

Briefing 1: Homelessness Prevention

Objective: No survivors to be disadvantaged in their housing status because of fleeing Violence against Women and Girls

In 2017 the London VAWG & Housing Group was established to promote access to safe and settled housing for those who need to move as a result of VAWG, through cross-sector and cross-organisational collaboration. This briefing outlines the issues and key asks raised on the theme of **Homelessness Prevention** from the Operational and Strategic meetings held on 14th February 2018 and sets out recommendations for best practice.

Key ask 1: Survivors of VAWG are not disadvantaged or placed at risk under the Homeless Reduction Act (HRA)

Key ask 2: No survivor loses their housing, secure tenancy or priority status

Key ask 3: Housing providers to hold perpetrators to account and maintain tenancy status for survivor

Key ask 1: Survivors of VAWG are not disadvantaged or placed at risk under the Homeless Reduction Act (HRA)

The HRA is a key opportunity to develop an improved housing response to survivors of VAWG in London. Local authorities (LAs) are now obliged to provide meaningful individualised preventative assistance to all eligible and homeless (or threatened with homelessness) people regardless of their priority need status. This support includes a 'Prevention' duty, to avoid homelessness, and a 'Relief' duty. LAs are now required to secure accommodation for at least six months for all homeless eligible individuals. The HRA has also introduced a *duty to refer* which requires public bodies to refer in to LA housing if they believe someone they work with is at risk of homelessness.

a) Cross-sector/partnership working- Duty to refer

For the *duty to refer* to work in London, LA housing departments need to address the current lack of pathways/communication with other sectors. This includes voluntary sector organisations and Social Care and Health sector departments/organisations. The London VAWG & Housing Operational group are working to update and combine various mapping of housing pathways/services for women fleeing VAWG in London including by Safer London and Homeless Link. Plans are needed to sustain and update London-wide mapping moving forward.

Housing teams across London should utilise the expertise of specialist VAWG/DV organisations when developing effective support pathways (see practice example 5). Inclusion of referral pathways to specialist DV/VAWG agencies should be integrated within Personal Housing Plans (PHP).

HRA Trailblazer local authority housing departments have shown that developing a close-working

relationship with a local DV/VAWG specialist organisation can improve response to women experience VAWG (see Appendix practice example 2). **Learning from these trailblazers should be shared and utilised to inform a consistent Pan-London prevention approach**, so effective interventions can be implemented as early as possible, including sharing resources and expertise cross-authority.

LAs and housing providers should ensure training and guidance is available for all frontline housing staff in London on VAWG including early identification and how this can be embedded within new HRA processes e.g. Solace's London VAWG Training Academy and Champions Programme, and DAHA training and accreditation. Training should also be available to all organisations with a duty to refer.

b) HRA Prevention Duty

There needs to be clear and accessible preventative housing options for those fleeing VAWG in London. **Prevention options should include schemes that support survivors to remain in their home (where this is deemed safe) including equality of access to sanctuary schemes across London.** This should NOT include attempts at mediation for those fleeing DA. The London DV Needs Assessment found that only 17 of the 33 London boroughs state in their allocations and local housing policy that they operate some form of Sanctuary Scheme.¹ P1E statistics show that there is varying usage of these schemes across the boroughs that do have them in place; five boroughs used this measure below 10 times and two boroughs used this measure over 100 times.²

Local authorities should include support access to legal remedies such as protection orders for

¹ <http://saferlondon.org.uk/wp-content/uploads/2016/12/PLDV-Needs-Assessment-Final-low-res.pdf>

² "Detailed local authority level homelessness prevention and relief figures: 2014 to 2015": <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

survivors of VAWG as part of their prevention duty, as well as independent housing advice e.g. Shelter. Housing teams should be equipped to give tailored advice to survivors on how to get injunctions dependent on their financial situation and access to legal aid (see Practice examples 1 & 2).

Under new HRA duties, prevention strategies should address the links between VAWG, multiple disadvantage and women's homelessness. The GLA's rough sleeping and homelessness programme also needs to make this link including access to move on from refuge equivalent to Clearing House for those with a Chain number.

Rough sleeping statistics do not include the many women in 'hidden homeless' situations, who are not visible to official counts or accessing support but who are often experiencing VAWG. This group also can experience multiple disadvantage including substance use, mental ill health, contact with the criminal justice system and removal of children. If they are experiencing a range of VAWG including sexual exploitation, they often cannot access domestic abuse services or statutory homeless support. Under HRA women previously refused/hidden will now need to be supported, and housing teams need to be prepared.

HRA Pathways and Personal Housing Plans (PHP) should include support and specialist women's accommodation that addresses VAWG, multiple disadvantage and trauma, and if not available this should be commissioned. There should be a consistent London approach on what 'reasonable steps' are for women experiencing VAWG/multiple disadvantage, with a trauma informed approach to any perceived 'deliberate and unreasonable' refusal to cooperate with steps outlined in a PHP.

A good practice guide to working with VAWG survivors under the HRA should be funded and developed with input from the London VAWG and Housing groups.

c) HRA Relief Duty

Relief duty may include supporting someone with a tenancy deposit or around the build-up of debt. This relief duty needs to acknowledge the link between arrears and experiences of VAWG and financial abuse. **LAs should work to clear or reduce arrears due to VAWG in order to prevent this being a barrier to relocation.** This could include financial abuse, or being unable to maintain or secure employment due to the abuse, or the build-up of arrears due to accessing emergency accommodation.

LAs in London should provide tenancies lasting at least 2 years instead of the statutory 6 months for survivors. For women who have experienced VAWG, unstable housing can compound an already traumatic experience of relocation and prevent recovery.

Key ask 2: No survivor loses their housing, secure tenancy or priority status

The Housing Act 1996 and the Homelessness Act 2002 state that individuals should be counted as in priority need if they are vulnerable as a result from leaving their home because of violence or threats of violence (alongside other criteria: eligible, unintentionally homeless, homeless within 28 days). It also allows a discharge of duty with an offer of a one year private rented sector tenancy. The Localism Act (2011) allows LAs to set their own social housing allocations policies (including local connection) and there is variation across London.

Despite the Homelessness Code of Guidance outlining best practice, there is a continued lack of consistency across LAs on how they apply priority need status according to vulnerability. **LAs in London should incorporate into local allocations policy and follow Homelessness Code of Guidance on domestic abuse (ch.21), and apply more widely to accept all victims facing homelessness due to VAWG as having priority need status when making a homelessness application.** Those fleeing violence, particularly single households with no children, are often not accepted by local authorities under homelessness legislation. This often leaves individuals with no choice but to remain with the perpetrator or risk rough sleeping/hidden homeless situations.

Many local authorities also require police records or other criteria, placing the onus on victims to evidence their abuse. Many survivors will not report to the police, therefore **London Housing departments should not require police reports as evidence and Specialist DV/VAWG agencies should be trusted to provide appropriate evidence of risk.**

The threat of losing a secure social tenancy can be a barrier to fleeing abuse. While the Housing Act states local connection should not be taken into consideration for someone fleeing violence, the Localism Act still allows LAs to consider local connection when assessing eligibility for their social housing register. This particularly impacts survivors who need to cross borough boundaries in order to find safe accommodation. LA housing departments and registered providers are in a position to address this barrier. **The Pan London Housing Reciprocal**

(PLHR) should be sustained and developed so no survivor loses a secure tenancy when fleeing abuse in London i.e. commitment to long-term funding of the scheme.

LAs and registered providers should commit to ensuring that tenants threatened with homelessness due to VAWG are consistently treated and able to access equivalent Secure or Assured tenancies when housing tenant's cross-borough, and when facilitating internal management transfers.

LAs and registered providers should include in their internal policy the exemption of DV survivors receiving fixed-term tenancies to prepare for the upcoming Secure Tenancies (Victims of Domestic Abuse) Bill. This should exempt DV survivors from the Housing and Planning Act 2016 requirement that local authorities can offer only fixed-term tenancies.³

Key ask 3: Landlords and housing providers to hold perpetrators to account (within their powers) and maintain tenancy status for survivors

There needs to be a consistent approach from local authorities, landlords and housing providers to dealing with perpetrators. **LAs and housing providers should be using all the powers they have available to target and disrupt perpetrators. Housing providers can evict perpetrators without legal prosecution by using their internal policy on ASB or devising a specific domestic abuse policy and clause in tenancy agreements,** giving them the right to evict anyone found responsible for committing this kind of behaviour (see practice example 6).

Any approach to tackling perpetrators needs to prioritise a survivor's safety. **Evicting perpetrators needs to be fully risk assessed and enacted alongside measures to support survivors as it can lead to further abuse if the perpetrator does not have anywhere to go.** If perpetrators are not in custody, consideration needs to be given to providing them with accommodation away from the original home in order to safeguard the survivor and family. **LAs and registered providers should be working in partnership with and refer to specialist agencies who work with DV/VAWG perpetrators, such as Respect, to develop safe and effective approaches to perpetrators.**

Rights of survivors who hold joint tenancies with the perpetrator need to be strengthened so they are able to sustain secure tenure where they terminate their joint tenancy or the perpetrator is evicted from the

property. **Registered providers and LAs should implement policies giving domestic violence survivors rights to a new social housing tenancy as standard across London, and this practice also needs to be encouraged within the private rented sector.**

Recommendations Summary

- Housing teams across London should utilise the expertise of specialist VAWG/DV organisations when developing effective support pathways
- Learning from these trailblazers should be shared and utilised to inform a consistent Pan-London prevention approach
- LAs and housing providers should ensure training and guidance is available for all frontline housing staff in London on VAWG including early identification and how this can be embedded within new HRA processes e.g. Solace's London VAWG Training Academy and Champions programme, and DAHA training and accreditation. Training should also be available to all organisations with a duty to refer
- Prevention options should include schemes that support survivors to remain in their home (where this is deemed safe) including equality of access to sanctuary schemes across London. These solutions should not be dependent on police evidence and ideally be coordinated by an independent party.
- LAs should include support access to legal remedies such as protection orders for survivors of VAWG as part of their prevention duty, as well as independent housing advice e.g. Shelter
- Under new HRA duties, prevention strategies should address the links between VAWG, multiple disadvantage and women's homelessness. The GLA's rough sleeping and homelessness programme also needs to make this link including access to move on from refuge equivalent to Clearing House for those with a Chain number
- HRA Pathways and Personal Housing Plans (PHP) should include support and specialist women's accommodation that addresses VAWG, multiple disadvantage and trauma, and if not available this should be commissioned. There should be a consistent London approach on what 'reasonable steps' are for women experiencing VAWG/multiple disadvantage, with a trauma informed approach to any perceived 'deliberate and unreasonable' refusal to cooperate with steps outlined in a PHP
- A good practice guide to working with VAWG survivors under the HRA should be funded and developed incorporating the above and informed by the London Housing and VAWG group
- LAs should work to clear or reduce arrears due to VAWG in order to prevent this being a barrier to relocation

³<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2018-0002>

- LAs in London should provide tenancies lasting at least 2 years instead of the statutory 6 months for survivors
- LA's should robustly monitor their response to VAWG survivors under prevention and relief duties of the HRA
- LAs in London should incorporate into local allocations policy and follow the Homelessness Code of Guidance on domestic abuse (ch.21), and apply more widely to accept all victims facing homelessness due to VAWG as having priority need status when making a homelessness application
- London Housing departments should not require police reports as evidence and Specialist DV/VAWG agencies should be trusted to provide appropriate evidence of risk
- The Pan London Housing Reciprocal (PLHR) should be sustained and developed so no survivor loses a secure tenancy when fleeing abuse in London i.e. commitment to long-term funding of the scheme
- LAs and registered providers should commit to ensuring that tenants threatened with homelessness due to VAWG are consistently treated and able to access equivalent Secure or Assured tenancies when housing tenant's cross-borough, and when facilitating internal management transfers
- LAs and registered providers should include in their internal policy the exemption of DV survivors receiving fixed-term tenancies to prepare for the upcoming Secure Tenancies (Victims of Domestic Abuse) Bill
- LAs and registered providers should be using all powers they have available to target and disrupt perpetrators. Housing providers can evict perpetrators without legal prosecution by using their internal policy on ASB or devising a specific domestic abuse policy and clause in tenancy agreements
- Evicting perpetrators needs to be fully risk assessed and enacted alongside measures to support survivors as it can lead to further abuse if the perpetrator does not have anywhere to go. LAs and registered providers also should be working in partnership with and refer to specialist agencies who work with DV/VAWG perpetrators such as Respect
- Registered providers and LAs should implement policies giving domestic violence survivors rights to a new social housing tenancy as standard across London, and this practice to also be encouraged with the private rented sector

Appendix: Practice Examples

Practice Example 1: Partnership working, Tower Hamlets

Tower Hamlets One Stop Shop for DV/VAWG survivors has a housing representative and support from a legal agency who offers pro-bono work offering vital legal support.

Practice Example 2: IDVA co-location, Southwark Council, HRA trailblazer borough

In order to prevent homelessness for their tenants and residents fleeing VAWG, Southwark Housing has established a close-working relationship with the specialist VAWG agency Solace. This has included the co-location of

a Solace IDVA within the Southwark Placements Team. The IDVA supports the Gateway staff to identify and support women experiencing VAWG, improving outcomes for women on a daily basis. Crucial to this work has been the strategic support and commitment from both Solace Women's Aid and Southwark Housing. The Housing Solutions Team in Southwark has also been able to use their Discretionary Housing Payments (part of HRA funding) to respond to issues raised from survivors fleeing VAWG. This has proven useful to support survivors who wish to stay in their home for instance by paying for the legal cost of getting a DV injunction when necessary. Champions training has been developed and delivered by Solace to all Southwark Housing solutions staff to embed good practice.

Practice Example 4: Wandsworth Council

In order to prepare for the implementation of the HRA, Wandsworth Housing have adapted their recruitment procedures to encourage the employment of professionals from a wider background than those with specific knowledge of housing legislation. For instance they have prioritised experience/skills around providing support and around constructive conflict resolution.

Practice Example 5: Cross-sector working, Havering Council

Havering Housing has been working with Homeless Link to develop strong relationships with local voluntary sector agencies to understand the drivers of homelessness demand and to map client journeys. This work found that violence is one of the main drivers, as well as mental health. Havering Housing have been looking at how to work with the voluntary sector on identification, referral pathways, and how these pathways could be developed within current resource. For example, if a tenant has rent arrears on over three occasions, this could trigger an alert at which point a housing officer can check in with the tenant in a sensitive way. Havering are also working with DWP to ensure tenants are accessing all benefits available to them.

Practice Example 6: Housing Providers ASB/DV Policies to target perpetrators, Viridian

Viridian have employed internal policies to target domestic abuse perpetrators. The first point of call will always be to issue warning letters and ban someone from the property before taking it to a criminal level. Viridian have an in-house legal team that support them to make sure from a housing provider perspective they are not breaching tenancy rights. Actions include excluding them on an ASB basis, and ASB disclosures on the property/individual, for instance police call outs to the property. Sometimes exclusions may be based on other criminal behaviour not the domestic abuse. Viridian also have an internal welfare budget that can be used to fund tenants attending perpetrator programmes where appropriate, and can create behaviour contracts if agreeing a move within their stock. DAHA guidance also recommends having a specific clause in tenancy agreements if possible to warn that anyone perpetrating domestic abuse will face eviction.