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All-Party Parliamentary Group on  
Domestic Violence and Abuse

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## A safe home

Extending priority need to all survivors of domestic abuse

### Campaign briefing

Too often people become homeless as a result of domestic abuse.

Research in 2014 found that 61% of women and 16% of men who were homeless had experienced violence or abuse from a partner,<sup>1,2</sup> St Mungo's found that half of their female clients have experienced domestic violence and a third of the women said domestic violence had contributed to their homelessness.<sup>3</sup>

For people fleeing domestic abuse, access to safe, secure accommodation is vital. Without this, there is a risk that survivors will be left with no option but to return to a dangerous situation or sleep rough, putting themselves at risk of further abuse and exploitation.

However, despite domestic abuse being a significant driver of homelessness, in 2017, only two per cent of people were found to be in priority need and made an offer of settled housing from their local authority because they were vulnerable as a result of domestic abuse.<sup>4</sup>

**We are calling on the Government to ensure that the forthcoming Domestic Abuse Bill makes provision to ensure that all survivors of domestic abuse have access to a safe home.**

**This could be achieved by ensuring that everyone fleeing domestic abuse who is homeless is automatically considered in priority need for settled housing, rather than being subject to the vulnerability test to determine whether they qualify.**

## What are survivors of domestic abuse currently entitled to?

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1P. Mackie and I. Thomas, Nations Apart? Experiences of single homeless people across Great Britain, London, 2014, Crisis. [https://www.crisis.org.uk/media/20608/crisis\\_nations\\_apart\\_2014.pdf](https://www.crisis.org.uk/media/20608/crisis_nations_apart_2014.pdf).

<sup>2</sup> Scott, S. and McManus, S. (DMSS Research for Agenda). (2016) Hidden Hurt, violence, abuse and disadvantage in the lives of women. Published [online](#): Agenda

<sup>3</sup>St Mungo's, Rebuilding Shattered Lives, *The final report: Getting the right help at the right time to women who are homeless or at risk*, London: St Mungo's.

<sup>4</sup> MHCLG, Live tables on homelessness: Table 773

The Homelessness Reduction Act (2017) means that local authorities now have a legal duty to provide meaningful support to everyone who approaches them as homeless. This includes support to help prevent their homelessness from occurring in the first place, and for those people who are already homeless, help to find them a home.

Despite this welcome change, there is no guarantee in place that people fleeing domestic abuse will receive an offer of settled housing if these two options fail.

Currently, unless a person experiencing domestic violence can prove they are “more vulnerable than an ordinary person would be if they became homeless” then they would not be defined as being in priority need and eligible for an offer of settled housing. To be considered ‘in priority need’ a person must either: be pregnant; have dependent children; be aged 16-17, or if a care leaver aged 18-20, or be vulnerable as a result of mental illness, disability, risk of domestic abuse or time spent in care, prison or the armed forces.

Experiences show, however, that domestic abuse in isolation is rarely considered to qualify someone as in priority need; particularly without dependent children. In 2017, only two per cent of people were found to be in priority need and made an offer of settled housing because they were vulnerable as a result of domestic abuse.<sup>5</sup>

**We argue that all persons who experience domestic abuse are, by definition, vulnerable and therefore they should be placed in the automatic priority need category.**

Providing evidence to demonstrate vulnerability can be traumatic and near impossible for people who have experienced domestic abuse. There is evidence of local authorities consistently failing to provide people fleeing from domestic abuse the help they need and of the ‘vulnerability test’ being used as a gatekeeping tool.

*“Housing providers will request proof of violence making clients reluctant to make a homeless application.” Homeless charity worker responding to ELHP survey, 2017*

*“I felt like I was a nuisance, and my concerns for mine and my children’s life weren’t justified. If it wasn’t for having a separate domestic violence support worker I would have been gaslighted into staying in the abusive relationships. I feel they took advantage of how vulnerable I was.” Survivor, 2018*

Proving you are homeless due to domestic abuse can be distressing for survivors and there is a lack of consistency between local authorities when it comes to approach. There are accounts of survivors being told to return home to a dangerous situation to retrieve evidence to prove they are homeless due to domestic abuse. In some cases, survivors are also being asked to provide a criminal reference number. This is inappropriate as many survivors do not want to report abuse to the police. It could also result in survivors staying in a dangerous situation until it escalates and the police become involved.

## The scale of the problem

Fifty-three per cent of survivors (52 out of 97) supported by the Women’s Aid’s No Woman Turned Away project, which provides additional support to women struggling to access refuge places, were

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<sup>5</sup> MHCLG, Live tables on homelessness: Table 773

prevented from making a valid homelessness application by their local authority.<sup>6</sup> **Nearly one quarter (23.1%) of these women were prevented from making a homeless application because they were told that they would not be in priority need.** Whilst all of the women who approached their local housing team should have been considered vulnerable, the majority of women (92.3%, 48 out of 52) who were refused assistance also met one of the other priority need categories. This included 31 women fleeing with children, 10 of whom had mental health support needs and three having a physical disability.

Crisis' No One Turned Away research also found that many local authorities were failing to adequately assist people presenting as homeless due to domestic abuse and that there was often a lack of sensitivity when dealing with survivors, with accounts of survivors being asked to recount their experience in public or told to return to the perpetrator.<sup>7</sup>

## How would this change to the law work?

We strongly welcome the new emphasis that the Homelessness Reduction Act (2017) places on prevention and would expect that as far as possible local authorities would be working with people fleeing domestic abuse to prevent their homelessness occurring in the first place.

However, for people who are fleeing domestic abuse, and whose homelessness cannot be prevented, given that they are by definition vulnerable, extending automatic priority need status would ensure that everyone fleeing domestic abuse would be given a safe and secure home. Crucially, it would prevent them from returning to a dangerous perpetrator or sleeping rough and putting themselves at risk of further abuse and exploitation.

It is extremely unlikely that anyone would falsely present to a local authority as homeless due to domestic abuse, but local authorities would still need to establish that someone's homelessness had been directly caused by domestic abuse. The burden of proof should be relatively low in order to minimise further harm to the individual. For example, references could be sought from domestic abuse services, such as the National Domestic Violence Helpline run in partnership by Women's Aid and Refuge, to confirm domestic abuse when finding survivors permanent accommodation. This is the level of evidence that is currently required if someone is claiming legal aid on the basis that either them or their children has been a victim of domestic abuse of violence.<sup>8</sup>

Survivors of domestic abuse in Wales already have a priority need for accommodation, following changes introduced in the Homeless Persons (Priority Need) (Wales) Order (2001). Under these regulations a person fleeing domestic violence or threatened with domestic violence is considered to be in priority need even if they do not have dependent children.

The extension of priority need to include people fleeing or threatened with domestic violence in 2001 did not lead to a significant increase in the number of accepted homelessness applications where the main reason for homelessness was a violent relationship breakdown with a partner. There was a steady increase in the number of cases where this was the main reason for homelessness between 1997-98 and 2003-04, from 745 households to 1,325.

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<sup>6</sup> Miles, C & Smith, K (2018), *Nowhere to turn, 2018, findings from the second year of the No Women Turned Away project*. Bristol: Women's Aid. The analysis in this report is based on case work data from 264 women.

<sup>7</sup> Dobie, S., Sanders, B. & Teixeira, L. (2014) *Turned Away: The treatment of single homeless people by local authority homelessness services in England*. London: Crisis.

<sup>8</sup> <https://www.gov.uk/legal-aid/domestic-abuse-or-violence>

The proportion of accepted applicants whose reason for being in priority need was due to the household including a person subject to domestic violence remained consistent from 2002/3 to 2011/12, ranging between 11 and 13%.<sup>9</sup> Although the numbers of applications rose between 2002/03 and 2004/05, this was in the context of rising numbers of acceptances across almost all categories of priority need, which peaked in 2004-05.

The comparison between the Welsh and the English data suggests that introducing automatic priority need status for survivors of domestic abuse in England would result in more individuals who have experienced abuse being owed the main homelessness duty but that the change would not result in a significant additional burden on local authorities. Nonetheless, the personal impact on the individuals who are now being supported into safe, secure accommodation where they can rebuild their lives is highly significant.

## What you can do

The Domestic Abuse Bill presents a vital opportunity to legislate for automatic priority need for survivors of domestic abuse. To help us achieve this goal you can:

1. Sign-up to support our amendment to extend priority need to all survivors
2. Submit an oral or written parliamentary question
3. Hold a Westminster Hall or Adjournment debate on the issue
4. Submit a 10 Minute Rule Bill

For further information about the campaign and how to support it, please contact [APPG@Crisis.org.uk](mailto:APPG@Crisis.org.uk) or 020 7426 8591

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<sup>9</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S. & Watts, B. (2012) *The Homelessness Monitor: Wales 2012*. London: Crisis.