



Cymorth i Ferched Cymru
Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf
Putting Women & Children First

Urgent call to exempt refuges from the Renting Homes (Wales) Act 2016 – The Act that will break the Welsh VAWDASV Refuge System Open letter from Welsh specialist domestic abuse and sexual violence services

Jane Hutt MS: Minister for Social Justice
Julie James MS: Minister for Climate Change
CC: Johanna Robinson National Adviser for VAWDASV
CC: Yasmin Khan National Adviser for VAWDASV

Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

1st December 2022

Dear Jane Hutt and Julie James,

We write to you to call for an urgent amendment to the Renting Homes (Wales) Act 2016, to establish a clear exemption for refuge accommodation.

Whilst we appreciate the many positive elements of the Act, including improving security of tenure for private renters, improving the quality of rented housing by increasing fitness for habitation requirements, and improving contract succession, all of which we recognise will directly benefit survivors, we have grave concerns as to the dire impact the Act will have on specialist VAWDASV services, and specifically on the safe management of refuges throughout Wales.

Concerns around implementation:

We are deeply troubled that the Act has been developed with limited consultation with the specialist VAWDASV sector. We have, to date, been unable to establish what impact and needs assessments were completed to investigate the Act's potential impact on VAWDASV survivors and specialist services. Furthermore, reassurances given by Welsh Government officials and required to address specialist services' significant concerns, including the need for an explicit exemption for refuge accommodation, have not transpired.

Concerns around safe and effective refuge management

Though, by definition, refuge accommodation is temporary accommodation for those, including children, in crisis fleeing the risk of serious harm and/or homicide from perpetrators of abuse, under the new rules where a survivor or family stays in refuge longer than six months, chiefly due to a lack of safe move-on accommodation in Wales, services will be required to issue them with an occupation contract. We are extremely concerned that these contracts will likely stop survivors being able to access homelessness assistance from local authorities as they may wrongly be judged to be in "settled accommodation". Moreover, contracts will prevent services being able to move survivors between their refuges if, for example, they are found by their perpetrator, and additionally will make it much more difficult for services to safely support survivors to leave refuge should they become a risk to themselves or others. This will drastically undermine services' ability to safeguard other women and children as well as their staff. Though services can ask permission from local authorities to extend the period survivors can stay in refuge for on a license agreement instead of a contract (the 'relevant period'), we know the process to do so will place enormous additional strain on specialist services at a time when the VAWDASV sector is already existing with extremely limited resource and stretched capacity owing to a lack of sustainable funding, the cost-of-living crisis and very high service demand in the aftermath of the COVID-19 pandemic. Extensions can only be applied for three months at a time and some services have refuges across as many as four local authorities which will likely all have different processes. Due to funding requirements stipulated by Welsh Government, services are limited on how much they can spend on administration costs. We are also gravely concerned that the Act will be financially

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disastrous for specialist services as services may be forced to go to court to remove someone who refuses to leave, even where they are found by their abuser or become a risk to others. Services will then also have to leave refuge places empty, with the possibility of no funding in place, for a full month whilst the relevant notice period is served including where a room has been abandoned and the service knows the survivor does not plan to return. All this at a time when we know Welsh VAWDASV specialist services have to decline hundreds of urgent referrals for refuge each year due to lack of refuge space. Furthermore, we are concerned that owing to concerns around safeguarding and the risk of financial ruin, the Act will unintentionally make it harder for services to accept survivors into refuge who are excluded from or have limited access to public funds, such as migrant women, and/or who are affected by multiple disadvantages including serious mental ill-health and problematic substance use.

Concerns around local authorities

As referred to above, under the Act local authorities have been given the burden of granting and refusing requests by specialist VAWDASV services to extend refuge licenses. Given the immense current financial and staffing difficulties local authorities face, and in the absence of detailed guidance for local authorities around their responsibilities under the Act, we are concerned about local authorities' capacity to promptly and regularly grant permission for extensions for all survivors in refuge accommodation in their area. Some local authorities have indicated they will only be able to permit one extension per survivor and others have suggested they may take up to eight weeks to make decisions. Several local authorities additionally have suggested they will require detailed information about survivors in order to assess requests for extensions on a case-by-case basis. We fear that those in local authorities will not have the high-level of refuge management experience and understanding of risk related to domestic abuse and sexual violence required to evaluate these requests. We are also concerned by the precedent the Act sets in giving local authorities such day-to-day power over the occupancy of independent specialist VAWDASV accommodation.

In a plenary session in the Senedd on 29th November 2022, a summary of the above concerns was put to Julie James MS, the Minister for Climate Change, by Sioned Williams MS. The Minister said that whilst happy to work with Welsh Women's Aid and other specialist VAWDASV services, she believed we had fundamentally misunderstood the Act and how supported standard contracts can be managed in refuge under the new rules. We are very keen to work with the Welsh Government on this issue, however, we must stress we have not misunderstood the Act. As experts, we know that the Act will tangibly and immediately undermine the safe and effective management of refuges. Refuge accommodation is by definition temporary accommodation for those in crisis and it is vital it is treated differently from other supported accommodation. In a statement on 30th November 2022 responding to the National Advisers for VAWDASV annual plan, Jane Hutt MS Minister for Social Justice stated the Welsh Government is committed to ensuring "we can deliver the ambition of Wales being one of the safest places for a woman, today and for future generations". It is our strong contention that in its current form the Renting Homes (Wales) Act will be responsible for breaking the Welsh VAWDASV refuge system. We urge the Welsh Government to commit to pausing the implementation of the Act for refuges and bringing forth an amendment to the Act, or in lieu of this, statutory regulations to establish a clear exemption for all refuge accommodation, inclusive of "dispersed" and "move-on" refuge, in order to avert lasting devastating consequences for the safety of survivors in Wales and the future of Welsh specialist VAWDASV service provision.

Your sincerely,

Welsh Women's Aid
Aberconwy Domestic Abuse Services
Atal Y Fro
Bawso
CAHA Women's Aid
Calan Domestic Violence Services
Cardiff Women's Aid
Carmarthen Domestic Abuse Services
Cyfannol Women's Aid
Domestic Abuse Safety Unit

Gorwel
Montgomeryshire Family Crisis Centre
Rape & Sexual Abuse Support Centre
RCT Domestic Abuse Service
Safer Merthyr Tydfil
Safer Wales
Swansea Women's Aid
Threshold Domestic Abuse Service
Thrive Women's Aid
West Wales Domestic Abuse Service

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