

Engaging with your local council on common challenges

A resource for Women's Aid members

Women's Aid have identified common challenges or obstacles for our members when delivering specialist support for survivors. We are aware that often, despite existing statutory guidance and regulations, there is a lack of clarity about policies and legal duties which government uses in response to domestic abuse. We have created this resource to help you challenge problematic decision-making at a local government level.

What to do when local authorities place local connection restrictions on survivors seeking access to refuge or housing



Whilst there are local connection requirements for social housing, access to services should not be restricted by a victim's original locality - as set out in the statutory guidance on the disapplication of local connection for domestic abuse victims in social housing.



Local needs assessments should take into account the need for support and services for all victims regardless of protected characteristics within the area and for those whose original residence was located out of area - Part 4 of the Domestic Abuse Act. This is in recognition that one third of women fleeing domestic abuse need to cross local authority boundaries to reach safety.



All eligible victims who are homeless as a result of domestic abuse should be given 'priority need' for homelessness assistance, and cannot refer an applicant to another housing authority if they or anyone who might reasonably be expected to reside with them would be at risk of domestic abuse. [1]



The recognition that survivors need to access social housing from 'out of area' is also echoed in the statutory guidance on social housing allocations for local authorities in England, which states that:

"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. 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." [2]

[1] 10.52 in the Homelessness Code of Guidance

[2] Statutory guidance on social housing allocations for local authorities in England



Therefore, there is a clear ban on local connection rules being applied to survivors accessing both safe accommodation (under Part 4 of the Domestic Abuse Act), priority need for housing (under the Homeless Code of Guidance) and social housing (under statutory guidance for social housing allocations). Councils should understand that the rationale underpinning the local connection rules, bears no relevance to the needs of survivors, who must relocate due to domestic abuse. Women and children fleeing to new local authorities to find safety are therefore highly vulnerable to exclusion in areas which prioritise 'local need'.

What to do when local authorities require specialist refuges to provide support to all survivors



The meaning of the duty to 'support all survivors' can often be misinterpreted or misrepresented. Councils' Part 4 duties to support all victims does not mean all victims should be supported by the same provider. Appropriate support must be available to all women, including Black and minoritised women.



The statutory guidance for Part 4 of the Domestic Abuse Act states, under B5.8, that "tailored support is vital to ensuring victims receive the right and appropriate types of support. Commissioning authorities should recognise that only making a 'one size fits all' provision available through e.g. offering a single contract for all victim support services across the authority is unlikely to be the right approach."



To meet the legal definition of 'safe' accommodation in the statutory guidance, provision must: offer single gender or single sex accommodation and support. Therefore, specialist services should not be expected to provide support for both men and women and funding must not be conditioned on services' doing this.

In 2008, Southall Black Sisters took Ealing Council to the high court after Ealing Council withdraw funding arguing that cohesion could only be achieved by awarding grants to organisations providing 'services equally to all within the borough'.

However, Lord Justice Moses ruled against the council's decision to cut funding to SBS in favour of a generic service.

The judgement said that there is "no dichotomy between the promotion of equality and cohesion and the provision of specialist services to an ethnic minority."

You can use this case study to help demonstrate the **legal inaccuracy** of demanding refuges to deliver services to a wider range of groups.

This resource is part of a series of support materials for Women's Aid members. Please contact Isabella Lowenthal-Isaacs at i.Lowenthal-Isaacs@womensaid.org.uk with additional areas you would like to see explored in the series.