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Statutory guidance

# Improving access to social housing for victims of domestic abuse

Updated 25 January 2022

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## Introduction

1. This is guidance by the Secretary of State for Housing, Communities and Local Government under [section 169 of the Housing Act 1996](#) ('the 1996 Act'). Local housing authorities ('local authorities') are required to have regard to it in exercising their functions under [Part 6 of the 1996 Act](#).

2. References to sections in this guidance are references to sections in the 1996

Act.

3. It is in addition to the statutory guidance on social housing allocations ([‘the Allocations guidance’](#)), guidance on providing social housing for local people ([‘the Local Connections guidance’](#)) and guidance on the [Right to Move](#).

4. Local authorities are encouraged to review their existing allocation policies and revise them, where appropriate, in the light of this guidance as soon as possible.

## Background and purpose

5. The government is committed to ensuring that those who need to escape from domestic abuse are given as much support and assistance as possible so that they are able to re-build their lives away from abuse and harm.

6. We recognise that housing provision is a key element of this support. Many victims of domestic abuse are forced to flee their homes to seek safety and support in a refuge or other form of temporary accommodation. This is often in another local authority area in order to put a safe distance between themselves and their perpetrators.

7. We have already put in place a number of measures to assist victims of domestic abuse. Since 2014 we have invested £205 million in support within safe accommodation services.

8. We have introduced new duties on local authorities within the [Domestic Abuse Act 2021](#), which came into force on 1 October 2021 to ensure that all victims and their children across England can access the right support in safe accommodation when they need it. To accompany the new duties, we published [statutory guidance](#) which provides further details to local authorities on how the duties should be delivered on the ground.

9. Under the new duties local authorities are required to set up a Domestic Abuse Local Partnership Board, assess the need for domestic abuse support services for all victims, prepare and publish strategies and commission services in line with the needs identified in the strategies and report back to DLUHC.

10. This should meet the needs of diverse groups of victims; support local areas to develop strong partnerships and strategies; as well as better commissioning and local accountability. This will help local areas ensure that no victim fleeing abuse is turned away from the support they need.

11. The purpose of this guidance is to assist local authorities to apply the allocation legislation to ensure that victims of domestic abuse are able to move into social housing from a refuge or other form of temporary accommodation by ensuring that:

- they have appropriate priority under the local authority's allocation scheme, and
- those who have fled to a refuge in another local authority area are not disadvantaged by any residency or local connection requirements

**12.** In this context other forms of temporary accommodation might encompass a hostel, or short term supported housing, as well as temporary accommodation provided under the homelessness legislation.

**13.** Ensuring that victims of abuse can more easily access settled accommodation when they are ready to do so will also free up valuable refuge spaces for others who need their services.

**14.** Victims of domestic abuse may be provided with move-on accommodation (sometimes known as 'step-down' accommodation) from a refuge before being offered a settled home. Move-on accommodation gives those who no longer require the intensity of support that is provided by a refuge an opportunity to leave whilst still having access to support, depending on their needs. Local authorities should consider whether it would be appropriate to take account of this guidance in relation to move-on accommodation as well, to ensure that survivors are able to access settled social housing when they are ready to do so.

**15.** Another aim of this guidance is to promote a consistent approach across local authorities to the way they consider applications from victims of domestic abuse in refuges. This will help victims to have the confidence they need to leave an abusive situation, and reduce the potential for anxiety and distress.

## Qualification for social housing

**16.** [Section 160ZA\(7\)](#) gives local authorities the power to determine who qualifies, or does not qualify, to be allocated social housing, subject to any regulations made by the Secretary of State under section 160ZA(8).

**17.** In 2013, the Secretary of State issued the [Local Connections guidance](#) encouraging local authorities to include a residency requirement of at least 2 years as part of their qualification criteria. The Local Connections guidance is aimed at ensuring that only people in need who have invested in, and demonstrated a commitment to, their local community may be considered for an allocation of social housing.

**18.** Members of the Armed Forces and transferring tenants who need to move for work related reasons are exempt from any residency requirements, by virtue of regulations made under section 160ZA(8) which prevent local authorities from applying a local connection test to disqualify such applicants<sup>[\[footnote 1\]](#)</sup>.

**19.** The Local Connections guidance advises local authorities to consider the need to provide for other appropriate exceptions from their residency requirements, in order to take account of special circumstances, including

providing protection to people who need to move away from another area to escape violence or harm. 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.

**20.** This guidance goes further than the Local Connections guidance. 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. The Secretary of State therefore strongly encourages all local authorities to exempt from their residency requirements those who are living in a refuge or other form of safe temporary accommodation in their district having escaped domestic abuse in another local authority area.

**21.** This would be in line with the advice in the updated statutory Homelessness code of guidance<sup>[\[footnote 2\]](#)</sup> which recognises that victims of abuse and their children may need to travel to different areas in order for them to be safe from the perpetrator, and advises local authorities to extend the same level of support to those from other areas as they do to their own residents.

## **Joint working**

**22.** We are aware that not all local authorities have a refuge in their district. We would encourage local authorities, therefore, to consider the scope for working together with neighbouring authorities, taking into account the needs and preferences of victims and their families, to ensure that any increased pressure on social housing does not fall disproportionately on those authorities with refuge provision. Local authorities that participate in area-based choice based lettings schemes may be particularly well placed to work together to meet the needs of those who are moving on from refuges or other forms of temporary accommodation, for example, by each providing for a quota of lettings to be made available for this group.

**23.** Local authorities should consider whether it is appropriate to share information regarding concerns about domestic violence and abuse with other agencies (such as housing associations and GP surgeries). It is the responsibility of local housing authorities to determine whether data sharing is lawful under UK data protection law. Whether data sharing is lawful must be determined on a case-by-case basis. If authorities are unclear about their obligations and responsibilities under UK data protection law they should seek advice from their data protection teams or contact the Information Commissioner. Local authorities should refer to the [Allocations guidance](#) for more information.

**24.** Local authorities are strongly encouraged to enquire whether the authority they are sharing information with has staff who are trained in supporting victims of domestic abuse.

**25.** Local authorities should consider the following case study when determining how to work with other agencies to keep victims safe.

[Overview report into the death of Salma](#) (January 2019). This Domestic Homicide Report examines agency responses and support given to Salma, a resident of Tower Hamlets, prior to her death. In this example, information could have been shared at the tenancy nominations stage to safeguard the victim. Authorities should have regard to the following sections of the report in particular: 'Summary of information known to the agencies and professionals involved' and 'Analysis of agency involvement'.

**26.** Authorities could also refer to: [Focus report: Learning to improve council services for domestic abuse victims](#) for best practice in working with other agencies to support victims of domestic abuse.

## Priority for social housing

**27.** The government is clear that we expect social homes to go to people who genuinely need and deserve them. That is why provisions in the Localism Act 2011 have maintained the protection provided by the statutory reasonable preference criteria which ensure that overall priority for social housing is given to those in housing need.

**28.** The Allocations guidance goes further and makes it clear that authorities should consider giving additional preference within their allocation scheme to people who are homeless and require urgent rehousing as a result of domestic abuse.

**29.** Paragraphs 19 and 20 above should ensure that those who need to move between local authority districts in order to escape domestic abuse are not disadvantaged by a residency or local connection test. It is also important that victims of domestic abuse who are provided with temporary protection in a refuge, or other form of temporary accommodation, are given appropriate priority under a local authority's allocation scheme, to enable them to move into more suitable settled accommodation, releasing valuable refuge spaces for others.

## Medical and welfare

**30.** [Section 166A\(3\)\(d\)](#) provides that local authorities must frame their allocation scheme to ensure that reasonable preference is given to people who need to

move on medical and welfare grounds, including grounds relating to a disability.

**31.** Those who are recovering from the impact of domestic abuse are likely to have medical and welfare needs, including physical and mental health issues, which may be complex and long lasting. Children who are victims of abuse may be affected in particular. Authorities are also reminded that a serious and long-lasting mental health condition is likely to come within the definition of a disability under the Equality Act 2010.

**32.** [Annex 1 to the Allocations guidance](#) which sets out possible indicators of the medical and welfare reasonable preference category already recognises that this could include those who need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse. This guidance goes further and strongly encourages all local authorities to apply the medical and welfare reasonable preference category to victims and their families who have escaped abuse and are being accommodated in a refuge or other temporary accommodation.

**33.** By applying the medical and welfare reasonable preference category to ensure that those who are provided with shelter in a refuge or other form of temporary accommodation are accorded appropriate priority for social housing, local authorities may also reduce the incentive for victims of abuse to seek homelessness assistance and thereby reduce the pressure on homelessness services.

## Homelessness

**34.** [Section 166A\(3\) \(a\) and \(b\)](#) respectively provide that local authorities must frame their allocation scheme to ensure that reasonable preference is given to people who are homeless within the meaning of [Part 7 of the 1996 Act](#) and people owed certain duties under Part 7.

**35.** [Section 175 of the 1996 Act](#) provides that a person who has accommodation may still be treated as homeless within the meaning of Part 7 if it would not be reasonable for them to continue to occupy that accommodation.

**36.** Since refuges are generally intended to provide accommodation for a short to medium period only, those who have fled domestic abuse and are currently living in refuges should usually be considered as homeless, as it would not be reasonable to expect them to continue to occupy that accommodation on a long-term basis.

## Supporting victims in their existing

# homes

## Securing the home

**37.** Tenants who have suffered domestic abuse may wish to remain in, or return to, their own home, where for example the perpetrator has left or can be removed. Local authorities are encouraged to support them to do so where it is safe. It is important that victims are supported to make an informed choice and that an appropriate risk assessment is carried out. They should not be put under pressure to remain in their home in order to reduce pressure on available housing.

**38.** Following an assessment of the property, and the needs and circumstances of the household, a local authority may be able to make it safer for the victim and family to remain in the property through the provision of appropriate security measures. These include: reinforced doors and windows, and extra locks; fire retardant letter boxes, smoke alarms and fire safety equipment; alarms, intercoms, and video entry systems; and the provisions of a sanctuary room from where the victim can call and wait for the arrival of the police.

**39.** Local authorities may wish to inform tenants of the option of applying to the court for an injunction against the perpetrator such as an order prohibiting the perpetrator from molesting the tenant (non-molestation orders), or an order prohibiting the perpetrator from living in the home or entering the surrounding area (occupation orders). Further advice is provided at [paragraph 21.36 of the 2018 Homelessness code of guidance](#).

## Tenancies

**40.** In situations where victims need support to remain in their existing home, and where the perpetrator is a joint tenant, authorities may wish to consider the scope for evicting the perpetrator and allowing the victim to return to their home with a new tenancy agreement.

**41.** We recognise that victims of domestic abuse who have a lifetime social tenancy (whether a local authority secure periodic tenancy or a housing association assured periodic tenancy) may be reluctant to leave an abusive situation if it means losing their security of tenure.

**42.** We have recently taken steps through the [Domestic Abuse Act 2021](#) to ensure that lifetime tenants who suffer domestic abuse will retain lifetime security if they are granted a new tenancy by a local authority for reasons connected with the abuse.

**43.** This protection applies to victims who have a lifetime tenancy, or victims who

have had a lifetime tenancy in the past and have fled their social home to escape domestic abuse.

**44.** The protection also applies to victims of domestic abuse who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left.

**45.** The provisions apply to lifetime tenants of local authorities and private registered providers of social housing.

## **Other considerations**

### **Suitability of accommodation and provision of support**

**46.** It is important that victims of domestic abuse should be assisted to move on from a refuge, or other form of temporary accommodation, into settled accommodation, when they are ready. However, they should not be put under pressure to accept accommodation which is inappropriate simply in order to increase the throughput for refuges.

**47.** Authorities will want to ensure that the accommodation that is provided meets the needs and circumstances – and wherever possible the preferences – of the survivor and their household and that appropriate support is put in place following an assessment of the household's particular needs. This would include considering whether it is necessary to provide for the type of security measures referred to in paragraph 35 above.

### **Definition of domestic abuse**

**48.** When considering whether a person has experienced domestic abuse, local authorities should take account of the cross-government definition. This defines domestic violence and abuse as: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and emotional abuse. For a more detailed description, local authorities are referred to [page 6 of the Home Office guidance](#) or [paragraphs 21.6 to 21.10 of the Homelessness code of guidance](#).



## Further advice

49. Local authorities are encouraged to refer to [chapter 21 of the Homelessness code of guidance](#) which contains extensive advice to assist local authorities to handle applications from people who have suffered domestic abuse. Amongst other things, this stresses the importance of ensuring that staff have specialist training to help them provide a sensitive response and to identify, with applicants, housing options which are safe and appropriate to their needs.

1. The [Allocation of Housing \(Qualification Criteria for Armed Forces\) \(England\) Regulations 2012](#) and the [Allocation of Housing \(Qualification Criteria for Right to Move\) \(England\) Regulations 2015](#). ↵
2. [Homelessness code of guidance for local authorities – paragraph 21.15](#). ↵

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