



Ministry of Housing,
Communities &
Local Government

Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation

Statutory guidance on social housing allocations for local
authorities in England



© Crown copyright, 2018

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/mhclg>

November 2018

ISBN: 978-1-4098-5355-8

Contents

Introduction	4
Background and purpose	4
Qualification for social housing	5
Joint working	6
Priority for social housing	7
Medical and welfare	7
Homelessness	8
Supporting victims in their existing homes	8
Other considerations	9
Suitability of accommodation and provision of support	9
Definition of domestic abuse	9
Further advice	9
Tenancies	9
Annex: Extract from Homelessness Code of Guidance 2018	11

Introduction

1. This is guidance by the Secretary of State for Housing, Communities and Local Government under [section 169 of the Housing Act 1996](#) ('the 1996 Act'). Local housing authorities ('local authorities') are required to have regard to it in exercising their functions under Part 6 of the 1996 Act.
2. References to sections in this guidance are references to sections in the 1996 Act.
3. It is in addition to the statutory guidance on social housing allocations issued in 2012 ('the 2012 guidance')¹, 2013 ('the 2013 guidance')² and 2015 ('the 2015 guidance')³.
4. Local authorities are encouraged to review their existing allocation policies and revise them, where appropriate, in the light of this guidance as soon as possible.

Background and purpose

5. The Government is committed to ensuring that those who need to escape from domestic abuse are given as much support and assistance as possible so that they are able to re-build their lives away from abuse and harm.
6. We recognise that housing provision is a key element of this support. Many victims of domestic abuse are forced to flee their homes to seek safety and support in a refuge or other form of temporary accommodation. This is often in another local authority area in order to put a safe distance between themselves and their abusers.
7. We have already put in place a number of measures to assist victims of domestic abuse. Since 2014 we have invested £33.5 million in services that support victims of domestic abuse and in July we invited local authorities across England to bid for a share of an additional £18.8 million in funding. Alongside this, we have refreshed our Priorities for Domestic Abuse Services⁴, outlining our expectations of local authorities in commissioning these services.
8. This funding supports safe accommodation and domestic abuse support services and projects which should meet the needs of diverse groups of victims; supports local areas to develop strong partnerships and strategies; as well as better commissioning and local accountability. This will help local areas ensure that no victim fleeing abuse is turned away from the support they need.
9. We are also carrying out a comprehensive review of how domestic abuse services are locally commissioned and funded across England. To inform our review, we commissioned Ipsos MORI to conduct an independent audit, enabling us to assess what impact services are having and to identify any gaps in provision. We are

¹ [Allocation of accommodation: guidance for local housing authorities in England](#)

² [Providing social housing for local people](#)

³ [Right to Move](#)

⁴ [Domestic Abuse Fund, 2018 to 2020: prospectus](#)

engaging with domestic abuse key partners, including working across-government with the domestic abuse sector and local authorities to develop future, sustainable delivery options for domestic abuse services.

10. The purpose of this guidance is to assist local authorities to apply the allocation legislation to ensure that victims of domestic abuse are able to move into social housing from a refuge or other form of temporary accommodation by ensuring that:
 - they have appropriate priority under the local authority's allocation scheme, and
 - those who have fled to a refuge in another local authority area are not disadvantaged by any residency or local connection requirements.
11. In this context other forms of temporary accommodation might encompass a hostel, or short term supported housing, as well as temporary accommodation provided under the homelessness legislation.
12. Ensuring that victims of abuse can more easily access settled accommodation when they are ready to do so will also free up valuable refuge spaces for others who need their services.
13. Victims of domestic abuse may be provided with move-on accommodation (sometimes known as 'step-down' accommodation) from a refuge before being offered a settled home. Move-on accommodation gives those who no longer require the intensity of support that is provided by a refuge an opportunity to leave whilst still having access to support, depending on their needs. Local authorities should consider whether it would be appropriate to take account of this guidance in relation to move-on accommodation as well, to ensure that survivors are able to access settled social housing when they are ready to do so.
14. Another aim of this guidance is to promote a consistent approach across local authorities to the way they consider applications from victims of domestic abuse in refuges. This will help victims to have the confidence they need to leave an abusive situation, and reduce the potential for anxiety and distress.

Qualification for social housing

15. [Section 160ZA\(7\)](#) gives local authorities the power to determine who qualifies, or does not qualify, to be allocated social housing, subject to any regulations made by the Secretary of State under s.160ZA(8).
16. In 2013, the Secretary of State issued statutory guidance (the 2013 guidance) encouraging local authorities to include a residency requirement of at least two years as part of their qualification criteria. The 2013 guidance is aimed at ensuring that only people in need who have invested in, and demonstrated a commitment to, their local community may be considered for an allocation of social housing.
17. Members of the Armed Forces and transferring tenants who need to move for work-related reasons are exempt from any residency requirements, by virtue of regulations

made under s.160ZA(8) which prevent local authorities from applying a local connection test to disqualify such applicants⁵.

18. The 2013 guidance advises local authorities to consider the need to provide for other appropriate exceptions from their residency requirements, in order to take account of special circumstances, including providing protection to people who need to move away from another area to escape violence or harm. We are aware that many local authorities take account of this advice and exempt from their residency requirements those who need to move from another local authority area to escape domestic abuse. The Secretary of State believes this is entirely appropriate and encourages all local authorities to follow suit.
19. This guidance goes further than the 2013 guidance. Many people escaping domestic abuse may seek a place of safety in a refuge or other form of temporary accommodation before they apply for social housing, which may be in a different part of the country to their original home. This may be for a number of reasons: victims may need to put a safe distance between themselves and their abuser; they may want to be closer to their family and support network; and in some cases the choice of where they live may be constrained by the refuge spaces that are available. The Secretary of State therefore strongly encourages all local authorities to exempt from their residency requirements those who are living in a refuge or other form of safe temporary accommodation in their district having escaped domestic abuse in another local authority area.
20. This would be in line with the advice in the updated statutory Homelessness Code of Guidance⁶ which recognises that victims of abuse and their children may need to travel to different areas in order for them to be safe from the perpetrator, and advises local authorities to extend the same level of support to those from other areas as they do to their own residents.

Joint working

21. We are aware that not all local authorities have a refuge in their district. We would encourage local authorities, therefore, to consider the scope for working together with neighbouring authorities, taking into account the needs and preferences of victims and their families, to ensure that any increased pressure on social housing does not fall disproportionately on those authorities with refuge provision. Local authorities that participate in area-based choice based lettings schemes may be particularly well placed to work together to meet the needs of those who are moving on from refuges or other forms of temporary accommodation, for example, by each providing for a quota of lettings to be made available for this group.

⁵ [The Allocation of Housing \(Qualification Criteria for Armed Forces\) \(England\) Regulations 2012 \(SI 2012/1869\)](#) and [The Allocation of Housing \(Qualification Criteria for Right to Move\) \(England\) Regulations 2015 \(SI 2015/967\)](#)

⁶ [Homelessness code of guidance for local authorities](#) paragraph 21.15

Priority for social housing

22. The Government is clear that we expect social homes to go to people who genuinely need and deserve them. That is why provisions in the Localism Act 2011 have maintained the protection provided by the statutory reasonable preference criteria which ensure that overall priority for social housing is given to those in housing need.
23. The 2012 guidance goes further and makes it clear that authorities should consider giving additional preference within their allocation scheme to people who are homeless and require urgent rehousing as a result of domestic abuse.
24. Paragraphs 19 and 20 above should ensure that those who need to move between local authority districts in order to escape domestic abuse are not disadvantaged by a residency or local connection test. It is also important that victims of domestic abuse who are provided with temporary protection in a refuge, or other form of temporary accommodation, are given appropriate priority under a local authority's allocation scheme, to enable them to move into more suitable settled accommodation, releasing valuable refuge spaces for others.

Medical and welfare

25. [Section 166A\(3\)\(d\)](#) provides that local authorities must frame their allocation scheme to ensure that reasonable preference is given to people who need to move on medical and welfare grounds, including grounds relating to a disability.
26. Those who are recovering from the impact of domestic violence and abuse are likely to have medical and welfare needs, including physical and mental health issues, which may be complex and long-lasting. This is the case not only for those who have suffered abuse directly, but other household members indirectly affected, and in particular children. Authorities are also reminded that a serious and long lasting mental health condition is likely to come within the definition of a disability under the Equality Act 2010.
27. Annex 1 to the 2012 guidance which sets out possible indicators of the medical and welfare reasonable preference category already recognises that this could include those who need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse. This guidance goes further and strongly encourages all local authorities to apply the medical and welfare reasonable preference category to victims and their families who have escaped abuse and are being accommodated in a refuge or other temporary accommodation.
28. By applying the medical and welfare reasonable preference category to ensure that those who are provided with shelter in a refuge or other form of temporary accommodation are accorded appropriate priority for social housing, local authorities may also reduce the incentive for victims of abuse to seek homelessness assistance and thereby reduce the pressure on homelessness services.

Homelessness

29. [Section 166A\(3\) \(a\) and \(b\)](#) respectively provide that local authorities must frame their allocation scheme to ensure that reasonable preference is given to people who are homeless within the meaning of Part 7 of the 1996 Act and people owed certain duties under Part 7.
30. [Section 175 of the 1996 Act](#) provides that a person who has accommodation may still be treated as homeless within the meaning of Part 7 if it would not be reasonable for them to continue to occupy that accommodation.
31. Since refuges are generally intended to provide accommodation for a short to medium period only, those who have fled domestic abuse and are currently living in refuges should usually be considered as homeless, as it would not be reasonable to expect them to continue to occupy that accommodation on a long term basis.

Supporting victims in their existing homes

32. Tenants who have suffered domestic abuse may wish to remain in, or return to, their own home, where for example the perpetrator has left or can be removed. Local authorities are encouraged to support them to do so where it is safe. It is important that victims are supported to make an informed choice and that an appropriate risk assessment is carried out. They should not be put under pressure to remain in their home in order to reduce pressure on available housing.
33. There are a number of ways in which local authorities may be able to support tenants to remain in their own home:
 - Following an assessment of the property, and the needs and circumstances of the household, a local authority may be able to make it safer for the victim and family to remain in the property through the provision of appropriate security measures. These include: reinforced doors and windows, and extra locks; fire retardant letter boxes, smoke alarms and fire safety equipment; alarms, intercoms, and video entry systems; and the provisions of a sanctuary room from where the victim can call and wait for the arrival of the police.
 - Local authorities may wish to inform tenants of the option of applying to the court for an injunction against the perpetrator such as an order prohibiting the perpetrator from molesting the tenant (non-molestation orders), or an order prohibiting the perpetrator from living in the home or entering the surrounding area (occupation orders). Further advice is provided at [paragraphs 21.27 to 21.30 of the 2018 Homelessness Code of Guidance](#).
 - Local authorities may also wish to consider the scope for evicting the perpetrator and allowing the victim to return to their home with a new tenancy agreement.

Other considerations

Suitability of accommodation and provision of support

34. It is important that victims of domestic abuse should be assisted to move on from a refuge, or other form of temporary accommodation, into settled accommodation, when they are ready. However, they should not be put under pressure to accept accommodation which is inappropriate simply in order to increase the throughput for refuges.
35. Authorities will want to ensure that the accommodation that is provided meets the needs and circumstances – and wherever possible the preferences – of the survivor and their household and that appropriate support is put in place following an assessment of the household's particular needs. This would include considering whether it is necessary to provide for the type of security measures referred to in paragraph 35 above.

Definition of domestic abuse

36. When considering whether a person has experienced domestic abuse, local authorities should take account of the cross-government definition. This defines domestic violence and abuse as: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse. For a more detailed description, local authorities are referred to paragraphs 21.2 to 21.8 of the 2018 Homelessness Code of Guidance annexed to this guidance.

Further advice

37. Local authorities are encouraged to refer to [chapter 21 of the Homelessness Code of Guidance](#) which contains extensive advice to assist local authorities to handle applications from people who have suffered domestic abuse. Amongst other things, this stresses the importance of ensuring that staff have specialist training to help them provide a sensitive response and to identify, with applicants, housing options which are safe and appropriate to their needs.

Tenancies

38. We recognise that victims of domestic abuse who have a lifetime social tenancy (whether a local authority secure periodic tenancy or a housing association assured periodic tenancy) may be reluctant to leave an abusive situation if it means losing their security of tenure.

39. In the social housing green paper, 'A new deal for social housing'⁷, published on 14 August 2018, we announced that we have decided not to implement at this time the provisions in the Housing and Planning Act 2016 to require local authorities to generally grant tenancies on a fixed term basis. Since this legislation was introduced there has been a growing public recognition of the importance of housing stability for those who rent, especially for those in vulnerable situations.
40. We have recently taken steps through the [Secure Tenancies \(Victims of Domestic Abuse\) Act 2018](#) to ensure that, when the mandatory fixed term tenancy provisions were implemented, lifetime tenants who suffer domestic abuse would retain lifetime security when granted a new tenancy by a local authority. We want to make sure that similar protections for victims of domestic abuse are in place where local authorities offer fixed term tenancies at their discretion, and will therefore seek to bring forward legislation to achieve this when parliamentary time allows.
41. In the meantime, we strongly encourage local authorities to give careful consideration to the safety and welfare of victims of domestic abuse, by ensuring that where they are offering further tenancies to existing lifetime social tenants as a result of domestic abuse, such tenancies are granted on a lifetime basis.
42. Authorities are also reminded that the Regulator of Social Housing's Tenancy Standard requires them to grant to existing lifetime tenants, whose tenancy was granted before 1 April 2012, a further lifetime tenancy where they choose to move to another social rented home (not an Affordable Rent), whether with the same or another landlord.

⁷ [A new deal for social housing](#)

Annex: Extract from Homelessness Code of Guidance 2018⁸

21.2 Domestic violence or abuse is ‘domestic’ in nature if the perpetrator is a person who is associated with the victim. It is not limited to physical violence or confined to instances within the home.

21.3 Housing authorities must take account of the cross-government definition of domestic violence and abuse when designing and delivering services. This defines domestic violence and abuse as:

21.4 Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to:

(a) **psychological** – including: intimidation, insults, isolating the person from friends and family, criticising, denying the abuse, treating the person as inferior, threatening to harm children or take them away, forced marriage;

(b) **physical** – this can include: shaking, smacking, punching, kicking, presence of finger or bite marks, bruising, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, female genital mutilation. Physical effects are often in areas of the body that are covered and hidden (i.e. breasts, legs and stomach);

(c) **sexual** – including rape (including the threat of rape), sexual assault, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, passing on sexually transmitted diseases, preventing breastfeeding;

(d) **financial** – not letting the person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making the person beg for money, gambling, not paying bills, building up debt in the other person’s name;

(e) **emotional** – including: swearing, undermining confidence, making racist, sexist or other derogatory remarks, making the person feel unattractive, calling the person stupid or useless, eroding the person’s independence, keeping them isolated from family or friends.

21.5 Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

⁸ <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-21-domestic-abuse>

21.6 Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

21.7 So-called honour-based abuse is also a form of domestic abuse, explained by the perpetrator of the abuse on the grounds that it was committed as a consequence of the need to protect or defend the honour of the family; it can include all the types of abuse listed above and specific crimes such as forced marriage and female genital mutilation.

21.8 Domestic violence and abuse can affect anyone regardless of their age, gender identity or reassignment, race, religion, class, sexual orientation and marital status. Housing authorities should bear in mind that the provisions of the [Equality Act 2010](#) for public authorities apply to policies, practice and procedures relating to homelessness and domestic violence and abuse.