

Renting Homes (Wales) Act 2016 – Guidance relating to Supported Accommodation

Response Form

The closing date for replies is Friday 28 April 2017

Returning this form

Please send this completed form to us by email to: rentinghomes@wales.gsi.gov.uk

Or by post to:

Renting Homes Team
Housing Policy Division
1st Floor, North Core
Welsh Government
Cathays Park
Cardiff
CF10 3NQ.

If you are sending your response by email, please mark the subject of your email **Supported Accommodation Guidance**

Name:	<input type="text" value="Hilary Watson"/>
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Organisation (if applicable)	<input type="text" value="Welsh Women's Aid"/>

Publication of responses

Responses to publications may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

If you would prefer your name and address not be published, please tick here

About Welsh Women's Aid

Welsh Women's Aid is the national charity in Wales working to prevent domestic abuse and all forms of violence against women¹ and ensure high-quality services for survivors that are needs-led, gender-responsive and holistic. Established in 1978, we are an umbrella organisation that represents and supports a national federation of 23 local independent charities delivering specialist domestic abuse and violence against women prevention services in Wales, as part of a UK network of provision. These specialist services constitute our core membership, and they provide lifesaving refuges, outreach, and community advocacy and support to survivors of violence and abuse - women, men, children, families - and deliver innovative preventative work in local communities. We also deliver direct services including the Welsh Government funded *Live Fear Free Helpline*; a National Training Service; refuge and advocacy services in Colwyn Bay and Wrexham; and the national *Children Matter* project which supports local services to help children and young people affected by abuse and to deliver the S.T.A.R. suite of services across every local authority in Wales.

Questions on Part 2 Statutory Guidance on Temporary Exclusions

Question 1: The Decision Maker

Please tick

Do you agree with the suggested level of seniority for the person making an exclusion decision?

Yes
X

No X

If 'no', please briefly explain your answer.

We agree that the decision to temporarily exclude an individual should be made by a manager or someone who is suitably senior with responsibility for operational management of the Supported Accommodation. However, it is not so much the seniority of the person making the decision that is concerning; rather, it is the expertise of the decision maker that also needs to be assured through this statutory guidance.

Where the person under threat of exclusion is a survivor of violence against women, domestic abuse and/or sexual violence (VAWDASV), it is vital the those with operational management responsibility in supported housing provision across Wales, who have temporary exclusion authority, should have received training to identify and respond effectively to VAWDASV ('ask and act') and how it intersects with safeguarding responsibilities; otherwise the decision maker should ensure they consult with an expert from the VAWDASV specialist sector, prior to the exclusion.

If this is not addressed within the statutory or non-statutory guidance, there is a danger that a survivor and their children who are already exceptionally vulnerable and at risk of, or experiencing ongoing VAWDASV, could face temporary homelessness, either as a result of the abuser's coercive controlling tactics or at a time when they are vulnerable to further harm enacted by the perpetrator, the family or wider community members.

¹ Domestic abuse is the exercise of control by one person, over another, within an intimate or close family relationship; the abuse can be sexual, physical, financial, emotional or psychological. Violence against women is violence directed at women because they are women or that affects women disproportionately, and includes domestic abuse, rape and sexual violence, forced marriage, female genital mutilation, sexual exploitation including through trafficking and the sex-industry, so-called 'honour-based violence' and sexual harassment.

The expertise held in specialist VAWDASV services should be bought in, in the absence of expertise within the supported housing provision, to help decision-makers recognise whether a proposed exclusion is inappropriate, as it might put the survivor at exceptionally high risk of further harm for the exclusion period and potentially beyond. As this policy is applicable to both refuges and non-specialist supported accommodation accessed by survivors of violence against women, domestic abuse and sexual violence, survivors risk being excluded by a supported housing landlord or equivalent who does not necessarily understand the complexities and threats to life and of harm faced by survivors and their children.

Additionally, when an exclusion is made against someone who is a proven or suspected perpetrator of violence against women, domestic abuse and sexual violence, it is imperative that this is recognised as quickly as possible so that when the exclusion provisions are being made, there can be an assessment of whether actions taken to exclude the individual will increase risk posed to the survivor(s).

For the guidance to be effectively implemented without endangering survivors of abuse, there is a need for training for all landlords with exclusion rights to be able to identify perpetrators and survivors of VAWDASV. This training should be delivered by the specialist VAWDASV sector organisations with accredited training programmes, such as Welsh Women’s Aid’s National Training Service.

Question 2: Preventing Homelessness

Please tick

Do you agree with the proposed actions a landlord could take to avoid homelessness?

Yes

No X

If ‘no’, please briefly explain your answer.

Whilst the landlord should take all mitigating steps to prevent homelessness, relocation options need to be sensitive to the support and safety needs of survivors of VAWDASV, and this should be subject to involvement of VAWDASV specialist services.

We support the need for supported housing providers to make reciprocal arrangements on a regional basis which would enable survivors who are temporarily excluded to be accommodated by another landlord able to meet their support needs. Any temporary exclusions of survivors from refuges or other supported housing provision should ensure their support needs continue to be met through the national network of refuge-based support services. This network, where there is a need and it is appropriate to do so, aims to ensure survivors and their children can be moved between refuges or rehoused in other suitable accommodation.

To minimise the risk of survivors being excluded from refuges, effective implementation is needed of a model of sustainable funding that meets the needs of survivors with multiple disadvantage who need access to refuge-based support, so that services have capacity to meet the multiple and complex support needs of survivors.

To mitigate against the risk perpetrators might pose to survivors and others should they face temporary exclusion, the guidance should recognise that effective collaboration will be needed between supported housing providers and the criminal justice system/offender management teams and local multi-agency risk assessment conference (MARAC) Chairs. Before excluding known perpetrators from their accommodation, every effort should be made to conduct multi-agency safety plans for survivors, because they might otherwise

face increased pressure to accommodate the excluded perpetrator which would place them at further risk of harm.

Question 3: Lessons Learned Review	Please tick	
Do you agree with the procedure for carrying out the 'lessons learned' review?	Yes	No X

If 'no', please briefly explain your answer.

Where the person is a survivor of violence against women, domestic abuse and sexual violence and has been excluded by a non-specialist sector landlord, the survivor's advocate or support worker and/or a member of the specialist sector should be part of the 'lessons learned review' in order to monitor whether the actions that were taken to try to avoid homelessness and then what actually happened were appropriate, given the individual complexities of the survivor's situation. Given the increasing pressures put on the specialist sector, it should be noted that while this process promotes good practice, it is particularly onerous on small specialist providers, which have been continuously hit by threats to or reductions in funding. This pressure can be expected to grow without a model for sustainable funding in place, due to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 increasing opportunities for survivors to disclose and gain access to clear referral pathways and signposting to specialist sector support.

Question 4: Lessons Learned Review Form	Please tick	
Do you agree the review form is easy to understand and fit for purpose?	Yes	No X

If 'no', please briefly explain your answer.

While the form does allow for multiple contract holders to be excluded, this is not addressed within the guidance. There needs to be consideration of whether the anti-social behaviour that has led to the exclusion is a consequence of violence against women, domestic abuse and sexual violence, with particular emphasis on assessing whether coercive and controlling behaviour is a contributing factor. The behaviour that has led to the exclusion may be as a consequence of the control or it may be behaviour that appears to be anti-social but is performed to mask evidence of the abuse.

In addition, the form and guidance do not account for the possibility of dependents such as children also being excluded temporarily when an adult is excluded. Increased numbers of dependents may increase the difficulty of finding suitable temporary solutions to street homelessness, as access to appropriate temporary accommodation that is suitable for the specific number of excluded people, while also being appropriate to deal with cause of the initial exclusion, becomes increasingly difficult.

Questions on Part 3
Guidance on obtaining local authority consent to extend the relevant period

Question 5: Role of the landlord	Please tick
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Do you agree the procedure the landlord should follow in order to extend the relevant period is clearly described?	Yes	No X
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If 'no', please briefly explain your answer.

The procedure requiring the application for the extension of the 'relevant period' to be submitted to the Housing Authority at least 6 weeks before the end of the 'relevant period' is not practical for violence against women, domestic abuse and sexual violence refuges. Often survivors' move on from refuges is planned, though circumstances can change due to unforeseen, external factors. For example, there could be issues with moving-on provisions delaying the end of a survivor's stay in refuge; changes in their access to benefits to pay rent during their stay in refuge; or the behaviour of the perpetrator may affect their own behaviour as a tenant in the refuge.

A refuge landlord may anticipate that a survivor would no longer be a resident by the time the application would need to be put in place, or that the issue that prompts the landlord to consider applying for an extension of the 'relevant period' only becomes an issues within the last 6 weeks of the relevant period, thus making it impossible for the 'relevant period' to be extended.

Welsh Women's Aid would recommend that the application for extension of the 'relevant period' in short term supported housing like refuge-based support services was much shorter so that it can be practically applied, as the current proposition of submitting the application to the housing authority six weeks in advance of the end of the first six months is not workable within this specific setting.

Question 6: Role of the local housing authority	Please tick	
Do you agree the role of the local housing authority in considering an extension request is clearly described?	Yes X	No

If 'no', please briefly explain your answer.

The box below is provided for any additional comments you may have on either of the proposed guidance documents

This guidance needs to make specific reference to violence against women, domestic abuse and sexual violence. Currently it is not clearly stated how this guidance is relevant to supported housing, particularly around VAWDASV accommodation.

The guidance does not address the specific and different housing-related support needs of women and men, has not been informed by evidence that VAWDASV is a cause and consequence of inequality between women and men, and does not recognise that children and young people are also resident in supported housing and will be impacted by temporary exclusions.

For example, it should be noted that survivors who access refuge-based support are accessing life-saving services. A temporary exclusion from the property without additional, equivalent support provisions could put them in serious danger of further harm from their abuser(s), as the year after women choose to leave their partner can often be the most dangerous time. Between 1st January 2009 and 31st December 2015, 200 women in England and Wales are known to have been killed by ex-partners following separation; of

these women, 34% were killed within the first month, and 76% (152 women) within the first year post-separation.² Many of these women were killed as soon as they initiated separation.³ The threat of possible street homelessness for an exclusion period of 48 hours following an incident may put a survivor of violence against women, domestic abuse and sexual violence at grave risk of serious or fatal danger. It is important to note that while specialist violence against women, domestic abuse and sexual violence services will be well informed of this danger, many survivors of these crimes access generic services, which may not realise the real threat to life that may be inadvertently caused by an exclusion from premises or even the temporary removal of a tenant from one location to another.

Another concern regarding the guidance is that while the form accounts for the possibility of more than one person being excluded (multiple contract holders) at the same time, the guidance only includes procedures for an individual. If, for example, there are dependent children temporarily excluded because of the actions of their parent, is not accounted for within the guidance and therefore landlords are presented with no guidelines to follow. Clearly, finding accommodation temporarily for a mother and three children is going to present even fewer opportunities to avoid temporary homelessness. Clarity is needed within the guidance as to whether or not it is applicable to parents with dependent children (whether they are below or above the age of 18).

² D. Brennan, 'Femicide Census: profile of women killed by men', *Women's Aid*, 2016, <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/01/The-Femicide-Census-Jan-2017.pdf>, (accessed 20 January 2017).

³ Ibid.