

Levelling Up, Housing and Communities Select Committee Inquiry into Exempt Accommodation: Evidence submission from the Domestic Abuse Commissioner for England and Wales

About the Domestic Abuse Commissioner

1. The Domestic Abuse Act 2021 establishes in law the Office of the Domestic Abuse Commissioner to provide public leadership on domestic abuse and play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse; to identify adult and child victims and survivors, as well as perpetrators of domestic abuse; and to improve the protection and provision of support to people affected by domestic abuse from agencies and government. The Domestic Abuse Commissioner also co-chairs the National Expert Steering Board for Part 4 of the Domestic Abuse Act led by Eddie Hughes MP, Minister for Rough Sleeping and Housing in the Department for Levelling Up, Housing and Communities.

Executive summary

2. The Domestic Abuse Commissioner welcomes the opportunity to respond to this call for evidence on exempt accommodation from the Levelling Up, Housing and Communities Select Committee. The Commissioner has raised long standing concerns about the growth in poor quality, potentially dangerous exempt accommodation providers seeking to house victims and survivors of domestic abuse with little evidence of any domestic abuse support or expertise around safe practice for survivors of domestic abuse.
3. Examples include inappropriately large 'refuges', accommodation in unsafe and inappropriate areas, mixed gender accommodation and accommodation where victims and survivors are subject to abuse and harassment by other residents and even staff. All of these examples are unsafe and do not meet the Department for Levelling Up, Housing and Communities' (DLUHC) definition of relevant safe accommodation in Part 4 of the Domestic Abuse Act. The Commissioner is also concerned about examples of providers that appear to be claiming enhanced Housing Benefit for exempt accommodation with the purpose of delivering financial return to investors, rather than supporting survivors of domestic abuse and other vulnerable people they house.
4. The Domestic Abuse Commissioner would strongly recommend caution in putting forward any recommendations which take a broad-brush approach to restricting accommodation which is non-registered or non-commissioned. Many expert specialist by and for domestic abuse services are not registered nor commissioned but are providing a high quality of tailored, specialist support that is identified as good practice in government guidance and adds significant value to the lives of victims and survivors of domestic abuse.
5. The Domestic Abuse Commissioner welcomes DLUHC's roll out of five pilots to improve quality, enforcement, oversight and value for money in non-commissioned exempt accommodation, however further work is needed to examine the specific issues affecting victims and survivors of domestic abuse housed in this

accommodation. The Commissioner is concerned about the lack of clarity in the exempt accommodation regulations, which has resulted in poor quality, potentially dangerous accommodation and limited 'care, support or supervision' provided to survivors of domestic abuse housed in this accommodation.

6. Summary recommendations:

- i. The Department for Work and Pensions should undertake a comprehensive review of Housing Benefit regulations to ensure greater clarity on the level of 'care, support and supervision' required to house victims and survivors of domestic abuse and other vulnerable groups, in line with existing Quality Standards from the Department for Levelling Up, Housing and Communities.
- ii. The Department for Work and Pensions and Department for Levelling Up, Housing and Communities should also issue guidance to local authorities on assessing housing benefit claims, which should include specific direction on services seeking to offer accommodation to victims and survivors of domestic abuse. This guidance should ensure providers meet the Department's Quality Standards for relevant safe accommodation for victims and survivors of domestic abuse.
- iii. The Department for Levelling Up, Housing and Communities should embed learning from the five pilots to improve quality, enforcement, oversight and value for money in exempt accommodation, including learning on how to address the issues affecting victims and survivors of domestic abuse. The Department should fund all local authorities to take on a more active regulatory role in relation to exempt accommodation providers, with specific funding allocated to ensure local authorities can assess whether providers are adhering to the Department's Quality Standards for relevant safe accommodation for victims and survivors of domestic abuse.
- iv. Every local authority should also establish robust feedback and complaints mechanisms for exempt accommodation so that residents can identify issues with providers.
- v. Any funding saved by the Department for Work and Pensions through greater regulation of this sector should be redirected to improving the availability of specialist accommodation-based domestic abuse services, including specialist by and for services for Black and minoritised, LGBT+, and Deaf and disabled survivors.

Introduction

7. Domestic abuse is inherently a housing issue, and for too many victims and survivors of domestic abuse, home is the most dangerous place. Evidence suggests that housing is the primary barrier for victims and survivors attempting to flee domestic abuse,¹ and according to Women's Aid, 70% of victims and survivors of domestic abuse said their housing situation and concerns about future housing, including fears

¹ DAHA (2021) Facts and Statistics. Available [online](#).

of homelessness or lack of safe housing, prevented them from leaving a perpetrator of domestic abuse.² Safe housing is essential to ensure victims and survivors of domestic abuse can rebuild their lives, yet the Domestic Abuse Commissioner is concerned about evidence of a growing number of exempt providers offering housing to survivors of domestic abuse with limited or no expertise in domestic abuse or violence against women and girls (VAWG), creating an environment which is highly unsafe. The Commissioner wants to see the Department for Levelling Up, Housing and Communities (DLUHC) and the Department for Work and Pensions (DWP) take action to ensure that unsafe exempt accommodation providers seeking to make a business out of housing victims and survivors of domestic abuse cannot do so, and victims and survivors of domestic abuse can access the specialist, safe accommodation they need.

What is the quality of exempt housing provision?

1. The exempt accommodation sector includes a range of accommodation-based services providing a home to people facing housing insecurity, including to many victims and survivors of domestic abuse across the country. It is important to stress that not all providers within this sector will be the kind of poor-quality, unsafe accommodation providers that the Committee is rightly concerned about. Many specialist domestic abuse providers utilise exempt accommodation provision on the basis that they provide a high-quality support. The first refuges in England were set up in the 1970s by women and for women and children facing domestic abuse and were brought together under the umbrella of 'Women's Aid' in the UK. At the time there was a parallel wave of Black and minoritised women's groups setting up refuge and outreach services for Black and minoritised women and children and in 1998, Imkaan was established as a national umbrella body representing the expertise and perspectives of this network. Refuge services now operate as a national network, accepting referrals from women and children in any part of the country who need shelter and support. Many of these specialist by and for refuges for Black and minoritised women have never been commissioned by local government, and many have lost funding in recent years, with 1 in 5 specialist by and for refuges being closed between 2008 and 2015.
2. This high-quality holistic gender- and trauma-informed support includes practical advice and advocacy, counselling and support around recovery, and vital safety measures including safeguarding, safety planning, as well as the protection of women-only spaces and the protection of refuge addresses. All of these specialist domestic abuse services will be providing a high level of care, support and supervision which helps to keep victims and survivors safe and adds significant value to their lives and to their community.
3. These services will already be subject to robust accreditation and oversight from member organisations: for example, in the UK refuge bedspaces for survivors of domestic abuse are advertised on Routes to Support, a database coordinated by Women's Aid Federation England, Women's Aid Federation of Northern Ireland, Scottish Women's Aid and Welsh Women's Aid, which requires those advertising bedspaces to be subject to access criteria. The majority of these services will also be

² Women's Aid. (2020) The Domestic Abuse Report 2020: The Hidden Housing Crisis. Bristol: Women's Aid.

accredited members of Women's Aid Federation England,³ Welsh Women's Aid,⁴ and/or Imkaan,⁵ meaning they will meet their Quality standards for services supporting survivors of domestic abuse.

4. However, concerning evidence has shown a rise in providers utilising the exempt provisions of Housing Benefit in order to provide poor quality, unsafe accommodation with very limited care, support and supervision, causing significant harm to the many vulnerable people they house, including and especially victims and survivors of domestic abuse. Evidence from Women's Aid Federation England (WAFE) highlights significant concerns about a rise in such providers targeting victims and survivors of domestic abuse, putting their safety at risk.⁶
5. Examples provided to the Commissioner by WAFE and Imkaan include services housing survivors of domestic abuse which were unable to evidence any domestic abuse support around safety planning or safe practice by support workers.⁷ None of those spoken to by WAFE and Imkaan were familiar with basic structures in place to respond to domestic abuse, including MARAC (Multi Agency Risk Assessment Conference) or local partnership arrangements, which are essential structures to keep victims and survivors safe. In some cases providers were not able to produce very basic evidence of safe practice, including safeguarding and data protection policies, and governance documentation. In some cases services even failed to meet the essential definition of a refuge service listed on Routes to Support. Victims and survivors of domestic abuse that are housed in this accommodation are not only accessing substandard and unsafe accommodation, but are missing out on being able to access the tailored specialist domestic abuse services in their area. Accessing the right support at the earliest opportunity is vital, and the Commissioner is concerned that survivors' confidence and trust in services to support them to escape and recover will be severely undermined by these forms of provision – potentially meaning that they may return to the perpetrator as a safer option, and would not come forward to access safe accommodation in the future.
6. Examples highlighted by WAFE and Imkaan include inappropriately large providers, such as a 60 bed 'refuge' for women in Sunderland City Centre, for example, which does not meet the definition of a refuge, as set out by the Department for Levelling Up, Housing and Communities (DLUHC) for the statutory duty on tier one local authorities to provide safe accommodation for survivors of domestic abuse which was introduced through the Domestic Abuse Act 2021.⁸ Another case study provided by WAFE and Imkaan is a community interest company (CIC), Lotus Sanctuary, which is focused on 'ending homelessness'. WAFE and Imkaan found Lotus have created a new 40 bedspace hostel for women with complex needs in Middlesbrough. Lotus Sanctuary stated that the support they provide to survivors of domestic abuse housed in their accommodation in Kirklees is limited to one hour per week, but that the women 'can ring if they need anything'.⁹ The accommodation is also in an unsafe

³ [National standards 2019 \(edited 2021\) \(womensaid.org.uk\)](https://www.womensaid.org.uk)

⁴ [WELSH WOMEN'S AID National QUALITY STANDARDS FOR SERVICES SUPPORTING SURVIVORS OF DOMESTIC Abuse \(welshwomensaid.org.uk\)](https://www.welshwomensaid.org.uk)

⁵ [Commissioners Pack Single Parts.indd \(netdna-ssl.com\)](https://www.netdna-ssl.com)

⁶ <https://www.insidehousing.co.uk/news/news/urgent-concerns-over-exempt-accommodation-providers-targeting-domestic-abuse-survivors-69797>

⁷ Women's Aid and Imkaan, "Concerns with Exempt Accommodation for Survivors of Domestic Abuse." Women's Aid, Imkaan, 2021, [Online]. Available: Unpublished

⁸ [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁹ Women's Aid and Imkaan, "Concerns with Exempt Accommodation for Survivors of Domestic Abuse." Women's Aid, Imkaan, 2021, [Online]. Available: Unpublished

area which is known as a hot spot for anti-social behaviour and is particularly dangerous at night. Previous research has highlighted issues with the location of exempt accommodation not being considered by providers, and a lack of awareness in the local authority of the location of units.¹⁰ It is vital that agencies are sharing information about the location of properties and providing accommodation in safe areas, for example ensuring that victims and survivors of domestic abuse and other vulnerable groups are not being housed near accommodation for perpetrators of domestic abuse or sex offenders.

7. Birmingham and Solihull Women's Aid has also shared evidence of issues with exempt accommodation providers in Birmingham, where there has been a particular growth in this type of accommodation in recent years,¹¹ with now more than 22,000 people housed in non-commissioned exempt accommodation in the city.¹² An evaluation of Birmingham Solihull Women's Aid's services by Thea Raisbeck, including their Housing Options Hub which provided support to a number of women seeking alternative accommodation due to poor quality exempt provision, concluded that due to the lack of safe, appropriate and specialist accommodation, single women and women with children are often being forced into inappropriate situations.¹³ Staff at Birmingham and Solihull Women's Aid cited examples of exempt providers contacting perpetrators, evicting women out who were in violent relationships as a consequence of being in inadequately supervised mixed-sex provision or of landlords potentially replicating controlling and abusive behaviours.
8. One example from Crisis shows the additional risk of violence faced by already traumatised victims and survivors in one exempt accommodation provider:

Lauren has been living in exempt accommodation in Birmingham since June 2020. A 30 year-old former salon manager, she lost her flat after being forced to stop work due to chronic back pain and anxiety caused by domestic abuse. She said "The treatment I've had in these properties has been disgusting. In one I had a workman come into my room unannounced while I was dressing. He told me I'd "regret it" if I reported it to the police, while the office manager just told me not to worry about it and he'd buy me a pizza. I left another to sleep in a tent in the park after I had people high on drugs banging on my door asking me to come out. I've been violated, ignored, assaulted and rejected. It's pushed me to the limit: no one should be put through this."

9. Another survivor of domestic abuse housed in exempt accommodation in Birmingham described to Birmingham Live how she was forced to call the police in fear and considered jumping out of her window to get to safety from a man she was housed with who was banging violently on her door.¹⁴ The Commissioner is deeply concerned that such basic standards for housing survivors of domestic abuse are not being met. Failure to implement basic safeguarding and safety procedures for survivors of domestic abuse demonstrates a significant failure in the duty of care to residents and could significantly increase the risk to the victim/survivor. Shocking cases in recent years have seen potentially preventable homicides take place in

¹⁰ Spring Housing Association, Exempt from Responsibility: Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing, 2019. Available at: <https://springhousing.org.uk/news/exempt-from-responsibility/>

¹¹ Spring Housing Association, Exempt from Responsibility: Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing, 2019. Available at: <https://springhousing.org.uk/news/exempt-from-responsibility/>

¹² Inside Housing - News - Exempt accommodation claimants in Birmingham double to 22,000 in three years

¹³ [BSWAID-places-of-safety-report.pdf \(birmingham.ac.uk\)](#)

¹⁴ [Chaos, fear and suicide attempts - life inside 'exempt' housing in Birmingham - Birmingham Live \(birminghammail.co.uk\)](#)

exempt accommodation. In Northampton, one resident in exempt accommodation for people recovering from substance use was not risk-assessed by his provider before he stabbed his flatmate to death. In April 2020, Phoenix Netts was murdered by another resident in supported accommodation in Birmingham. It is clear that greater oversight and regulation is necessary, as well as a review of definitions of care, support and supervision in Housing Benefit regulations so that unsafe providers are unable to access Housing Benefit in the first place. Every local authority should also establish robust feedback and complaints mechanisms for exempt accommodation so that residents can identify issues with existing providers and be supported to access the accommodation they need.

Is the current model of exempt accommodation financially viable, and does it represent value for money?

10. The exempt provisions in Housing Benefit regulations are being used by many specialist domestic abuse providers in a way that is financially viable and represents value for money. For example, some specialist domestic abuse providers will use the exempt provisions to cover the cost of rent and housing management, with the support element being commissioned by the local authority or the Police and Crime Commissioner. Others may fund the support element through their own fundraising, for example using funding from trusts and foundations or individual donations. The Commissioner is not aware of any specialist refuges which rely entirely on the higher rate of Housing Benefit to cover the cost of the specialist support they provide.
11. The Commissioner is concerned about examples of exempt providers that appear to be claiming enhanced Housing Benefit for exempt accommodation, and in some cases private property companies are establishing Community Interest Companies (CICs) to do so, with the purpose of delivering financial return to investors, rather than supporting survivors of domestic abuse and other vulnerable people they house. As their 'business model' relies on claiming higher levels of Housing Benefit, these providers are often focused on minimising their voids rather than working towards recovery and resettlement, and have little organisational ambition to move people on to more sustainable long term accommodation.

How does whether a provider is registered or non-registered, or commissioned or non-commissioned, impact the quality of provision?

12. The Domestic Abuse Commissioner would strongly recommend caution in putting forward any recommendations which take a broad-brush approach to restricting accommodation which is non-registered or non-commissioned. Any such measures are likely to disproportionately impact specialist 'by and for' domestic abuse services which are far less likely to be commissioned or be connected to a registered provider of social housing. Statutory guidance for Part 4 of the Domestic Abuse Act on the provision of support within safe accommodation, as well as Home Office guidance such as the VAWG National Statement of Expectations is clear that victims and survivors of domestic abuse with protected characteristics, such as Black and minoritised victim, LGBT+ victims and deaf and disabled victims, are best served by specialist 'by and for' services, which are run by highly specialist staff, whose work is

designed to meet their specific needs. These services have developed, in consultation with victims and survivors, wrap around holistic support to meet the distinct intersectional needs of victims and survivors with protected characteristics.

13. Despite the value they bring, these specialist services are small, limited in number and capacity, and often facing significant funding precarity. Initial findings from the Domestic Abuse Commissioner's research to map the provision of domestic abuse services in England and Wales shows that specialist 'by and for' services were far less likely to be in receipt of statutory funding than other organisations. Imkaan's research has also found that a random sample of 10 England-based, non-BME leading VAWG organisations received 39.6% of their funding from local authorities, compared to 10.9% of the funding for BME organisations surveyed. The Commissioner has also heard from Imkaan that none of their members are registered providers of social housing, and noted that the process of becoming a registered provider takes significant time and resources, which would create significant additional burdens for already overstretched, under-resourced services.

How should exempt accommodation be provided and what should the service cost?

14. A recent report by Prospect Housing finds that at least £816m has been spent on exempt accommodation in the last financial year alone.¹⁵ Previous research suggests that the rise in exempt accommodation has taken place in the context of increasing need for support for people at risk of or facing homelessness, and increased scarcity of this provision.¹⁶ Life saving accommodation-based domestic abuse services such as refuge have faced chronic underfunding which has particularly affected specialist by and for services for Black and minoritised, LGBT+, and deaf and disabled survivors of domestic abuse. The Domestic Abuse Commissioner welcomes transformative changes to address this introduced by the DLUHC through Part 4 of the Domestic Abuse Act which places a duty on tier one local authorities to commission domestic abuse support within safe accommodation. However, when there is a lack of a critical mass of service users within a defined geographical area, the commissioning structure often discourages specialist by and for services from applying. The commissioning of one single service often means that specialist by and for services are ineligible to apply.
15. The Commissioner therefore recommends that any savings as a result of regulatory reform of this sector should be redirected to improving the availability of specialist supported accommodation for vulnerable people, including dedicated funding for specialist accommodation-based domestic abuse services, particularly specialist by and for services for Black and minoritised, LGBT+, and deaf and disabled survivors.

How should the regulatory oversight of exempt accommodation be organised?

16. The Domestic Abuse Commissioner welcomes DLUHC's roll out of five pilots to improve quality, enforcement, oversight and value for money in non-commissioned exempt accommodation, however further work is needed to examine the specific

¹⁵ [PRO Lesson-Learnt-report_October2021_FV.pdf \(campbelltickell.com\)](#)

¹⁶ [Exempt-from-Responsibility-Full-Report-November-2019.pdf \(commonwealhousing.org.uk\)](#)

issues affecting victims and survivors of domestic abuse housed in this accommodation. Building on the progress of the pilots, DLUHC should fund all local authorities to take on a more active regulatory role in relation to exempt accommodation providers. This regulatory role should include a specific focus on ensuring providers which are housing victims and survivors of domestic abuse are adhering to safeguarding and safety measures in line with the Quality Standards for safe accommodation from the Department for Levelling Up, Housing and Communities, as well as Women's Aid England and Imkaan quality standards.¹⁷

What should be the regulations governing exempt accommodation and how should those regulations be enforced?

17. The domestic abuse sector has raised long standing concerns with the DLUHC and the DWP about the lack of clarity in the exempt accommodation regulations, which has resulted in poor quality, potentially dangerous accommodation and limited 'care, support or supervision' provided to survivors of domestic abuse housed in this accommodation. Existing research on exempt accommodation also demonstrates that the lack of regulatory clarity has resulted in providers claiming excessive rents, whilst providing poor accommodation and very limited 'care, support or supervision'.¹⁸
18. The Department for Work and Pensions should undertake a comprehensive review of Housing Benefit regulations to ensure greater clarity on the level of 'care, support and supervision' required to house victims and survivors of domestic abuse and other vulnerable groups. The reviewed regulations should specifically exclude from the definition of 'other forms of emergency accommodation' any provider that does not meet recognised quality standards for supporting victims and survivors of domestic abuse. Relevant safe accommodation for survivors of domestic abuse is specified by the Secretary of State in regulations as:
 - Refuge accommodation – a refuge offers single gender or single sex accommodation and domestic abuse support which is tied to that accommodation. The address will not be publicly available. Victims, including their children, will have access to a planned programme of therapeutic and practical support from staff. Accommodation may be in shared or self-contained housing, but in both cases the service will enable peer support from other refuge residents.
 - Specialist safe accommodation – specialist safe accommodation offering single gender or single sex accommodation, alongside dedicated domestic abuse support which is tailored to also support those who share particular protected characteristic(s) and / or who share one or more vulnerabilities requiring additional support. Accommodation may be in shared or self-contained housing, and the address will not be publicly available.
19. The Department for Work and Pensions and DLUHC should also issue guidance to local authorities on assessing housing benefit claims. This should include specific direction on benefit claims for services seeking to offer accommodation to victims and survivors of domestic abuse. This guidance should specify that enhanced

¹⁷ [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services)

¹⁸ Spring Housing Association, Exempt from Responsibility: Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing, 2019. Available at: <https://springhousing.org.uk/news/exempt-from-responsibility/>

housing benefit should not be provided to inexperienced providers targeting victims of domestic abuse. An outline of the expertise and capacity required among providers should be provided in line with the definitions of 'relevant safe accommodation' and quality standards provided by DLUHC in the Domestic Abuse Act Part 4 regulations and guidance.¹⁹

¹⁹ *ibid*