

# Consultation Response

## Local connection requirements for social housing for victims of domestic abuse

Department for Levelling Up, Housing & Communities

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## **About this consultation**

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on measures to prevent '*qualification criteria*' on residency or local connection from being applied to victims and survivors of domestic abuse. In England, qualification criteria govern access to social housing waiting lists. Broadly speaking, a household can only join a waiting list if they meet any qualification criteria the local authority has set, including around residency or local connection.

Households may be prevented from joining a waiting list if they are living outside the local authority area or have not built up a sufficient period of residence. While statutory guidance encourages authorities to make exceptions for victims and survivors of domestic abuse, there is evidence to suggest that this is not being followed in all cases.

The consultation seeks views on incorporating the provisions of the statutory guidance into law. It also asks how local authorities are making use of the existing legislation and guidance to support victims and survivors who wish to move within and across local authority boundaries.

## **About Age UK**

Age UK is a national charity that works with a network of partners, including Age Scotland, Age Cymru, Age NI and local Age UKs across England, to help everyone make the most of later life, whatever their circumstances. In the UK, the Charity helps more than seven million older people each year by providing advice and support. It also researches and campaigns on the issues that matter most to older people. Its work focuses on ensuring that older people: have enough money; enjoy life and feel well; receive high quality health and care; are comfortable, safe and secure at home; and feel valued and able to participate.

## Key points and recommendations

- We strongly agree with the Government's proposal to put current statutory guidance on residency requirements and domestic abuse on a legislative footing.
- Evidence from our advice services suggests the current guidance is not being followed in all cases. This has particular implications for older victims and survivors of domestic abuse, who may be vulnerable in ways both connected and unconnected with the abuse.
- Research suggests that older victims and survivors take twice as long to seek help when experiencing domestic abuse and are more likely to continue living with a perpetrator after getting support.
- In this context, it is vital that older people receive swift and effective support when they do engage with services, including housing assistance provided by the local authority, and are not misadvised or turned away.
- It is also vital that the new regulations protect individuals who need to relocate to escape violence or harm, as well as those who have already fled to a safe area and are living in temporary accommodation. Doing otherwise would effectively penalise older people for the lack of refuge spaces suitable to their needs.
- We are concerned that imposing a time limit on a victim or survivor's right to relocate may similarly disadvantage older people. We strongly favour the alternative option of the exemption applying where it is established that the applicant's need to move relates to reasons connected with domestic abuse.
- Alongside the regulations, there is a need to increase the range of temporary and longer-term housing options available for victims and survivors, including options meeting the needs of older and disabled people.
- There is also a need to consider the broader impact of residency requirements on older people, including those who need to relocate in order to give or receive care. We would encourage Government to consider strengthening the law or guidance in this area, to ensure older people are not routinely disadvantaged.

## 1. Introduction

Overall, we share the Government's concern that victims and survivors of domestic abuse are being denied access to social housing on local connection or residency grounds. This is despite statutory guidance recommending that exceptions be made for households who need to relocate to escape violence or harm, and for those who have already relocated and are living in a refuge or other form of temporary accommodation.

Evidence from our advice services suggests that local authorities do not always follow the relevant law and guidance when assessing housing applications from older victims and survivors, and we are certainly aware of cases where older applicants have been told to remain in or return to an area where they are at risk. Any strengthening of the law in this area would therefore be welcome.

However, we have some concerns about the detail of the Government's proposals, including the scope of the regulations and the suggestion that protection could be subject to a time limit. We would also welcome the opportunity to raise some broader issues with local connection or residency requirements and their application to older households. We will address these issues in turn.

## 2. Consultation questions

### The proposed change in law (Q2)

We strongly agree with the Government's proposal to make regulations requiring local authorities to exempt domestic abuse victims and survivors from any qualification criteria on local connection or residency (Q2). As above, we are aware of cases where older people have been advised to remain in or return to an area where they are at risk. We understand that this issue affects applicants across the age spectrum and reflects pressures on local authority budgets and the broader residualisation of social housing. However, we are concerned about the particular implications for older victims and survivors, who may be vulnerable in ways both connected and unconnected with the abuse.

We know, for example, that almost half of older people experiencing domestic abuse will have a disability or mobility issue<sup>1</sup>. Linked to this, older people may find it more difficult to report abuse where they rely on the perpetrator to provide care or support. Evidence from our advice services suggests that the mere fact of having a suitably designed home environment, such as one with a downstairs toilet, may make an older person reluctant to leave an abusive relationship. This may be one of the reasons why people over the age of 61 take twice as long to seek help when experiencing domestic abuse<sup>2</sup>.

In this context, it is vital that older people receive swift and effective support when they do engage with services, including housing assistance provided by the local authority, and are not misadvised or turned away. The introduction of regulations requiring local authorities to exempt victims and survivors from any qualification criteria on local connection or residency would send a clearer message regarding the Government's expectations in this area and provide a stronger basis for challenging poor practice.

In addition, it is important to consider how the tenure profile of older victims and survivors may act as a barrier to them leaving an abusive relationship or environment. Older people are significantly more likely to own their homes or rent from a social landlord than rent privately; for example, 75 per cent of households aged 65 or over own their homes outright<sup>3</sup>. Everyone deserves a home which is secure, affordable, and suitable to their needs. However, in the context of high house prices and the erosion of tenants' rights over time, for older people experiencing domestic abuse, housing security may act as a pull factor mitigating against leaving. It is therefore imperative that existing barriers to maintaining housing security when moving, such as residency requirements, are removed.

## **The scope of the regulations (Q8, Q9, Q13)**

The consultation paper offers a commitment to '*incorporate into the law existing expectations for local authorities contained within the 2013 (Local People) and 2018 (domestic abuse victims) statutory guidance*'. The 2013 guidance recommends the dis-application of residency rules where an individual needs to relocate to escape violence or harm, and the 2018 guidance does the same in relation to individuals who have already relocated and are living in temporary accommodation.

However, elsewhere the paper appears to suggest that Government is considering limiting support to the latter group of applicants. For example, as per paragraph 18:

*The government proposes to introduce regulations so that local authorities would be prevented from applying a local connection or residency test to victims who have been forced to flee to another local authority district in order to escape domestic abuse.*

We would ask Government to confirm that, contrary to this suggestion, it intends to protect both individuals needing to flee and those who have already fled under the new regulations. Limiting support to the latter group could potentially have a discriminatory effect on older victims and survivors. Not only do these groups take longer to engage with support services, but they are more likely than younger households to continue living with a perpetrator after getting support<sup>4</sup>. This may relate to the normalisation of abuse over time, the higher incidence of disability or mobility issues giving rise to reliance on perpetrators, or a lack of refuge provision suitable to the needs of older people.

From our experience as a charity supporting older people, we are aware that refuge provision is limited and targeted towards younger women with children. Refuges rarely feature accessible rooms and facilities for older people with care and support needs or a disability. Short-term respite placements offer older victims and survivors the chance to safely plan for the future whilst rebuilding their confidence and physical functioning. Yet council-run facilities have been cut back, while private sector options are not suitable in all cases. In this context, limiting the scope of the regulations to households who have already fled to a safe area risks leaving older victims and survivors doubly disadvantaged – unable to access safe temporary accommodation and, as a result, longer-term social housing options.

Any new regulations must take account of the specific circumstances and needs of older victims and survivors, namely by ensuring protection extends to those who are still living with a perpetrator or in an unsafe area. However, there is also a need to increase the range of temporary and longer-term housing options available for victims and survivors, including options meeting the needs of older and disabled people.

Linked to the above, we see no reason why the proposed exemptions should not extend to all social housing applications made in respect of English local authorities, including those made by the victims/survivors who are or were based in another part of the UK (Q8). As per paragraph 28 of the consultation paper, this may be particularly relevant if a victim or survivor has friends or family in England who will be able to provide emotional support. For older people, the need for support may be particularly urgent and may encompass physical as well as emotional needs.

Government should also ensure the need to access support from family, friends or other networks is considered in relation to proposals on cross-border working between local authorities (Q13). Cross-border working should be encouraged if in the interests of victims and survivors, but this should not be to the detriment of those who have a particular need to be accommodated in close proximity to support networks, including older people.

Finally, we believe the proposed exemptions should apply irrespective of the victim/survivor's current tenural or living arrangement (Q9). As above, older victims and survivors may be more likely to apply for rehousing while still living with a perpetrator, and this may be from a jointly owned or socially rented home. But equally Age UK hears from older victims and survivors who are sofa surfing or staying with younger relatives. We see no reason why these two groups of applicants should be treated differently.

### **Applying the exemption (Q6, Q7, Q11)**

The consultation paper asks how local authorities might establish a connection between an applicant's need to relocate and their experience of domestic abuse, including whether exemption from local connection or residency requirements should be time limited (Q6). We strongly argue against this, favouring the alternative option of the exemption applying where it is established that the applicant's need to move to a new area relates to reasons connected with domestic abuse (Q7).

This will ensure harmony with the secure tenancy provisions introduced by the *Domestic Abuse Act 2021*, while also better meeting the needs of older – and indeed all – victims and survivors. Leaving an abusive relationship is a highly precarious, not to mention dangerous, point in a victim's or survivor's life and we are concerned about the additional pressure a time-limited right to access social housing would impose, particularly for those victims and survivors who are most constrained in their housing choices.

In addition, and in line with our comments on the scope of the regulations above, we are concerned that a time-limited exemption would be framed in such a way as to exclude from protection those who are still living with a perpetrator or in an unsafe area. This is certainly what the consultation paper seems to envisage, as in paragraph 23:

*We have considered two options to take this into consideration. First, we could introduce a time limitation to the exemption. For example, the proposed regulations could provide that the exemption applies for a defined and finite period after the victim has fled domestic abuse.*

As above, this is likely to disadvantage older victims and survivors, who take twice as long to seek help when experiencing domestic abuse and are more likely to be living with a perpetrator after getting support. Older victims and survivors may continue living with a perpetrator due to a lack of refuge or other suitable temporary accommodation, so there is a real risk that a time-limited exemption would end up penalising these households for, and reinforcing, their limited options. By contrast, an exemption applying '*for reasons connected with abuse*' will allow older victims and survivors to safely plan for the future and extend the range of housing options available to them.

Finally, we would encourage Government to consider the needs of older victims and survivors when reviewing the provisions on evidencing abuse contained in the homelessness code of guidance (Q11). As above, older victims and survivors may be vulnerable for reasons connected and unconnected with the abuse, and this is particularly true of those with limited English. Evidence from our advice services suggests that older victims and survivors with limited English are often reliant on younger family members to represent them in their interactions with frontline services, which may create particular evidential inconsistencies and difficulties.

In general, it is important to understand that older people may not recognise what they are experiencing as domestic abuse, may have more concerns about sharing information considered to be private, and feel shame about the situation they are in<sup>5</sup>. This is reinforced by a cultural landscape in which older victims and survivors are systematically overlooked, particularly where abuse is long-standing or perpetrated by an adult child or grandchild. Abuse perpetrated by a family member as opposed to an intimate partner may be harder to evidence, particularly if that family member would usually act as an interface between the older person and frontline services, as above.

In addition to the cultural aspects, we have been contacted by older people who have struggled to understand the questions asked or information given by housing officers. Against this background, it is imperative that frontline services receive the level of funding and support necessary to carry out sensitive and person-centred work, with staff are trained to recognise abuse in all its forms.

## **Broader issues with local connection and residency requirements**

We appreciate that this consultation seeks views on the narrow issue of local connection and residency rules as they affect victims and survivors of domestic abuse. However, evidence from our advice services suggests that further groups of older people are routinely disadvantaged by these rules. These include older people needing to move to a different area to receive care and support from relatives, and in some cases to provide support to relatives.

The 2013 statutory guidance suggests that local authorities may wish to adopt qualification criteria on family associations as well as residency, such that non-residents can join a waiting list where they have family living locally. But our experience suggests that this has not been universally adopted. We have come across housing allocations policies with strict or convoluted rules on local connection, or which lack an exceptionality provision allowing our clients' circumstances to be reviewed on a case-by-case basis. Ultimately, this leaves vulnerable older households in unsuitable, possibly unsafe, housing situations, or confused about their rights.

We would therefore encourage Government to think more broadly about the groups of older people who are disadvantaged by local connection and residency rules and to consider further changes to the law or statutory guidance in this area. Our experience suggests that older people needing to move to receive care are a particularly affected group, so the fact that these individuals may be more likely to have a disability should also be borne in mind.

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<sup>1</sup> Safe Lives (2016), *Safe Later Lives: Older People and Domestic Abuse*, available at: <https://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

<sup>2</sup> Safe Lives, *Spotlight #1: Older people and domestic abuse*, available at: <https://safelives.org.uk/spotlight-1-older-people-and-domestic-abuse?msclkid=f16e7eebcf7b11ec9c31e20a471a987a>

<sup>3</sup> Department for Levelling Up, Housing and Communities (2021), *2020-21 English Housing Survey Headline Report: Annex Table 1.4*, available at: <https://www.gov.uk/government/statistics/english-housing-survey-2020-to-2021-headline-report>

<sup>4</sup> Safe Lives (2016), *Safe Later Lives: Older People and Domestic Abuse*, available at: <https://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

<sup>5</sup> Age UK (2020), *No Age Limit: the blind spot of older victims and survivors in the Domestic Abuse Bill*, available at: [https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/age\\_uk\\_no\\_age\\_limit\\_sept2020.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/age_uk_no_age_limit_sept2020.pdf)