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a Thrais Rhywiol Cymru Gyfan  
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Violence Helpline

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**Welsh Women's Aid**

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## Consultation on the Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness 2015

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<b>These are the views of:</b>	<i>An organisation (Third Sector)</i>

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**Deadline: 23.03.15**

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## **1 Introduction: About Welsh Women's Aid**

- 1.1 Welsh Women's Aid is the lead national organisation in Wales, providing the voice of local services and survivors to government as well as campaigning, influencing policy and practice, and innovating to end domestic abuse and violence against women across Wales and the UK. Welsh Women's Aid is a membership organisation for 27 independent, specialist services in Wales which provide a range of support, advocacy and prevention services for women, children and families affected by domestic abuse.
- 1.2 We also deliver essential national and local services and projects across Wales, including the All Wales Domestic Abuse and Sexual Violence Helpline – a 24 hour helpline for victims, concerned others and professionals; the Children Matter Project – to improve support for children and young people across Wales who are affected by domestic abuse; an Accredited Training Centre – Welsh Women's Aid is an Agored Cymru centre, developing and delivering training in domestic abuse accredited qualifications for member organisations and external agencies; and delivering services for women and children in North Wales (Wrexham and Colwyn Bay) by providing refuges, outreach and community advocacy and support for women and children affected by domestic abuse.
- 1.3 Despite progress that has been made in Wales, research studies continue to find alarming and persistently high levels of violence against women and girls:
  - In Wales in 2013/14, there were 6,325 prosecutions of violence against women and girls offences, with a conviction rate of 76.7%. Of these, 5,637 were cases of domestic abuse; 257 cases of rape, and 431 cases of sexual offences.
  - Welsh Women's Aid's members supported 9,337 women in 2013/14, with 2,263 women entering refuge;
  - The All Wales Domestic Abuse & Sexual Violence Helpline (managed by Welsh Women's Aid) supported 27,972 callers in 2013/14.
- 1.4 Our response to this consultation is informed by our 37 years' experience of responding to and preventing domestic abuse as a national membership organisation, ensuring the experiences of our direct and member services and survivors inform improvements in legislation, policy and practice

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## **2.0 - Are the elements of the Code referring to Allocations clear enough for your use?**

2.1. The section on allocations is clear and understandable.

## **3.0 Are there any areas of the allocations guidance that you would like further clarification or detail on?**

3.1 Welsh Women's Aid would like to request clarification on the details of the 'data collection' discussed – e.g. more information on the data being collected and if this will be broken down into further categories. It will be essential for domestic abuse services to have homelessness data broken down by gender so services can provide appropriate levels of safe, effective, gender-sensitive services to those who need it most.

## **4.0 Have you any more comments to make on the allocations element of the Code of Guidance?**

4.1 Welsh Women's Aid feels there should be consideration within the allocations section of the code of guidance, largely around eligibility for housing support in relation to immigration status and the definitions of domestic violence used throughout the guidance.

4.2 Victims of domestic abuse and other intersecting forms of violence against women, i.e. human slavery/trafficking victims, those subject to a forced marriage, or who have no recourse to public funds are at a very high risk of suffering from multiple discrimination and crime types, and therefore can be in a situation where it is very difficult to access support. Women with no recourse to public funds, or those who have entered the UK without a Visa (e.g. asylum seeking women) are also at a high risk of being forced to remain in the home with the perpetrator due to fear of homelessness and destitution upon leaving. Neither option is acceptable and needs to be addressed formally.

4.3 UK Government operates the Destitute Domestic Violence Concession<sup>[1]</sup> to support those who have entered the UK as a spouse, unmarried partner, same-sex or civil partner of a British Citizen, or settled citizen and this relationship has broken down due to domestic violence. Although many women with no recourse to public funds will not be able to access this funding, it is important this fund is included in homelessness guidance to ensure those working within homelessness are able to signpost those who are eligible.

4.4 Welsh Women's Aid is also concerned that the definition of 'domestic violence' used in this guidance document is not consistent with other Welsh Government or national definitions (such as that previously used in the Right to be Safe strategy or 10,000 Safer Lives), or UK Government and Home Office definitions. The definition used in section 3 (3.107) names 'domestic violence' but clarifies that this also includes other forms of abuse such as financial, psychological and emotional abuse but it is not consistent with other Government definitions such as that used in the recently passed 'Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill'. For the guidance to achieve

[1] <https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>





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its purpose of improving homelessness prevention, protection and support, it must provide a definitive cross-portfolio definition which adequately communicates this distinct type of abuse.

4.5 Although 'psychological' abuse is included, the current definition used within the guidance does not explicitly state the recognised definition of 'coercive control' adopted by criminal justice agencies in Wales (via the Home Office definition), and now formalised further in the UK Government's Serious Crime Act. The use of the term 'coercive control' is particularly important as it describes the particular pattern of controlling behaviour that this covers, including emotional, financial and other psychological abuse. This insidious type of abuse is a very common feature of domestic abuse and violence against women, but is often not identified as the serious abuse that it is by victims. Inclusion in the guidance definition would help to combat this. The term 'coercive control' is also currently a feature of the Home Office definition of 'domestic violence and abuse' which is widely used across services in Wales including the police, CPS, other criminal justice services and the voluntary and community sector. This Home Office definition has recently been formalised into UK legislation (through the Serious Crime Act, referred to above) which should be recognised in Welsh guidance and legislation.

*"Coercive control must be included as its one of the major forms of abuse we see, if it's not clearly highlighted our concern is women will go back to thinking that 'it's not really abuse'." Newport Women's Aid*

4.6 The definition of 'domestic violence' used in the document is also not consistent throughout, with changes to the definition in section 58(1) which is called 'domestic abuse', not 'domestic violence'. The section states... *'provides that abuse in this context means physical violence, threatening or intimidating behaviour, and any other form of abuse which may give rise to harm.'* To ensure there is consistent understanding of domestic violence and abuse, the definition needs to remain consistent throughout the entire guidance.

4.7 It is also important to note that these definitions do not cover other significant forms of violence against women such as rape and sexual violence, female genital mutilation (FGM), forced marriage, human slavery/trafficking etc. Although this may be covered by *'any other form of abuse which may give rise to harm'* these particular crime types need to be specifically recognised to ensure there is due regard for violence against women, and any training provided to homelessness staff (e.g. through the National Training Framework under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Bill/Act, will include these other forms of violence against women.

4.8 Welsh Women's Aid acknowledges the commitment within the guidance to assist women to remain in their own homes when it is safe and appropriate to do so, alongside measures to increase the safety of the home for the woman. In this section it would be beneficial to clarify particular safety measures to ensure homelessness staff are aware of the options available to them. Target hardening is one of the most recognised methods, and by making small adaptations to the home it can make a woman safer including reinforcing doors, locks and alarms. This guidance to homelessness staff may also be

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something this it is appropriate to be issued as guidance under section 14 of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Bill/Act.

4.9 Sanctuary schemes<sup>1</sup> are an additional option for families wishing to remain in their home, subject to risk-assessment from a specialist service. A sanctuary scheme is a multi-agency victim centred initiative which aims to enable families to remain in the home by installing a 'sanctuary' in the home and through the provision of support to the household. A sanctuary comprises of enhanced security measures to ensure there is a safe area to go to if the perpetrator was to try to re-enter the home. The continual support from specialist services through community engagement such as floating support and outreach programmes ensures safety of the victim is continually addressed and monitored.

4.10 Section 3.171 discusses the allocation of move-on properties, and the opportunity to enter into partnerships with third sector and support agencies to enable the resettlement of occupants in accordance with the objectives of the project. This opportunity is pertinent to sustaining refuge provision to the short-term emergency accommodation it is designed to be.

4.11 Women who reside in refuge do not usually need to stay for a prolonged period of time (although this is not always the case) and the lack of suitable and safe move-on in the primary cause of remaining in emergency accommodation.<sup>2</sup> This not only hinders the ability of the women and children to retain independence and begin to re-build their lives, but it also means that refuge bed spaces are not being made available for the women in need of emergency support. This system is not viable and means support is often unavailable to those who need it most. Therefore, a partnership system in each homelessness department for women moving on from refuge is essential.

4.12 In Section 4.1 the guidance states the 'allocations schemes should also seek to incorporate key areas of the UN Convention of the Rights of the Persons with Disabilities'. Welsh Women's Aid would also advise that the guidance incorporates mention of the UN Convention on the Elimination of All Forms of Discrimination Against Women (known as CEDAW) and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (known as The Istanbul Convention)<sup>3</sup> which was adopted by the UK Government in 2012 but is yet to be ratified. As Wales are members of the EU through the UK, Wales will also be responsible for complying with the Istanbul Convention when ratified, and as commissioners of specialist services it is important that Local Authorities and Housing teams are aware of the duties that will come under this convention.

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<sup>1</sup> <https://www.gov.uk/government/publications/sanctuary-schemes-for-households-at-risk-of-domestic-violence-guide-for-agencies>

<sup>2</sup> From Welsh Women's Aid's biannual data report (first half of 2014-15) almost three quarters of women stayed in refuge for two months or less (73%) and the most common length of stay was two months with 22% followed by 17% for 1 month. 14% of women stayed in refuge for 6 days or less. Only 27% of women stayed in refuge for more than 3 months, with only 4% staying for more than 6 months.

<sup>3</sup> [http://www.coe.int/t/dghl/standardsetting/convention-violence/about\\_en.asp](http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp)

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## **5.0 Are the elements of the Code referring to homelessness clear in explaining the responsibilities of each party?**

5.1 The Code is clear in terms of explaining the responsibility of each party.

## **6.0 Do they adequately address the new homelessness duties under the Housing (Wales) Act 2014?**

6.1 Welsh Women's Aid feels the new code of guidance adequately addresses the new homelessness duties under the Housing (Wales) Act. It is very clear that throughout the guidance there is a commitment to addressing domestic violence and other forms of violence against women.

## **7.0 Does the Guidance explain adequately how organisations should work together to tackle homelessness?**

7.1. Welsh Women's Aid believes there is adequate explanation of how organisations work together.

## **8.0 Do you feel the Guidance could be strengthened or made easier to use and if so could you explain how it should be improved?**

8.1 Welsh Women's Aid would like to reiterate the opportunity to strengthen this guidance through the explicit mention of safety measures within the community, such as target hardening as discussed in sections 4.8 and 4.9 above.

8.2 It is also important to give homelessness officers, who will utilise the code of guidance, information on other tools available to them to ensure the safety of victims of domestic abuse. This could include examples such as the criminal justice system, or specialist services such as those of our members. It is also a priority to ensure that officers are aware of where to go if support is needed when addressing perpetrators; as it needs to be made clear that it is not always suitable for them to address themselves. Specific and detailed guidance on identifying and pathways for referring victims of the various forms of violence against women should be a priority for Housing and Homelessness staff. This should include at a minimum: domestic abuse, sexual violence, so called 'honour' based violence, forced marriage, and female genital mutilation, and be developed in consultation with the third sector and relevant stakeholders.

8.3 There are specific criminal justice systems available to address domestic violence including domestic violence protection orders, non-molestation orders, forced marriage civil protection orders and injunctions. There is more information on these systems on the Gov.uk website; <https://www.gov.uk/domestic-violence-and-abuse> and details of these options, the safeguarding implications and relevant contacts should be included in the guidance and pathways as outlined in 8.2 of this response.

8.4 Welsh Women's Aid have concerns with the definitions of domestic violence throughout the homelessness guidance section. Please see sections 4.4 – 4.7 of this

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response above which covers these concerns. Section 8.21 of the guidance needs particular attention to the definition used, as it currently neglects any form of coercive control and other relevant forms of violence against women including sexual violence and forced marriage.

8.5 Section 8.28 discusses housing circumstances and specifically states it is unreasonable for women to stay in refuge for longer than 6 months, as it is not a long term prevention solution. Please see section 4.10 and 4.11 within this response regarding opportunities for specific move-on accommodation for women leaving refuge.

8.6 Welsh Women's Aid would like to amend 11.4 to ensure safety of victims of domestic violence and other forms of violence against women takes priority. This section does state that people have the option to stay in their current home whilst awaiting new accommodation when it is safe to do so, but its recommended that it is made explicit that in the case of family breakdown and domestic violence that this decision is made in-line with a recent risk assessment such as the DASH RIC, conducted by a local specialist support service to ensure all factors are taken in to account when discussing safety concerns.

8.7 Welsh Women's Aid commends the homelessness guidance for recognition of the needs of minority communities and the gap in services specifically for BME communities and the Gypsy Traveller movement. It is recommended that staff are trained to understand the needs of these groups, and other protected characteristics in order to understand the barriers they face in accessing services. For example, illiteracy is often high within the gypsy traveller community and this can be a huge barrier to accessing services. Staff should be trained to provide support, and liaise between hard to reach communities and local services to ensure they are aware of, and able access vital services, particularly domestic violence services.

8.8 Section 12.111 of the guidance contains a table with causes of homelessness and reasonable steps the homelessness team can take to meet the needs of the applicant in order to prevent homelessness. One of the causes detailed is 'relationship breakdown, including domestic violence' and at the top of the list of reasonable steps is 'mediation'. It is crucial that mediation is not advocated when domestic violence is suspected, as coercive control may be a factor resulting in dangerous implications for the victim if coerced into remaining in the relationship which is not safe. It should be strongly advocated in the guidance that best practice for the homelessness team is to work in partnership with local specialist services when domestic abuse is either suspected or reported, to ensure risk is assessed appropriately and safety planning is addressed. This will result in the homelessness team being able to address the housing needs of a victim in-line with the identification of any risk. Within the homeless guidance, it may be a safer option to separate domestic violence from family breakdown in order for each of these to be addressed through appropriate methods.

8.9 Welsh Women's Aid commends the guidance for its understanding of issues relating to resettlement of ex-offenders, and specifically the complex support needs of female offenders who are at high-risk of becoming victims of domestic abuse. It is important

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however, to make it explicit that homelessness staff dealing with female offenders and ex-offenders should automatically refer into specialist services in-line with their support needs, i.e. specialist domestic abuse and sexual violence services. Intervention from specialist services upon release from prison has proven to be beneficial to the welfare of women as well as reducing incidents of reoffending. More information on this can be found through Safer Wales' 'Women breakout' initiative<sup>4</sup>

8.10 Advisory services are imperative in reducing and preventing homelessness. This has been paid due regard throughout this guidance, which we commend. Welsh Women's Aid also welcome the introduction of a quality assurance mark to ensure services commissioned are fit for purpose and can provide a valuable and effective service to those in need. However, there is a need for recognition of the specialism that each service provides, and any quality mark that a service is expected to meet must reflect this specialism. For example, the advisory service provided by local specialist domestic abuse services needs to show quality in areas that, for example, a debt advice agency may not.

8.11 In England, the homelessness code of guidance has been amended to include the commissioning of support services and the standard which each service must meet. This is based on Women's Aid Federation England's Service Delivery Standards Framework<sup>5</sup>. Welsh Women's Aid has developed a set of aligned delivery standards for services in Wales that we strongly believe should also be included in this guidance. This would not only ensure a high quality service is being delivered, but supports the Welsh Government's commitment to ending Violence Against Women in its commitment to commissioning specialist services in local communities. We would welcome the opportunity to discuss this option further.

8.12 Section 9.9 offers Local Authorities the opportunity to provide advisory services through their own resources. In this instance, Welsh Women's Aid would advise that collaborative working and training is facilitated on the issues. Welsh Women's Aid would be available to provide training on domestic abuse and violence against women in this context.

## **9.0 Are there any more comments you would like to make about the revised Code?**

9.1 Thank you again for the opportunity to contribute to this consultation. If you require any further clarification of the information contained in this response, or any other matter relating to violence against women, please do not hesitate to get in touch.

**Becky Jones (Policy Officer)**

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<sup>4</sup> <http://www.womensbreakout.org.uk/projects/safer-wales/>

<sup>5</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378492/Supplementary\\_guidance\\_on\\_domestic\\_abuse\\_and\\_homelessness.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/378492/Supplementary_guidance_on_domestic_abuse_and_homelessness.pdf)

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