he got and what he didn't. He has dismissed all of that in one sentence, "Not interested". (VS279)*

The two quotes above suggests the importance of banks/mortgage providers and legal professionals understanding the nature and impact of DVA on victims-survivors beyond the criminal justice system outcomes and highlight the 'justice gap' between criminal justice system and civil justice outcomes.

*R: The credit card had been built up a lot. And because it was in my name, he'd used it ... so I had all that. I pay for the mortgage and ... it's a housing association house, so I've got part buy, part rent, and it's a real nightmare because of the kind of mortgage I have which is one of those interest only mortgages ...and so therefore at some stage it's all going to come to a halt because at the moment*

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

*I'm just paying fancy rent. And he thinks that there is equity in the property, which there won't be because it will just all be sold, and I won't have any money.*

I: Can you put a figure on how much debt you think you came out with at the end as a result of him doing that?

R: *Altogether probably about 6, 7 grand. But with all the kind of mortgage payments and stuff ... cos I'm paying all that by myself ... well it's a lot more cos it's been a few years ... I don't know, maybe ... maybe about 12 grand at this stage. (VS011)*

One participant explained how she was forced to leave the family home by the abuse and social services who suggested that if she remained in the property then she would be held responsible for not protecting her children. She stood to lose hundreds of thousands of pounds as a result of divorcing her abusive husband,

*[perp] refused to move out of the matrimonial home and he said that he's entitled to it. When social services became involved following the MASH referral in 2015, they made it pretty clear to me that I needed to remove the children from this awful environment that they were in due to the controlling and the blah blah blah. And they made it very clear that if I didn't then I wouldn't be seen to be protecting my children and that they would need to involve the courts. So, I mean I knew I had no choice... he just wouldn't go. He's the one in the big old marital home – that's part of the £800,000 I stand to lose. I came to the marriage with a healthy amount of money. He didn't. And obviously I'm holed up in a much smaller property – it's not the better of the two homes for the children to be in, but that's not everything. the fact that he's taken me for so much money, that was obviously one of the big reasons why I went back to him...it's a lot for me to have to give up on. I know that money isn't everything, and to be honest I would have been fine with it were I to think that he would be sensible with it and it would go to the children. However, I'm not sure it will. (VS010)*

The quote above highlights a potential barrier to safety in that the victim-survivor talks about returning to her abusive partner in an attempt to protect her investment / children's future financial security.

The participant quotes below also suggest a need for access for to affordable, adequate legal /financial advice about how to protect assets such as property, which is a key source of financial security for the victim-survivor and/or their children,

*All he's driven by is greed, about what he can take from me. It was my house, my home...before I married, I asked a solicitor about a prenup and she said, "It's not worth the paper it's written on in this country. What you can do is have your deed split so that you have the majority." I said to him, "80/20," because the house was mine. I had an £18,000 mortgage then. By the time he'd finished, I had £110,000... he wouldn't accept 80/20. I said, "This is to protect the boys. Their father did nothing for them and that's what it's for, and hopefully, if anything should go wrong for us, you would do right by <son>." No. He wants his money and, in his words, "I'm not going without my dollar." (VS279)*



*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

*I actually own a house myself, which I bought when I did my studies which I was renting out. Now we had a pre-nuptial agreement that stated that he wasn't allowed the house and that I wasn't allowed his possessions. I mean he's got his possessions now, certain possessions...in their infinite wisdom the judge has also awarded me to pay my ex-husband ... basically I've got to sell the house because it was considered a marital asset the one that I own, that I have to give him £45,000 which I haven't paid because that would mean I would have to get rid of the house that I own which I rent out, which is the only thing that keeps my head above water. (VS057)*

*the house that we'd been living in, it had been in his name, but the deposit that we'd put on the house was mine. The mortgage was in his name but the deposit had come from me. Yeah (son) gets annoyed with it 'Can't you take him to court and get it back?' I don't really think there's that much I can do because the house was in his name. There's no records of me giving him the deposit. It was just informal. (VS014)*

#### **4.3.3. Lack of financial means to protect access to their own property / investment**

Some victims-survivors described injustice as having to wait for years for house / financial settlement post-separation due to lack of funds to fight in court / no legal aid,

*He refused to move from the marital home. It took from 2004 to 2009 to get to court because I didn't have the finances to fund it. The solicitors I chose were rubbish. They just wouldn't, they didn't support me. Unless I had the money, they weren't interested. Of course he had access to money so he just didn't respond to anything (VS280)*

*Legal fees are frightening...the money is you know just whittling through my fingers. He is making it very awkward and it's going to be touch and go as to what stage I get to (VS010)*

*I was told initially when I consulted a solicitor that I wouldn't be eligible for Legal Aid because of the house that we own in his country ... and this is actually in [Europe] ... So I went off with a solicitor. I have a now have a nice legal bill which I need to pay of £50,000. (VS005)*

*What I had to do, basically, because I don't have £40,000, luckily, (the matrimonial solicitors) were happy to have me sign an agreement that they would take on my case, and fees would be paid once the property is sold. But otherwise, I wouldn't have been able to divorce this guy ever. It took me a year and a half to just sort out the financial settlement (VS309)*

#### **4.3.4. Barriers to safety**

The interview data revealed a number of barriers to victim-survivor safety due to their homeowner status, for example, lack of access to financial assistance or security measures in the form of target hardening.

Some reported, for example, that owning a property (and so being seen to have an asset, at least on paper) meant they faced financial barriers in that they were ineligible for assistance such as housing benefit, access to refuge or legal aid. These participants had also experienced financial abuse, for

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

example where the perpetrator had refused to pay their share of the mortgage and/or ran up debts in the participants name, and as such found themselves trapped

*I tried to get a refuge but because I earned money I'd have to pay. But I couldn't afford that because I had to pay the mortgage on the house. So I was trapped because I earned money and had a property. (VS005)*

One participant suggested that it would cost the state a lot less to provide her with legal aid than to put her in a position where she has to sell her home - in order to escape the abuse - and then rely on social housing to support her and her family in the long-run,

*I've tried to get Legal Aid, I can't get Legal Aid because the only thing that I have, through the sale of the property of our old family home, I bought a house as I was supposed to. My mum actually put more in than me. They would consider that I would have to sell my house first. Therefore, you would rather pay forever for us to have housing? If I was to go into council housing, for you to pay forever, rather than pay the Legal Aid which would cost you way less, in my mind, to protect [us]. I ran away because I had no choice. I was told, "If you don't the kids are going to get taken away from you." I ran away because I couldn't live anymore. (VS310)*

Similar to the experiences reported by survivors living in private rented accommodation, some participants found themselves unable to protect themselves (and their children) from the perpetrator as a result of not being able to secure the property (change the locks) at short notice, without prior permission or unless they could prove the abuse in court. Some participants reported taking action to keep themselves and their children safe but did so knowing there was a risk of legal action,

*I changed the locks eventually. After the assault on my daughter, about a year after. Previous to that the police had said I couldn't change the locks because he owned ... you know we're joint owners of the house. But after that ... what we'd done up until then is that we'd just kept the keys in the back of the door all the time if we were in. If we were out he let himself in and he did do that sometimes. But if we were in we kept the doors locked and kept the keys in the back of the doors so he couldn't get in. But after that I just went and bought a lock and changed the lock myself (VS082)*

*[perp] was going to (city), he had a toy fair or something. And my lawyer said to me 'Now is your only chance to change your locks. I changed every single lock in the house. He was away, thank God. And that was my only way to get him out, because he told me he's not leaving (VS300)*

The quotes above suggest that survivors may be receiving conflicting information from different agencies with regards to the legal position on changing locks (effectively target hardening action). It raises the question - are victims-survivors receiving consistent / accurate / timely information from different professionals/ agencies with regards to risk management /safeguarding?

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

Further potential risks to the safety of victim-survivors who are homeowners were described by participants, including how the perpetrator had managed or attempted to access the survivor via her solicitor or mortgage provider,

*he keeps saying to my solicitor that he won't provide a financial disclosure until he's allowed to speak to me. And police have reinforced ... the solicitor's even spoke to the police saying he's harassing her for information about me... (VS013)*

*Nobody knows how to deal with it. I've contacted loads of people for advice. My mortgage company's not very good about it, in fact they even give him my mobile number that I've had to change. (VS005)*

Another participant highlighted a problem with regards to the time it takes to sell a property on the open market and the implication this could have for victims-survivors who find themselves unable to sell their property within the relatively short timescales of court ordered protection measures,

*By the time the year of the restraining order had passed, which was [in] 2014, we still hadn't managed to sell the house. His intention was to just walk back. Of course, I would not have had a leg to stand on. Why? I couldn't say, "No, don't let him in," because the restraining order would've passed, and he would've come in as 50% owner of the property, and my nightmare would've been back to square one. (VS309)*

## **5. Summary / conclusion**

The interview and demographic data revealed some key differences between the experiences of private renters and homeowners.

Interviews with survivors of DVA suggested:

- While both private renters and homeowners reported financial difficulties associated with escaping an abusive partner / leaving their home, the nature of those financial penalties differed between these two groups of victims-survivors.
- Homeowners were more likely to have their property ownership status used against them as a form of extended abuse/control and end up with huge legal bills as a consequence of having to fight for what is rightfully theirs. Private renters reported getting into debt as a result of having to pay high rents on top of having to furnish new property, often at the same time as having to pay off existing debts as a consequence of financial abuse by the perpetrator and thus ending up with credit card debt /rent arrears and general difficulty with day-to-day finances.

The demographic data suggested:

- Victims-survivors who were private tenants seemingly had more complex /additional needs compared to victims-survivors who were homeowners. More victims-survivors renting privately were from BME or LGBT communities, were non-EU nationals, and reported disabilities (physical and mental health problems).

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust. Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project (Grant Number ES/M010090/1)*

- In terms of DVA experience, a higher proportion of private tenants reported sexual violence / abuse, stalking /harassment and experience of so-called 'honour' based violence compared to homeowners. Whereas a higher proportion of homeowners reported experiencing physical abuse, control / manipulation and financial abuse than survivors who were privately renting.
- More homeowners reported financial abuse, however where private tenants reported a financial impact of the abuse, they were more likely to report experiencing problems paying housing costs /priority bills than victims-survivors who were homeowners.
- Homeowners were more likely to apply for occupation orders (75%, n=12/16). Private renters accounted for just three of those participants who had obtained occupation orders (19%).
- Victims-survivors who were homeowners were more likely to have children, be 'White', heterosexual, British nationals compared to private tenants.
- More male victims-survivors were homeowners than private tenants (9% of homeowners were men compared to just 1% of those renting.<sup>12</sup>
- Homeowners were also more likely to be in paid work, to be educated to degree level and have an income of more than £30K than private tenants.

Victims-survivors conceived housing /property issues and the related financial implications overwhelmingly in terms of a 'justice gap', that exists because of a seeming lack of any link being made between criminal justice intervention for DVA, and procedures relating to the housing situation of victims-survivors. This 'justice gap' exists due to the ways that the perpetrator can continue to control / harass / abuse the victim-survivor by manipulating the legal system(s) and actors within it; and the apparent injustice / unfairness arising from the way that tenancy agreements are formulated and current regulations /laws around joint property ownership.

The issues highlighted offer some insight into why many victim-survivors of DVA believe it is near impossible to achieve what they perceive as 'justice', making it difficult for them to feel protected and safe and to move on and re-build their (and their children's) lives post-abuse. Housing and related financial issues as a direct result of GBV were thus described as a key barrier to obtaining 'justice' in its widest sense (i.e. going beyond criminal (*in*)justice). Justice relating to housing / property falls within the more nuanced, survivor-focused meaning of 'justice'<sup>13</sup> (see Williamson et al, forthcoming, for more detail on what a survivor-focused justice looks like

<https://polycystudies.blogs.bristol.ac.uk/2016/11/17/gender-violence-and-justice-what-does-justice-look-like/>).

---

<sup>12</sup> Two of the six male homeowners who were victims-survivors (33.3%) were gay men and research suggests that gay men who are victims-survivors tend to have more money than women victims-survivors (see Donovan, C and Hester, M (2014) Domestic Violence and Sexuality: What's Love Got to Do With it? Bristol. University of Bristol. Policy Press).

<sup>13</sup> Lilley, S-J and Hester, M (2018) 'Enabling a victim-focused justice'. Safe: the domestic abuse quarterly Issue 63, 2018. Bristol. Women's Aid Federation England.

*Prepared by Sarah-Jane Walker and Marianne Hester (University of Bristol) for the Peabody Trust.  
Drawing on findings from the ESRC funded 'Justice, Inequality and Gender-Based Violence' project  
(Grant Number ES/M010090/1)*