

Exempt Accommodation & Domestic Abuse Briefing

Briefing by the National Housing & Domestic Abuse Policy & Practice Groupⁱ, led by the Domestic Abuse Housing Alliance, setting out our recommendations for consultation on the implementation of the Supported Housing (Regulatory Oversight) Bill.

Overview

Exempt accommodation refers to supported housing schemes which accommodate vulnerable members of society - such as domestic abuse survivors, rough sleepers, older people, and individuals with disabilities and additional health needs. The 'exempt' provisions of Housing Benefit were established to pay for higher costs of providing communal facilities, security and staffing in these types of accommodation, where providers are delivering care, support or supervision.

The lack of regulatory oversight of exempt accommodation has led to an emergence of 'rogue providers' in the supported housing sector, whereby organisations are yielding higher rents from enhanced Housing Benefit, whilst providing a **minimal** level of care or support.

The Supported Housing (Regulatory Oversight) Bill,ⁱⁱ brought forward by Bob Blackman MP, alongside Crisis, sets out numerous reforms to the exempt accommodation sector. The National Housing and Domestic Abuse Policy and Practice Group supports the aim to 'regulate the rogues', whilst protecting specialist refuges, which rely on enhanced Housing Benefit to provide life-saving support to women and children fleeing domestic abuse. However, without specific measures that protect specialist refuges, the Bill could have unintended consequences which place overly burdensome regulations on our already underfunded national network of life-saving refuges. We agree that specialist refuges must be subject to oversight mechanisms, however ones distinct from other types of exempt accommodation.

We are therefore calling on the Department for Levelling Up, Housing and Communities to seek a full consultation with the specialist domestic abuse sector, including organisations led 'by and for' Black and minoritised women, on both the statutory guidance and regulations underpinning this legislation.

We are calling for this consultation to consider potential options for passporting of specialist refuges through proposed licensing schemes. Passporting through the licensing scheme provides a route to protect the specialist domestic abuse sector from being adversely impacted by additional oversight, regulations and financial burdens – to the detriment of survivors' access to support.

This briefing summarises our position on the Supported Housing Bill and sets out a proposed mechanism to address the potential risk, which we ask government to consider through the consultation process.

*If you have any questions or would like to discuss this further, please contact
Isabella Lowenthal-Isaacs (i.lowenthal-isaacs@womensaid.org.uk) or
Deidre Cartwright (d.cartwright@standingtogether.org.uk)*

National Housing and Domestic Abuse Policy & Practice Group

The [National Housing and Domestic Abuse Policy and Practice Group](#), led by the [Domestic Abuse Housing Alliance \(DAHA\)](#) brings together experts from the housing, domestic abuse, and violence against women and girls' (VAWG) sectors from commissioning, charity, and police perspectives. We support statutory agencies, government departments, and the private sector to deliver safe and suitable housing for survivors of domestic abuse. We are well-placed to support you to fulfil the ambitions underpinning the Government's landmark Domestic Abuse Act of ensuring all survivors are given the protection and support needed to escape their abusers and transition into safe independent lives.

What is the issue?

There have long been concerns about poor quality exempt accommodation providers whose lack of expertise in delivering care, support and supervision threatens the safety of service users and undermines the integrity of housing benefit - paid for by the taxpayer. Some of the most concerning providers employ a 'business model' that relies on claiming higher levels of Housing Benefit, whilst they provide poor accommodation and unsuitable and unsafe support.ⁱⁱⁱ

Organisations from the domestic abuse sector have long been raising concerns about the impact of this on women and children escaping domestic abuse. We've seen reports of women being housed in highly unsafe locations, or in accommodation alongside individuals with a history of sexual assault. More recently, frontline services have become increasingly worried about clear attempts by rogue providers to encroach into the specialist domestic abuse sector. This has included tactics such as seeking vulnerable women through sites such as Facebook and Gumtree.^{iv}

The Supported Housing (Regulatory Oversight) Bill

The Supported Housing Bill has been brought forward by Bob Blackman MP to strengthen the regulation of supported exempt housing in England. The Bill gives local authorities new powers to drive out poor practice in supported exempt housing and creates new strategic duties for national and local government to improve wider oversight of supported housing provision. We welcome the spirit and ambition of Bob Blackman MP's Private Members' Bill. However, it is important to recognise that *specialist*^v refuges, and specialist refuges led 'by and for' Black and minoritised women, have not been the focus of the Levelling Up, Housing and Communities Select Committee's inquiry into exempt accommodation, nor the target of the Private Members' Bill. As a result, applying a broad-brush approach to the regulation of supported accommodation providers fails to recognise existing regulations within which specialist refuges operate and therefore risks undermining their ability to continue delivering lifesaving support to survivors of domestic abuse and their children.

Ensuring the Supported Housing Bill works for specialist refuges

Refuges make up around 1% of the supported housing sector^{vi} and differ significantly from other parts of the sector in the type of accommodation and support they provide. Far more than ‘just a roof’ – they provide a holistic package of support, delivered by expert staff, to meet the full range of women and children’s support needs, including therapeutic and mental health support. Most of all specialist refuges save lives, and prevent domestic homicide.

It is well evidenced that specialist services, and those led 'by and for' Black and minoritised women, are more effective in supporting survivors to rebuild their lives than more generic, non-specialist forms of provision.^{vii} A definition of specialist and specialist 'by and for' services can be viewed in the endnotes.

In sharp contrast to specialist services, rogue exempt accommodation providers - that this Bill aims to regulate - are putting survivors of domestic abuse at direct risk by housing them in inappropriate accommodation without the specialist care and support needed to help them recover and rebuild their lives. It is important to note that specialist refuges operate within a significantly different framework of best practice and quality standards.^{viii} Part 4 of the Domestic Abuse Act 2021 places a duty on tier one local authorities to provide support within safe accommodation for survivors of domestic abuse. Therefore, to uniformly apply local authority standards for exempt accommodation to specialist domestic abuse supported accommodation providers, would not reflect the distinct nature of their framework and the support offered.

The chasm in quality between specialist and rogue providers was recognised by the Levelling Up, Housing and Communities Select Committee in their report, recommending that:

“where a survivor of domestic abuse, there must be a requirement that housing benefit is only paid to providers that have recognised expertise and meet the standards in Part 4 of the Act.”^{ix}

LUHC Report on Exempt Accommodation

Despite the introduction of this duty, and the recognition of the significant role of specialist refuge services, they continue to face severe funding and commissioning challenges. 17.8% of refuges were not commissioned by their local authority in 2021. This sharply increases to 50% for services led 'by and for' Black and minoritised women.^x This is not an indication of their quality or expertise in delivering life-saving services to women and children, as many of these non-commissioned refuges meet established quality standards in the sector. Rather, it is an outcome of a procurement and commissioning landscape which too often puts cost before quality.

It is therefore critical that any new regulation or oversight of exempt accommodation is not overly burdensome on smaller specialist services including ‘by and for’ services for Black and minoritised women, who are disproportionately impacted by local commissioning challenges.^{xi}

Our recommendations

The Bill proposes new local authority powers to effectively stop poor practice through the creation of ‘local licensing schemes’. While we agree with this approach for the overall regulation of exempt providers at a local level, we are concerned that if specific provisions are not made for specialist

domestic abuse refuges, this could lead to biased local decisions on which providers are licensed in areas where local authorities do not have expertise in what constitutes 'safe accommodation' for domestic abuse survivor, or a strong understanding of the quality standards framework within which specialist refuges already operate. As a result, there is a risk that some local authorities may not appropriately assess how specialist refuges meet this criteria.

Member organisations in this Group know through our work on best practice commissioning and engagement with local authorities that local relationships can often heavily influence the outcome of tenders, and have concerns that this could influence licensing outcomes as well. In some cases, organisations may have to compete directly with the local authorities who are providing refuge services 'in house'.

Furthermore, we are conscious that, **many smaller organisations lack the capacity and resources to pursue accredited quality standards, and yet, serve their communities with vital, lifesaving services. These services are often not the commissioned provider and are reliant on a combination of various funding streams.** These organisations, which often receive no statutory funding, should be resourced to achieve the sector standards and not face additional burdens to offering support. The new legislation should therefore allow for local authorities to support these organisations in such instances.

As a solution to these potential issues, we are therefore calling for the consultation on 'local licensing schemes' to consider the proposal that specialist refuges to be passported through proposed licensing schemes. Passporting through the licensing scheme will protect the specialist domestic abuse section from being adversely impacted by additional oversight, regulations, and financial burdens – to the detriment of survivor's access to support.

This can be achieved by consulting specialist domestic abuse services, and services led 'by and for' Black and minoritised women, on the statutory guidance and regulations underpinning the Bill.

Specifically, we would urge the Department for Levelling Up, Housing and Communities to consult on the following:

1. **Passporting and licensing schemes:** Explore the viability of a 'passporting' mechanism which automatically deems specialist refuges that meet a set of criteria to be 'fit and proper' exempt accommodation providers. This could include criterion such as membership with a national domestic abuse organisation, holding recognised accredited quality standards (e.g. Women's Aid's National Quality Standards and Imkaan's Safe Accredited Quality Standards) or being on a pathway to obtaining quality standards.^{xixiii} It is imperative that this process **does not rely exclusively on status-based criteria, such as a service's commissioned status**, as these risks discriminating against smaller 'by and for' services that face disproportionate challenges in commissioning. The government must consult on a range of different options to ensure that all specialist refuges will be passported through effectively.
2. **Information mechanisms:** For the consultation to consider the use of mechanisms that allow specialist domestic abuse support services to access information regarding decisions made about their licensing or commissioning in relation to the duties under the Bill. The consultation should seek views on establishing a domestic abuse National Expert Advisory

Panel which councils are required to consult when making decisions about the licensing of domestic abuse exempt accommodation providers. To avoid complication, this could be arranged to work closely with experts on the existing National Steering Group for Part 4 of the Domestic Abuse Act 2021.

3. **Interaction with Part 4 Duties, Domestic Abuse Act:** the consultation should consider how the Bill will interact with existing duties placed on local authorities under part 4 of the Domestic Abuse Act 2021. This duty requires councils to fund support in safe accommodation provided by refuges (the vast majority of which will be classified as exempt accommodation providers). Councils will therefore be required to assess the need for both safe accommodation and exempt accommodation. The consultation should specifically address how local authorities can avoid overly burdensome administration and avoid duplication of data, whilst capturing detailed and accurate information on the types and level of need locally.
4. **Appeal mechanisms:** We also propose that the department consults on a simple appeal mechanism, which can be used by specialist refuges if they are not able to access the passport scheme locally.
5. **Timeframes:** In the spirit of enabling meaningful participation, the consultation should give respondents **at least twelve weeks** to submit their responses.
6. **The Department should also seek face-to-face consultations with specialist organisations, particularly those led 'by and for' Black and minoritised women to get their views.**

National Group Members

- Against Violence & Abuse (AVA)
- Agenda Alliance
- Angelou Partnership
- Birmingham & Solihull Women's Aid
- Chartered Institute of Housing (CIH)
- Commonweal Housing
- Crisis
- Domestic Abuse Housing Alliance (DAHA)
- The DRIVE Partnership
- Employers Initiative on Domestic Abuse (EIDA)
- Ending Violence Against Women (EVAW)
- Generation Rent
- Gentoo Housing Association
- Hestia
- Homeless Link
- National Housing Federation (NHF)
- National Federation of ALMO's
- Peabody Housing Association
- Refuge
- Resolve ASB
- Respect
- SafeLives
- Shelter
- Single Homeless Project (SHP)
- Solace Women's Aid
- Standing Together Against Domestic Abuse
- St Mungo's
- Surviving Economic Abuse (SEA)
- Women's Aid Federation of England (Women's Aid)

Endnotes

ⁱ National Group Members signed to the briefing: [insert members]

ⁱⁱ <https://bills.parliament.uk/bills/3195>

ⁱⁱⁱ Spring Housing Association, Exempt from Responsibility: Ending Social Injustice in Exempt Accommodation Research and Feasibility Report for Commonweal Housing, 2019: [Available here](#)

^{iv} Levelling Up, Housing and Communities Committee, Exempt Accommodation Third Report of Session 2022–23, *House of Commons*, 19 October 2022: [Available here](#)

^v Women's Aid adopt the definition provided in the Welsh VAWG and Domestic Abuse Commissioning Statutory Guidance: [Available Here](#).

Under this definition, a key characteristic of specialist refuges is that their organisational purpose is to provide support to women & children experiencing DA. For a definition of specialist 'by and for' services, we support the definition provided by Imkaan, which can be [accessed here](#)

^{vi} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/572454/rr927-supported-accommodation-review.pdf

^{vii} Domestic Abuse Commissioner, Mapping of Domestic Abuse Services in England and Wales Report: [Available here](#)

^{viii} Such as [Women's Aid National Quality Standards](#) and [The Imkaan Accredited Quality Standards \(IAQS\)](#)

^{ix} [Available Here](#)

^x Women's Aid. (2022) *The Domestic Abuse Report 2022: The Annual Audit*, Bristol: Women's Aid.

^{xi} Research conducted by the Domestic Abuse Commissioner demonstrated that 'by and for' services were 5 times less likely to receive statutory funding than mainstream domestic abuse or violence against women and girls organisations, and almost half of all 'by and for' services are based in London and the South East of England. [Available here](#).

^{xii} The [Women's Aid National Quality Standards](#) support dedicated specialist domestic abuse services by providing a set of criteria against which they can evidence their quality. Organisations applying for the quality mark must prove themselves against criteria that promote positive survivor outcomes. The Violence Against Women and Girls Sector Shared Core Standards are also well-established quality standards within the domestic abuse and VAWG sector and were co-developed by Imkaan, Rape Crisis England & Wales, Respect, SafeLives and Women's Aid.

^{xiii} Furthermore, recognising the variation in size and financial resources across refuges in the UK, the Government should consult the specialist domestic abuse sector on ways to allow local authorities to support organisations which fall short of the agreed requirements, to meet those standards and enlist onto local licensing schemes.

Definitions

Specialist services are specifically designed to support women and children affected by domestic abuse. Supporting survivors is their core business. Specialist organisations offer higher quality services when compared with generic services as they operate within an established framework of sector best practice and accredited quality standards, which provide benchmarks for training, quality and safeguarding. They are also needs-led and gender-responsive. Unlike generic services, these services are independent from the state and have been created on an independent grassroots level 'by and for' women.

Specialist 'by and for' services are run by and for the communities they serve, such as for Black and minoritised women, Deaf and disabled women and LGBT+ survivors. They offer a uniquely empowering experience, as the service users are reflected in staffing, management and governance structures of these organisations.