

# A ROOF, NOT A HOME

The housing experiences of Black and minoritised women survivors of gender-based violence in London



OCTOBER 2019



**I felt discriminated because I couldn't speak English. I needed more understanding from the local authorities, I did not leave my home on a whim, but because my husband threw me down the staircase in front of my son. I had to leave. But they couldn't understand that at the council. [...] they could have helped me with interpreting and advice, I did not have anything when I left my house, we went through hunger and cold, I did not know what would be of my life, I could not understand life.**

**(Brazilian woman, survivor)**

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## CONTENTS

FOREWORD	03
PROJECT LEADS AND PARTNERS	04
CHAPTER I - Introduction	05
1.1 Methodology	
1.2 Key Findings	
CHAPTER II - Background Context: Why focus on Black and minoritised homeless survivors	11
2.1 The impact of austerity and immigration restrictions on Black and minoritised survivors' housing options	
2.2 Wider housing crisis and the aggravated impact on Black and minoritised women seeking shelter: shortages, affordability and rising homelessness	
CHAPTER III - National and International Frameworks	14
CHAPTER IV - Findings from the WAHA Cases	16
4.1 Homeless or threatened with homelessness due to gender violence	
4.2 Move on issues: Black and minoritised women re-housing from a women's refuge	
4.3 Post-move on issues: Black and minoritised women presented with further issues after re-housing	
CHAPTER V - The Voices of Survivors and Refuge Workers: Findings from the WAHA consultation	23
5.1 Black and minoritised women's experiences of homelessness and fleeing to a refuge	
5.2 Black and minoritised homeless survivors need to rely on their limited support network	
5.3 The impact of living in unsuitable forms of emergency accommodation	
5.4 Move On experiences of Black and minoritised women dealing with housing authorities	
5.5 Good Practice Examples	
CHAPTER VI - Conclusion and Recommendations	48
6.1 National Level	
6.2 Local authorities	
6.3 Police	
GLOSSARY	55

## FOREWORD

Recognising and acting on the intersection of race, violence, poverty and homelessness is critical to creating models and policies that will effectively address those subjected to deprivation under the current social housing crisis in the UK. Within this larger setting, the Women Against Homelessness and Abuse (WAHA) project is opening a space to deepen that conversation and ground it on the voices, needs and aspirations of Black and minoritised women survivors of gender-based violence. Building on the experiences and learnings generated over the course of decades of work, but particularly gained in the past year through specialist housing-related advocacy and case work, we are bringing to the fore front the voices and issues that have been evident for quite some time, but has never before been meaningfully included in debate and discussion.

For this reason, and using this report as a key resource, we are seeking audience with commissioners, housing officials and authorities in senior level positions of responsibility to engage in a constructive dialogue about the significant challenges but also opportunities we have identified to enhance best practice (where it exists), and address failings to adhere to current legislation. Our aim is to ensure that policies are not only put in place where they are lacking, but that implementation of existing policies is more consistent, effective and compassionate. It is with great excitement and a tremendous sense of responsibility that we have come together to bring this analysis to life, locating it firmly in the international landscape of the fight against homelessness.

We do not speak about compassion lightly. In the following pages you will find information and analysis of a selection of cases and the voices of minoritised survivors of violence themselves, who have gone through the housing system. Drawing on that, we offer practical recommendations to stakeholders at national, local and police level. But more importantly, as you read through, we hope you can engage and empathise with the lived experiences of those women, we hope that you will dare to imagine their journeys, and also ask yourselves the hard questions: How are these women being failed? What does support provision look like to address the challenges raised by women and address the inequalities they face? How can we truly support them in a dignified way? What processes, actors, institutions need to be mobilised in order to provide meaningful, practical solutions to the challenges we pose throughout this report? As a piece of research using a survivor centred approach, we are fully aware that some of the findings may unearth discomfort. We pledge for you to rise above that, and join us to enrich the conversation, seek bridges to collaborate with us and others, to find common ground where possible.



Gabriela Quevedo  
Director, LAWA



Rena Sodhi  
Director, LBWP

'Black and 'Minoritised' women are those women which are defined in UK policy terms as Black and 'Minority Ethnic' or BME. We understand that minoritisation is an active, multifaceted and ongoing social issue that effectively creates and maintains the social, political, economic and other conditions that lead to groups of people being treated and defined as minorities e.g. 'ethnic minority' and 'minority ethnic'. This process in itself marginalises particular groups on the basis of 'race', ethnicity and other grounds. The use of this language throughout the text is therefore deliberate, intending to avoid perpetuating language and narratives that are a hindrance to our collective struggles for equality. To expand, view Good Practice Briefing on Communicating about violence against women and girls (VAWG) (by Ascent and Imkaan)

**LATIN AMERICAN WOMEN'S AID (LAWA)**

The Latin American Women's Aid is a specialist gender-based violence support organisation with services tailored exclusively to Latin American and other Black and minoritised women. LAWA runs the only two refuges in the UK and Europe led by and for Latin American women and children fleeing violence. For over 30 years, they have been offering holistic and intersectional services for women to recover from abuse and live empowered lives. LAWA welcomes Black and minoritised women and children of all abilities, social class, religion and sexuality, and are proud to be bisexual, lesbian, queer and trans inclusive.

**LONDON BLACK WOMEN'S PROJECT (LBWP)**

London Black Women's Project (LBWP) was established in 1987 as a specialist women-only organisation to serve the needs of Black, minority ethnic and refugee women (BME). LBWP's mission is committed to securing the highest level of quality services towards protecting, promoting and developing the rights and resources of women and girls. LBWP works towards the eradication of gender violence, promotes zero tolerance and works towards building a non-violent society where women and children are safe.

**OYA CONSORTIUM**

Founded in 2016, OYA is a membership consortium of eight by and for Black and minoritised ending VAWG organisations delivering frontline, capacity building and sustainability support services across London: LAWA, LBWP, Asha Projects, Ashiana Network, Claudia Jones Organisation, Imkaan, IMECE Women's Centre. OYA comes together in solidarity to address the structural and institutional nature of inequality, disadvantage and under-representation by addressing critical needs of Black and minoritised women, their children and young women and girls, which have systematically been neglected by the state. OYA is also aware that 'competition from within', encouraged through tendering processes have favoured generic women's organisations. OYA commits to a non-competition framework and promotes collaboration in terms that are fair and equal, open and transparent, participatory and inclusive.

This report addresses the housing experiences of Black and minoritised women survivors of gender violence. It draws on the first year of the Women Against Homelessness and Abuse (WAHA) 2-years project funded by Trust for London and jointly run by the Latin American Women's Aid (LAWA) and the London Black Women's Project (LBWP) under the OYA consortium of by and for specialist Black and minoritised ending VAWG organisations. Both LAWA and LBWP have a longstanding history of 60 plus years working with Black and Minoritised women and run refuges and advice centres for women affected by different forms of gender-based violence.

The WAHA project is aimed at addressing Black and minoritised women's intersecting pressures of poverty, homelessness and gender violence, through promoting changes in housing policy and practice in the UK using a rights-based approach. Hence, it is policy focused, but it is also a frontline project advising women and acting on their behalf to help them access and achieve safe and appropriate accommodation. The project also endeavours to build the capacity of professionals with the goal of ensuring all homeless women are treated fairly and with dignity. WAHA's ultimate goal is to work with policy-makers and practitioners to effect change in the way the housing needs of vulnerable women are met. We envisage a world where no woman will be forced to endure abuse for fear of becoming homeless, and where minoritised women fleeing violence are able to access their rights to safe and suitable accommodation without that process furthering the cycle of abuse.

*There is a lack of awareness of domestic violence and BME women. Some BME women have language difficulties, they cannot write English, they can't access information on the internet. They go through extreme circumstances before seeking help.*

(British-Bangladeshi woman, survivor)

In this first year of the WAHA project (2018/2019) we have directly supported a total of 255 Black and minoritised women who were subjected to gender violence and facing homelessness WAHA's interventions significantly improved their housing outcomes (e.g. preventing evictions, guaranteeing relocation into refuges/from refuges, successfully challenging housing authorities' decisions, etc.). The majority of these women were advised on an ad-hoc basis during weekly drop-in sessions carried out at LAWA and LBWP (the latter in collaboration with the Magpie Project) (n=186). A total of 69 Black and minoritised women received in-depth support through high-level case work to address their complex housing needs. Cases tended to be long, averaging 4-5 months in order to guarantee positive outcomes, due to the complexity of cases and local authorities taking protracted amounts of time to respond to requests and make decisions. We have also indirectly impacted 760 Black and minoritised survivors by increasing or improving the skills, knowledge of housing law and sharing best practices among 38 Black and minoritised professionals who attended WAHA trainings. Informational sessions attended by 38 women residing in various specialist Black and minoritised women's refuges explained about their housing rights and the specific pathways available to them according to their situation.



## 1.1 METHODOLOGY

The findings presented in this report builds on WAHA case work analysis and consultations with refuge workers and residents. We carried out an in-depth analysis of 69 housing cases of Black and minoritised survivors supported between July 2018 and July 2019 by the WAHA housing legal advisor. Detailed information about service users and their cases were used for this report from LAWA's and LBWP's centralised database system. The cases were then analysed and clustered based on three different stages where housing advice and support was sought, and particular challenges faced by the service user.

The WAHA consultations occurred between November 2018 and March 2019 with Black and minoritised refuge residents and refuge workers from LAWA, LBWP and Asha, covering a total of five boroughs 2 : Lewisham, Barnet, Newham, Haringey and Islington. Semi-structured interviews were carried out with 7 refuge workers, where they were asked to discuss the main housing issues experienced by Black and minoritised survivors and the main challenges they are presented with whilst supporting them. A total of 5 focus groups were held with 38 Black and minoritised residents where they were asked about the intersecting housing challenges they have faced in their journeys of fleeing violence. This covered different stages, from leaving their abusers, experiences living and moving on from Black and minoritised refuges and other forms of accommodation, to their experiences dealing with housing authorities and other statutory services. The workshop finished with an arts-based activity where women were asked to either individually or collectively represent their housing aspirations through drawing and collage. A note-taker was present during all these activities to ensure these were thoroughly documented without a need for recording. A thematic analysis was carried out from the interviews and focus groups to identify the main issues experienced by Black and minoritised women regarding housing.

All women who have participated in this research have provided consent for their personal data and information to be stored and processed for the purpose of this project. In order to preserve anonymity and confidentiality, names and personal details of participants have been changed and/or omitted whenever this could lead to their identification. Names of local authorities and organisations have also been omitted and removed from statements, as a means to avoid generalisations that may potentially single-out specific organisations and local authorities. Methodologically, this is a qualitative research which is not intended to be an in-depth review of specific local authorities' practices. Although we have come to identify a series of concerning practices, we acknowledge that local authorities have complex organisational structures and are increasingly operating under pressure.

## 1.2 KEY FINDINGS

Our research reveals that Black and minoritised survivors are faced with complex structural barriers to access safe and stable forms of accommodation. They are often at high risk of homelessness and re-victimization at different stages of their journeys of fleeing violence; not only at the point of exiting a violent relationship but also for an extended period thereafter. Their journeys reveal a cycle of victimization that goes beyond the violence perpetrated by their direct abusers; their trauma is furthered by systemic and institutional failures and discrimination in the ways in which public authorities (the police and local housing authorities in particular) deal with their cases of violence. The re-victimization experienced by Black and minoritised survivors plays out not only in terms of poor welfare/housing provisions and structural sexism but is also compounded by intersecting structures of oppressions based on race, immigration status, language barrier, class and/or disability. Our direct casework experiences through the WAHA project also shows a range of housing issues arising at the different stages of Black and minoritised survivors' journeys, from leaving their abusers, moving on from refuges, to issues arising even after they have been re-housed.



- ▲ 52% sought support just after becoming homeless or threatened with homelessness due to gender-based violence. In half of the cases, Black and minoritised women needed urgent help with maintaining their tenancy when it was safe for them to do so. Their challenges to prevent eviction illustrated how the language barrier, immigration status and unfamiliarity with the UK system were compounded by issues relating to poor tenancy rights, landlords' unreasonable attitudes towards domestic violence as well as local authorities' failure to provide accessible information and interpreting services leading to unlawful eligibility decisions. In the other half of these cases, Black and minoritised women required assistance with re-housing into safe accommodation after leaving or being evicted from the property where they lived with the perpetrator. In those cases, immigration proved to be the main issue, particularly when women were considered to have no recourse to public funds (NRPF) and had no children. There was a severe lack of provisions to support women in these circumstances. In other instances, women who were eligible for public support needed help with their homelessness application as they were presented with unlawful gatekeeping practices by local housing teams or were being threatened with being considered intentionally homeless following housing authorities' attempts to re-house them in unsuitable and isolated areas outside of the borough.
- ▲ 20% sought support regarding move on challenges in dealing with local housing authorities as they were in need of re-housing following a period in a women's refuge. Most of these cases needed help to deal with local housing authorities, particularly in relation to gatekeeping practices such as unlawfully rejecting homelessness applications based on local connection, failures to properly consider Black and minoritised women living in a refuge as homeless, poor vulnerability and eligibility assessments.
- ▲ 28% sought support at a post-move on stage, that is, after they had already been re-housed from a women's refuge or other forms of accommodation. Some women needed help with preventing eviction at short notice due to local authorities' misguided practices. However, the majority needed help with relocation from their current residence given it was temporary and often unsafe, in an isolated location, shared and/or overcrowded. These cases illustrate the systemic failures of local housing authorities to re-house survivors in suitable, social/affordable and stable homes, with migrant women being at significantly higher risk of being moved to unsuitable forms of accommodation and being threatened with eviction due to poor eligibility assessments (even when they are legally eligible for public support).

<sup>2</sup> Although some of the testimonies provided during focus groups relate to their experiences dealing with other local authorities, before they moved to the area of the Black and minoritised women's refuge where they were living in.

Our findings indicate that Black and minoritised women tend to leave their abusers only after long periods of experiencing violence or after violence escalates, with this being mostly due to isolation and unfamiliarity with the UK system. Most Black and minoritised women reported having decided to leave their houses following severe incidents of abuse which resulted in them being in contact with public services, in particular, the police, GPs, or local councils. It is therefore crucial that public authorities are sufficiently equipped to fulfil their duties under homelessness legislation, provide information to Black and minoritised women and make appropriate referrals based on a diverse pathways approach.<sup>3</sup> However, our findings reveal systemic and institutional failures and discrimination by public authorities when dealing with Black and minoritised women's cases of violence. In the case of local housing authorities, as has also appeared throughout our casework, this is evidenced not only at the point of exit but also throughout Black and minoritised survivors' journeys in seeking emergency accommodation, making a homelessness application, moving on from refuges and even after they have been re-housed. In particular, this has appeared in the form of:

△ Failures to provide interpreting services and accessible information to Black and minoritised survivors on their housing rights and referrals to appropriate support services, in particular, by and for Black and minoritised specialist services and refuges.

△ Police failures to comply with their 'duty to refer' homeless minoritised survivors to local housing teams.

△ Police failures to make appropriate use of Domestic Violence Protection Notice (DVPN) and Domestic Violence Prevention Order (DVPO) to remove perpetrators from a house at least until safer accommodation is made available for Black and minoritised survivors.

△ Local housing teams failing to properly inform Black and minoritised women about their housing options as victims of domestic violence, failing to properly consider experiences of violence, and rejecting homelessness applications based on local connection (which is not applicable to these cases): together amounting to a pattern of 'gatekeeping'.

△ Systemic failures to believe Black and minoritised women's experiences of abuse, particularly if they are not related to physical violence, and demanding further proof of violence where there is no legal basis to do so.

△ Failures to fairly assess housing support eligibility of women with EEA passports or EEA family dependant visas.

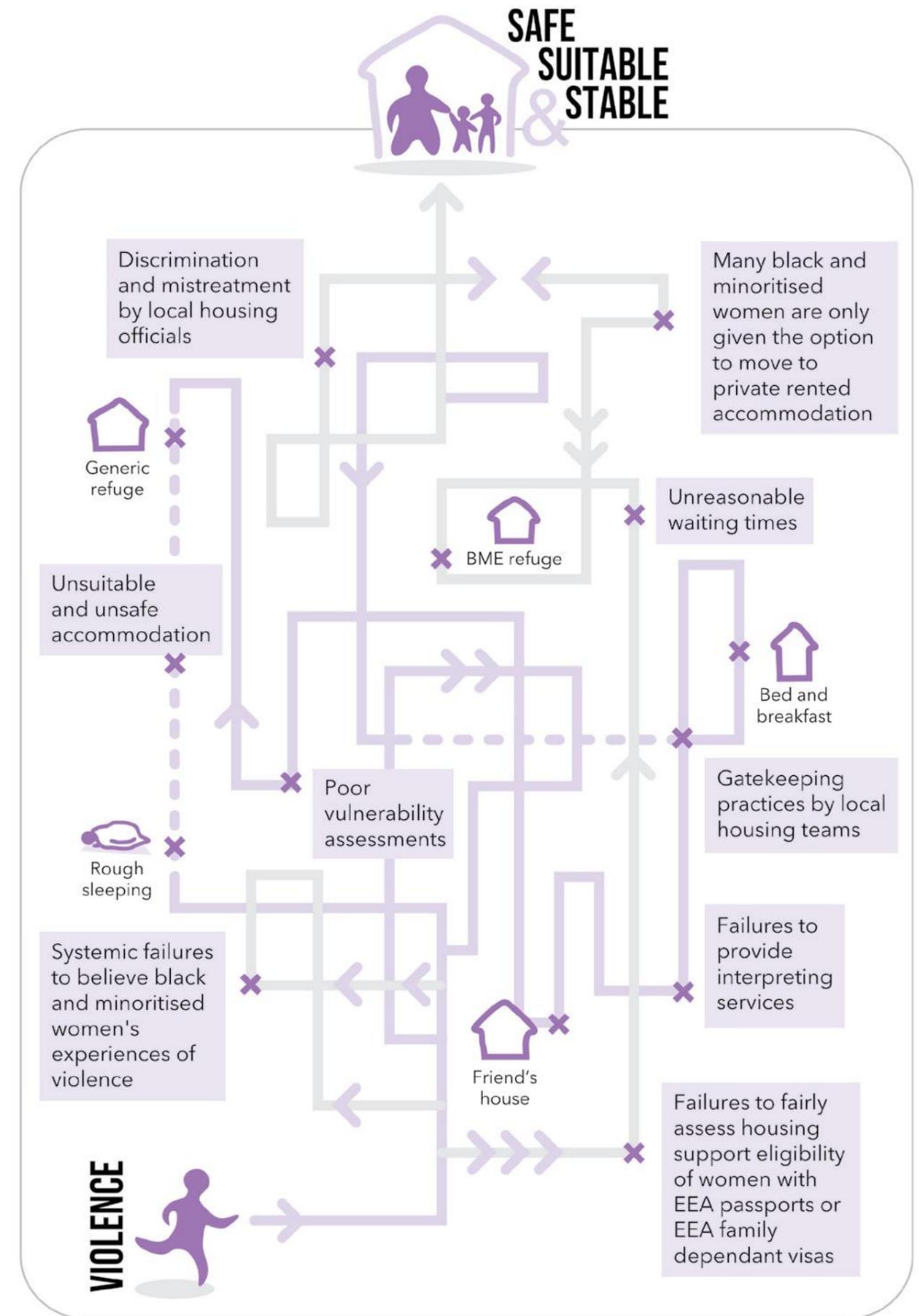
△ Poor vulnerability assessments, carried out on a discretionary basis and failing to properly take account of the vulnerability caused by domestic violence and Black and minoritised women's intersecting needs and oppressions.

△ Discrimination and mistreatment by local housing officials based on race, immigration status, and lack of, or low-levels of English literacy, particularly towards Black and minoritised women attending appointments by themselves.

△ Moving Black and minoritised women and their children (before and/or following periods in a refuge) to unsuitable and unsafe forms of accommodation with people with diverse support needs, such as mixed gender B&B style accommodation, for longer than the statutory maximum of 6 weeks.

△ Many Black and minoritised women are only being given the option by local authorities to move to private rented accommodation, therefore, being faced with issues regarding welfare benefits and/or racial discrimination in housing viewings, unaffordable rent and unsuitable housing options in unsafe areas and/or poor conditions (e.g. disrepair, damp, mould, lack of space and/or basic facilities).

△ Black and minoritised women are facing unreasonable waiting times for responses from local housing authorities, often having to visit the local council on several occasions before they are assessed.



## CHAPTER II • BACKGROUND CONTEXT: WHY FOCUS ON BLACK AND MINORITISED HOMELESS SURVIVORS

Violence Against Women and Girls (VAWG) is a widespread issue with global estimates showing that 1 in 3 women experience physical and/or sexual violence by a partner or non-partner throughout their life time. 4 In the UK, statistics show that in 2018, an estimated of 4.8 million (29%) women aged 16 to 59 years experienced some form of domestic abuse at some point in their life. 5 One of the major causes of women's homelessness is relationship breakdown due to violence, with a disproportionate representation of homeless single mothers having reported experiences of abuse. 6 Indeed, a 2014 study by Crisis has found that 61% of all homeless women had previously been subjected to domestic violence. 7

Research has shown that Black and minoritised women are generally trapped in violent relationships for longer than white British women. 8 In particular, factors such as immigration status, language ability, and race-based discrimination often play a major role as additional barriers for Black and minoritised survivors to exit violent relationships. These factors also present them with more difficulties in accessing safe, suitable and stable accommodation. This is not only due to increasing lack of appropriate refuge spaces and permanent, suitable and affordable houses to accommodate them, but also caused by issues in homelessness assessments and housing allocations as well as insufficient provisions for women with insecure immigration status.

### 2.1 THE IMPACT OF AUSTERITY AND IMMIGRATION RESTRICTIONS ON BLACK AND MINORITISED SURVIVORS' HOUSING OPTIONS

Since 2010 government austerity measures have drastically affected benefits and services in ways that disproportionately impact the lives of Black and minoritised women directly and indirectly. 9 Central government funding to local councils has been reduced by half, 10 meaning that the latter have been operating under increasing financial constraints. This has also led to direct cuts to women's refuges and services, creating a context of increasing and unequal competition in local commissioning processes hitting Black and minoritised women's refuges the hardest. Indeed, in the past 10 years, 50% of Black and minoritised specialist refuges have been forced to close or been taken over by a larger provider due to lack of funding, whilst others continue to operate without any local government support. 11 According to 2018 data, there are only 30 specialist by and for Black and minoritised women's refuges for the whole of the UK, 15 of them being located in London. 12 This amounts to a total of merely 325 bed spaces for Black and minoritised survivors, representing only 8.5% of national provision (at 3,649 refuge bed spaces) which is in itself considerably below the minimum target recommendation by the Council of Europe (calculated at 5,562 for 2018). Given the state of the women's Black and minoritised specialist sector, it is unsurprising that in 2015 only 154 out of 733 women in this group that sought refuge bed were successful, amounting to a 79% rejection rate. 13 In comparison, an average of 1 in 5 referrals to women's refuges are declined due to lack of space; 14 this number rises to nearly 4 in 5 in relation to Black and minoritised survivors being turned away. 15

4 WHO (2013). Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence. World Health Organization.

5 ONS. 2018. 'Domestic Abuse in England and Wales: Year Ending March 2018'. ONS.

6 MHCLG (2019). Causes of Homelessness and Rough Sleeping – Rapid Evidence Assessment. London: MHCLG.

7 Crisis (2014). Nations Apart? Experiences of single homeless people across Great Britain. London: Crisis.

8 Imkaan (2010). Vital Statistics. London: Imkaan.

9 WBG & The Runnymede Trust (2017). Intersecting inequalities: The impact of austerity on Black and Minority Ethnic women in the UK.

10 WBG (2019). Triple Whammy: the impact of local government cuts on women. London: Women's Budget Group.

11 Imkaan (2016). 'Capital Losses'. London: Imkaan.

12 Women's Aid (2017) Nowhere To Turn Findings from the first year of the No Woman Turned Away project.

13 Imkaan (2015). State of the Sector 2015. London: Imkaan.

14 Women's Aid (May 2017). Routes to Support is the UK violence against women and girls database of service and refuge vacancies.

15 Imkaan (2016). 'Capital Losses'. London: Imkaan.

“  
The police didn't help me, they asked me very bad questions that I couldn't answer [...] they refused to escort me to take my belongings from the house, my friend had to do it with me.  
”  
(Pakistani woman, survivor).

The wellbeing and safety of Black and minoritised women and their children are being severely affected as a result of the above, with them often being left at further risk of violence. For example, many women have had to rely on their limited support network, having to sofa-surf and sometimes even sleep rough. In other cases, many have had to move to generic refuges or mixed-gender B&B accommodation where they felt unsafe, racially discriminated against and sometimes even considered going back with their perpetrators. Broadly, Black and minoritised women reported that their experiences of homelessness and dealing with local housing teams have made them feel unsupported, discriminated and powerless, with significant negative impacts to their self-confidence and mental health more generally. Gaps in the quality and level of public support put pressures on specialist women's organisations to assist women where local authorities have failed. Such organisations act as safe pathways for women to be able to understand and access their rights to safe and adequate short and long-term accommodation. Although the demands are considerably higher than their levels of resources, especially considering cuts in public funds directed at this specialist sector, it is worth noting that whilst specialist organisations are better equipped to support Black and minoritised women and are largely preferred by them, they are at considerable disadvantage when compared to generic women's services in relation to levels of funding and resources. Based on our research findings and underpinned by national and international policy frameworks, we are making the following recommendations to national government, local authorities and the police.

### LOCAL AUTHORITIES



- 1 A binding duty should be placed on Local Authorities to ensure their internal guidance and practices comply with the MHCLG Homelessness Code of Guidance for Local Authorities 2018 in order to fulfill their legal duties under the homelessness legislation - Housing Act 1996, Homelessness Act 2002, Homelessness Reduction Act 2017. More specifically, they must ensure that:
  - Local Authorities must refrain from requiring survivors of domestic violence to provide further proof of violence in order to be believed and granted support.
  - Local Authorities must have equal regard to all forms of violence against women, regardless whether women have experienced physical violence.
  - Local Authorities must refrain from requiring survivors of violence to prove a local connection in order to make a homelessness application.
  - When assessing vulnerability of Black and minoritised women due to domestic violence, Housing Authorities must fully consider vulnerability arising from structural and intersectional inequalities in full compliance with their public sector duty under the Equality Act 2010 in relation to people with protected characteristics.
- 2 Local Authorities should refrain from using B&B style accommodation as a move on option for Black and minoritised survivors, in particular women with dependent children.
- 3 Local Authorities should refrain from housing Black and minoritised women in unsuitable areas, instead ensuring they are placed in areas where they can integrate in the local community.
- 4 The Habitual Residence Test should be abolished by Local Authorities' Universal Credit assessing women who have been subjected to violence.
- 5 Local housing teams should provide Black and minoritised survivors with the option to be assisted by an officer who is a Black and minoritised woman when this is available.
- 6 Local Authorities should provide comprehensive training for all its staff dealing with Black and minoritised survivors who are homeless or threatened with homelessness.

### NATIONAL LEVEL



- 1 Amend the Homelessness Reduction Act 2017 to ensure the duty to refer embeds a diverse pathways approach inclusive of the by and for Black and minoritised sector.
- 2 The MHCLG Homelessness Code of Guidance for Local Authorities 2018 should become binding and a robust accountability structure to ensure Local Authorities' practices should be set up guaranteeing representation of the by and for Black and minoritised expert sector.
- 3 All survivors of violence should be automatically considered eligible for safe housing/housing benefit regardless of their immigration status.
- 4 The central government should provide ring-fenced funding to by and for Black and minoritised women's refuges.
- 5 The government should reassess caps on Local Housing Allowance to ensure it realistically matches the cost of rented accommodation.

### POLICE



- 1 The police should be provided with comprehensive training on how to adequately respond to cases of Black and minoritised women subjected to violence.
- 2 The police should make appropriate use of Domestic Violence Protection Notice (DVPN) and Domestic Violence Prevention Order (DVPO) to remove perpetrators from a house at least until safer accommodation is made available for Black and minoritised survivors.

The situation is even more dire for women with Non-Recourse to Public Funds (NRPF)<sup>16</sup>, who have an average rejection rate from refuges of 93%, according to findings from a Women's Aid project.<sup>17</sup> There is a scarcity of bed spaces dedicated to women with NRPF – currently, there are only 6-8 refuge beds admitting them in the whole country. Most refuges cannot afford to accommodate women with NRPF as they depend on housing benefit to cover their own rent, even more so for those that do not receive public funding. Some women with NRPF may be eligible for support under the Destitute Domestic Violence Concession or Section 17 of the Children's Act 1989, however, there remain several challenges to access these routes. For survivors of violence who have a student visa, work permit or are undocumented, the options go from few to none, particularly if they do not have children.

The reality for most migrant Black and minoritised survivors who are unable to access refuge accommodation is to be forced into an unsafe situation, remaining in the house with their abusers, or being pushed into exploitative and often unsafe private shared housing, sofa surfing or even sleeping rough. A study by Crisis identified that staying with family and friends was the most common accommodation situation for 51% of homeless women and 62% had to sleep rough at some stage.<sup>18</sup> A study by Women's Aid<sup>19</sup> also showed that whilst waiting for a refuge bed 11% of the women in their study slept rough, 40% of them sofa-surfed and one reported being sexually assaulted whilst sofa-surfing – evidencing the high risk of repeat victimisation for survivors who are left with no safe options. This is in line with findings from our own study, revealing that Black and minoritised survivors sometimes had to stay with friends or sleep rough before moving to a refuge, because they often did not know about available support or were waiting for a refuge space and/or funding to be secured. Others often had to move into other forms of unsuitable emergency accommodation, such as mixed gender B&B-style accommodation or generic refuges. Women who manage to access a Black and minoritised women's refuge would be expected to stay for an average of three to six months to receive holistic support that will enable them to recover from violence and prepare them for an independent life. The support includes help with their move on resettlement process, which is also becoming increasingly challenging, with the prospects after their departure from a refuge also becoming ever more precarious.

## 2.2 WIDER HOUSING CRISIS AND THE AGGRAVATED IMPACT ON BLACK AND MINORITISED WOMEN SEEKING SHELTER: SHORTAGES, AFFORDABILITY AND RISING HOMELESSNESS

### Housing shortage

As a consequence of Right to Buy sales, the past decades have seen a severe decrease in the publicly owned housing stock of local councils across the country, which has been aggravated by a progressive reduction in housing affordability and insufficient numbers of social housing being built.<sup>20</sup> There were 1.2 million people on the social housing waiting list in 2017, but less than 6,000 new socially rented homes were built during the same year.<sup>21</sup> As a reflection of this housing crisis, there has been a rise in the use of unsuitable and temporary accommodation to re-house homeless people, including the most vulnerable and disadvantaged. At the end of 2018, a total of 83,700 households had been placed in temporary accommodation by local authorities, in London this number was 56,880 – that is, 68.0% of the total figure for England. Out of the total number of households in temporary accommodation, 61,740 of them (74%) included dependent children.<sup>22</sup>

### Isolated and inappropriate re-housing

Our own findings show that it has become common practice for local authorities to re-house women moving on from refuges in various types of inappropriate temporary accommodation as well as accommodation outside of their administrative areas. Between 2011 and 2017 there was an increase of 201% in the number of households placed in temporary accommodation outside of their local authority, and 28% (22,150) of all those households living in temporary accommodation were placed in another local authority's district.<sup>23</sup> Whilst this is part of a general national trend, it can have particularly harmful effects on Black and minoritised survivors and children. As their specific needs are often left unassessed and unmet, they risk becoming isolated and losing vital support when sent to far-away areas, having to move several times between properties and risk becoming homeless once again given short-term tenancies and notice periods.

### Extended B&B stay

Increasingly, many women are also being re-housed into B&B style accommodation, including survivors with children. The use of B&B accommodation for homeless families with children or pregnant women has been considered unsuitable, and should only be used by local authorities as a last resort for no longer than a maximum of 6 weeks.<sup>24</sup> It has been found, however, that between 2010 and 2017, the number of households with dependent children placed in B&B accommodation increased by 174% from 740 to 2,030.<sup>25</sup> At the end of 2018, there were a total of 2,420 households in B&B with dependent children in England, making up 35% of all households in this type of accommodation and amounting to an 18% increase in relation to the previous year.<sup>26</sup> Around 33% of all households with children living in B&B had been living there for longer than the 6 weeks statutory limit.<sup>27</sup>

### Affordability

Since 2011, reforms and cuts to the welfare budget have had a direct impact on housing affordability. Benefit caps to housing benefits no longer reflect rent levels, with an estimated cut to the housing benefit entitlements of 1.9 million privately renting households and 600,000 social-renting households.<sup>28</sup> As a result, there has been a drastic increase in the proportion of renters with shortfalls between housing benefits and rent – between 2013-2015, 90% of low-income private renters faced rent shortfalls.<sup>29</sup> This means women moving on to private accommodation are at increased risk of becoming homeless again due to the accumulation of rent arrears. The rolling out of Universal Credit has been posing even greater difficulties with evidence showing that Universal Credit claimants are on average six times more likely to fall into rent arrears.<sup>30</sup> The threshold for Universal Credit decisions also tends to be high, with many reported cases of women being rejected several times before their application is accepted, and even after a decision has been made it can take up to five weeks until the first payment is processed. This means that many women are being left destitute and/or having to remain in refuges for extended periods of time.

Housing affordability has also become an increasing issue for Black and minoritised women moving on from refuges especially given that private renting is sometimes the only option they are being offered with. This is more so the case if their vulnerability is not properly considered by local authorities, meaning that their homelessness application will not be classified as priority need for housing. Gender pay gaps tend to be larger for Black and minoritised women when compared to White British women<sup>31</sup>, thus directly translating into issues of housing affordability for those who are lower-earning or have to cease employment as a result of VAWG (which is predominantly the case for women living in refuges).

<sup>16</sup> Women who are No Recourse To Public Funds are those who according to the Government legislation cannot access any form of welfare benefit due to their immigration status. This includes undocumented migrants, migrants with a student visa or work permit, but also spouses of a British National. In addition, women who are EEA nationals or have an EEA family member permit will also be classified as No Recourse to Public Funds if they or their partners cannot prove they have been exercising their treaty rights.

<sup>17</sup> Women's Aid (2017). Nowhere To Turn Findings from the first year of the No Woman Turned Away project. London: Women's Aid.

<sup>18</sup> Rionach, Kesia Reeve and Goudie, Casey Rosalind (2006). Homeless Women: Still being failed yet striving to survive. London: Crisis.

<sup>19</sup> Women's Aid (2017). Nowhere To Turn Findings from the first year of the No Woman Turned Away project. London: Women's Aid.

<sup>20</sup> Reis, Sara (2019). A home of her own. London: Women's Budget Group.

<sup>21</sup> Shelter (2018). Shelter briefing: Building more affordable homes.

<sup>22</sup> MHCLG (2019). Statutory Homelessness, October to December (Q4) 2018: England. London: MHCLG.

<sup>23</sup> MHCLG (2019). Statutory Homelessness, October to December (Q4) 2018: England. London: MHCLG.

<sup>24</sup> Parliament. House of Commons (2018) Households in temporary accommodation (England). Briefing Paper. Number 02110. London: Commons Library.

<sup>25</sup> The Homelessness (Suitability of Accommodation) (England) Order 2003 (SI 2003/3326) which came into force on 1 April 2004. Failure to comply with it puts local authorities at risk of judicial review proceedings.

<sup>26</sup> Parliament. House of Commons (2018) Households in temporary accommodation (England). Briefing Paper. Number 02110. London: Commons Library.

<sup>27</sup> MHCLG (2019). Statutory Homelessness, October to December (Q4) 2018: England. London: MHCLG.

<sup>28</sup> Ibid.

<sup>29</sup> Joyce, Robert; Mitchell, Matthew; and Keiller, Agnes Norris (2017). The cost of housing for low-income renters. London: The Institute for Fiscal Studies.

<sup>30</sup> Ibid.

<sup>31</sup> The Independent (6 February 2019). Universal credit claimants six times more likely to fall into rent arrears despite government reforms.

<sup>32</sup> Reis, Sara (2019). A home of her own. London: Women's Budget Group.

## CHAPTER III – NATIONAL AND INTERNATIONAL FRAMEWORKS

In the UK, homelessness is covered under a range of legislation, in particular, the Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017. The primary homelessness provisions are contained in Part 7 of the Housing Act 1996, the Act includes:

- △ the duties to inquire into a homelessness application;
- △ principal criteria for determining which duties a local authority will owe to an applicant who is homeless or threatened with homelessness;
- △ when and how an applicant should be notified of a decision;
- △ main accommodation duties and how they can be discharged;
- △ how a decision can be challenged.

Under the main homelessness duty of the 1996 Act, local authorities have a statutory duty to provide settled accommodation to certain groups of homeless people. To qualify, one must meet all five of the following criteria:

1. Be homeless or threatened with homelessness within 28 days;
2. Be eligible for assistance (e.g. be a UK national or habitually resident);
3. Be in priority need (e.g. have dependent children or be pregnant or be vulnerable due to domestic violence or demonstrate that one is significantly more vulnerable than the average person facing homelessness);
4. Be unintentionally homeless; and
5. Have a local connection to the local authority where application is made.

More recent homelessness legislation has introduced amendments and expanded the 1996 Act. In 2002, the Homelessness Act 2002 introduced the requirement on local authorities to formulate a homelessness strategy based on regular reviews of all levels and future levels of homelessness in their areas. The Homelessness (Priority Need for Accommodation) (England) Order 2002 also expanded the priority need categories included in the 1996 Act, explicitly including people who are vulnerable because they have fled their home due to violence. In addition, in 2003, the Homelessness (Suitability of Accommodation) (England) Order 2003, established that the use of Bed & Breakfast accommodation is unsuitable for 16 and 17 year olds, pregnant women and families with dependent children, except where there is no other accommodation available, in which case it should only be used for a maximum of six weeks.

The Homelessness Reduction Act 2017 came into force on 3 April 2018 (with limited exceptions). It has made significant changes to Part 7 of the 1996 Act particularly by placing increased duties:

- △ on local authorities to provide advisory services to prevent and relieve homelessness to all those affected (not just those who have 'priority need');
- △ on local authorities to intervene at an earlier stage, by incorporating duties to prevention/relief homeless for an extended period from 28 days to 56 days;
- △ on local authorities to work with homeless applicants to develop a personalised housing plan that includes actions or 'reasonable steps' to be taken by both parties in order to try and prevent or relieve homelessness.
- △ on certain public authorities to refer service users who may be homeless or threatened with homelessness to a housing authority.

In addition, the Homelessness Code of Guidance for Local Authorities by the Ministry for Housing, Communities and Local Government (MHCLG) provides statutory guidance on how to interpret and apply the homelessness legislation and contains details on how to adopt good practices. Although it is not legally binding, local authorities are required to have regard to it and failure to do so can be used as a basis for a judicial review. The current Code came into effect on 3 April 2018.

Besides homelessness legislation, there are other specific national and international frameworks establishing specific obligations for the UK to comply with in responding to homelessness due to violence against women. In particular, under the Public Sector Duty (towards people with protected characteristics) of the Equality Act 2010, whilst carrying out their functions, public authorities must have due regard to people with relevant protected characteristics (e.g. Black and minoritised women) with views to eliminate discrimination, advance equality of opportunity and foster good relations between people.

The UK is also in the process of ratifying the Istanbul Convention, which is one of the most comprehensive legislations to tackle violence against women. According to Article 4(3) of the convention, all its established measures to prevent violence, protect women subjected to violence and prosecute those responsible must be implemented without discrimination (inclusive of migrant and refugee status as a non-discriminatory ground). Such measures include, for example, provision of appropriate levels of financial and human resources to combat and prevent all forms of violence against women (Article 8); measures to provide adequate access to general support services, financial assistance and housing (Article 20 (1)), adequate geographical distribution of immediate short and long term specialist support services to victims of violence (Article 22 (1 and 2)); measures to set up appropriate shelters in sufficient numbers (Article 23); and obligations to provide and strengthen appropriate training to professionals dealing with victims of violence, including training to foster multi-agency cooperation and adequate use of referrals (Article 15 (1 and 2)). Importantly, Article 59 of the Istanbul Convention establishes that migrant women subjected to VAWG are to be granted an autonomous resident status which would enable them to access housing and welfare benefits.

The analysis presented in this report draws on the national and international legal frameworks described above. It also builds on the broader framework and recommendations contained in the Alternative Bill<sup>32</sup> proposed by Imkaan, which has been put forward in the context of recent debate regarding the Domestic Abuse Bill.

<sup>32</sup> From the Margin to the Centre. Proposal for an Alternative Bill Addressing Violence Against All Women and Girls Calling for an End to the State of Control and Surveillance. A Proposal by Imkaan, September 2018.

## CHAPTER IV - FINDINGS FROM THE WAHA CASES

The findings contained in this chapter draws on the analysis of **69 in-depth cases of Black and minoritised women** supported by the WAHA project with issues arising in different stages of their journeys of fleeing violence. These reveal the different ways in which Black and minoritised women are at risk of homelessness and re-victimization not only at the point of exiting a violent relationship but rather for an extended period thereafter. The analysis of cases suggests the following breakdown according to the stages where women were presented with issues:

- 1. Homeless or threatened with homelessness due to gender violence (52%):** Subsequently following experiences of violence Black and minoritised women needed urgent assistance for either:
  - a) **Maintaining their tenancy** when it was safe to do so (26%);
  - b) **Re-housing in safe accommodation** when it was unsafe to continue in current house (26%)
- 2. Move on issues (20%):**<sup>33</sup> In relation to women seeking rehousing by local authorities following a period in a women's refuge;
- 3. Post-move on issues (28%):** In relation to women re-housed but presented with further issues with accommodation provided;

The main issues presented throughout the cases included:

- △ Lack of sensitivity towards Black and minoritised needs in relation to lack of information, unfamiliarity with the UK system and language barrier;
- △ Issues arising from immigration status and gaps in housing funding for NRPF women, in particular those without children;
- △ Poor implementation of housing law and guidance by local authorities;
- △ Poor tenancy rights and enforcement of those rights;
- △ Incorrect assessment of Black and minoritised women who are EEA nationals/dependants as NRPF placing them and their children at risk of eviction;
- △ Unreasonably short notice given by local authorities to leave temporary accommodation;
- △ Local authorities placing women in unsuitable temporary accommodation, outside of local area; with housing disrepair issues, damp and mould; or with inappropriate size and facilities.
- △ Further risks arising from local authority placing Black and minoritised survivors and their children in B&B-style accommodation (e.g. safety, detriments of health and wellbeing, overcrowding);
- △ Local authorities pushing women to accept inappropriate housing options with threats of being made intentionally homeless if they refuse.
- △ Race-based discrimination in a generic women's refuge.<sup>34</sup>

<sup>33</sup> It is worth noting, however, that most cases of Black and minoritised women moving on from LAWA and LBWP refuges tend to be directly assisted by our in-house refuge workers, which means that the proportion of cases under this category are likely to be significantly higher. Only a small number of cases, where refuge workers needed help with dealing/challenging local authorities, have been referred to the WAHA project.

<sup>34</sup> Whilst the WAHA project only provided close support to one case of this nature, during our focus groups other minoritised women reported being presented with issues of discrimination whilst in generic refuges and other forms of emergency accommodation.

### 4.1 HOMELESS OR THREATENED WITH HOMELESSNESS DUE TO GENDER VIOLENCE

Black and minoritised survivors seeking assistance due to homeless or being threatened with homeless following a recent case of gender violence represented 52% of all cases (n=36). In these cases, women needed urgent assistance for either a) **maintaining their tenancy** when it was safe to do so (n=18), or b) **re-housing in safe accommodation** (n=18). These mainly related to instances when women needed urgent relocation from the house where they lived with the perpetrator; where women left or were suddenly evicted/kicked out from the house where they lived with the perpetrator; or where support was needed to prevent eviction and maintain tenancy whilst ensuring safety measures were in place.

#### Support with maintaining tenancy

A total of 18 cases supported by the WAHA project related to Black and minoritised women needing support with maintaining their tenancy whilst ensuring safety (26%). This often-meant assistance with applying for an occupation order against the perpetrator, assistance evicting the perpetrator from the house, changing the tenancy agreement to the survivor's sole name, preventing eviction due to rent arrears or due to the perpetrator's attempts to keep tenancy of survivor's home. In half of these cases, the women were threatened with eviction. Some cases were particularly challenging and illustrative of the specific issues that make Black and minoritised women survivors of violence especially vulnerable to becoming homeless.

The case of a Bolivian survivor demonstrates the ways in which the precariousness of tenant's rights and lack of DV awareness by private landlords can affect Black and minoritised women survivors, in particular when the right to receive a tenancy agreement is not being enforced. Black and minoritised migrant women will often be unaware of this right or lack the language skills to liaise with landlords to request this.



*Mercedes is a Bolivian survivor who was living in a privately rented accommodation with her boyfriend, a perpetrator, without a tenancy agreement. Following noise due to domestic violence incidents the landlord asked both to leave the property without due regard to the violence experienced by the woman. She approached the Local Authority who asked her for proof of tenancy which she did not have. The WAHA project was able to intervene by liaising with her landlord to request a tenancy agreement and explain the domestic violence situation this woman was living in. Eventually, the landlord agreed to only evict the perpetrator and provide a tenancy agreement to the survivor.*

In other cases, Black and minoritised women were threatened with eviction due to rent arrears. This was often the result of a lack of funds to cover the full rent amount by themselves after the perpetrator left the house and stopped contributing to rent payments. In cases where these women were migrants, they were presented with a language barrier and unfamiliarity with the UK, which compounded the survivors' vulnerability. It took considerable time for them to understand that they had accrued significant rent arrears and were at imminent risk of eviction. This meant that they only sought assistance from the WAHA project after the situation had already escalated. One of the cases was particularly challenging as the local authority lacked sensitivity to the woman's language needs and failed to provide interpreting services, which eventually led to her being wrongly assessed as NRPF following misinterpretation of communications.

Apart from issues of language barrier, misinterpretation and wrong assessment as NRPF, the case below also illustrates the specific vulnerabilities of Black and minoritised survivors who are EEA nationals or have an EEA family permit. For them to be considered to have recourse to public funds and claim Universal Credit they need to pass the Habitual Residence Test which has a very high threshold and has shown to be inconsistently applied. In particular, they need to prove that they or the partner they depend on (who is often the perpetrator) are working (thereby exercising their treaty rights). To provide such evidence can be especially hard for pregnant women, mothers with young children, or those unfit to work due to domestic violence related illness/vulnerabilities.



*Soledad is a Colombian woman with a Spanish, EEA passport. She had been living in the UK for 2.5 years. She lived in a temporary accommodation with her abusive boyfriend who eventually left her whilst pregnant. When she was referred by the Local Authority, she had a 6-weeks-old baby and was facing eviction due to arrears of over £6,000 and a court possession order had been served against her. Soledad accrued arrears after her Housing Benefit was denied by the Local Authority as they assessed her as failing the Habitual Residence Test on the grounds that she was not working and therefore not exercising her treaty rights. After WAHA project met with Soledad it became clear that the decision was made based on a poor translation and misunderstanding of information provided by Soledad. In fact, she tried to explain she would need to change jobs after giving birth, as she worked as a cleaner during unsociable hours which her employer would not allow her to reconcile with her new care taking responsibility once her baby was born. Instead, what was interpreted was that Soledad was leaving her job due to her pregnancy and was unwilling to return to employment after giving birth. The WAHA project was able to liaise with the local authority to explain the situation and asked for reconsideration of Soledad's housing benefit decision by proving that she was already working in another home-based job. Through the WAHA advocacy we were able to stop Court proceedings, ensure Housing Benefit was approved and paid retroactively and negotiate a realistic payment plan for Soledad's rent arrears. This meant that eventually Soledad managed to maintain her tenancy and remain in the same accommodation with her new-born baby.*

### Support with re-housing to safe accommodation

A total of 18 cases of Black and minoritised women supported by WAHA project have required assistance with re-housing to a safe accommodation (26%). This was mainly given evictions related to a domestic violence situation or due to an escalation of domestic violence making it unsafe for these women and their children to remain in their current house.

In particular, some women needed help to secure funds to access safe accommodation as they were considered NRPF. These Black and minoritised women with children became homeless after being kicked out by their perpetrator or leaving due to safety reasons. However, being considered NRPF meant that they had no means to afford rent. Immigration proved to be the main issue, for example, one of them had a legally invalid marriage with a UK national and the other was an EEA national but considered NRPF as she had stopped working during the last months of her pregnancy. In cases where women had children, the WAHA project managed to intervene and secure assistance by relying upon the Children's Act 1989.

These cases illustrate significant gaps in provision for migrant women considered NRPF, especially if they do not have children. The Children's Act 1989 or the National Assistance Act in cases of Black and minoritised women with children are good avenues to circumvent the issues caused by an irregular immigration status. However, for those without children, the options are close to none.



*Nikita had a Hindu marriage in the UK (not considered valid legal marriage) in 2014, a year before her child was born. Following years of severe domestic violence experiences, her husband threw her out of the house in 2018. Nikita approached the WAHA project for assistance to claim Housing Benefit to help pay her rent. She was informed that given her immigration status she did not have recourse to public funds and could not automatically claim benefits. However, under the Children's Act 1989, we were able to ensure accommodation was funded by Local Authority for a limited period while the immigration status was being dealt with.*

Other cases related to Black and minoritised women who needed assistance in dealing with local authorities to make a homelessness application for urgent re-housing given homelessness due to: eviction following accumulation of rent arrears (after abusive partner left house); imminent need to leave the house where they were living with the abusive partner; and having to sleep on a friend's couch after having left the perpetrator. Black and minoritised women were presented with issues whilst dealing with local authorities regarding their homelessness application which required close support and advocacy from the WAHA project. More specifically, some of the issues included:

- △ Local authorities attempting to re-house Black and minoritised women with children in an administrative area which they had no local connection with and would be presented with further issues regarding increased isolation, loss of local support, and travelling a long distance to and from the children's school.
- △ A local authority requiring a Black and minoritised survivor to make a separate application for homelessness for her children, who were over 18. This was successfully challenged by WAHA project using Human Rights Act 1998 on the grounds of the right to family life.
- △ A local authority actively discouraging a Black and minoritised survivor who was considering leaving her abusive partner by cautioning that she would need to quit her job if she wanted to be safe and provided with refuge accommodation. This disempowered an already vulnerable woman, who then became hesitant to leave the abuse as she did not want to lose her nursing job. After approaching the WAHA project and being given appropriate information she was able to make an informed decision to move to a refuge whilst still being able to maintain employment.

## 4.2 MOVE ON ISSUES: BLACK AND MINORITISED WOMEN RE-HOUSING FROM A WOMEN'S REFUGE

In 20% of the cases supported by the WAHA project Black and minoritised women were presented with issues at the Move On stage, whilst attempting to be re-housed from a women's refuge - mostly Black and minoritised women's refuges (n=14). **Most of the women needed assistance to make a homelessness application to a local authority** in order to be rehoused after spending a period in a specialist refuge. Some of these move-on cases were particularly challenging given misguided practices by the local authority, which included:

- △ Lack of awareness about the Prevention/Relief Duty under the Homelessness Reduction Act 2017 to take reasonable steps to provide assistance to an applicant who is homeless or threatened with homelessness, regardless of whether they are in priority need;
- △ Vulnerability due to past experiences of domestic violence and intersecting needs of survivors not properly being considered as a ground to make them priority need;
- △ Unlawfully rejecting homelessness applications based on local connection criteria (which should not apply to domestic violence victims);
- △ A domestic violence survivor not being deemed homeless due to joint home ownership with perpetrator;
- △ Rejection of Housing Benefit application given difficulties in proving eligibility based on immigration and/or employment status;

The following case illustrates how women who jointly own a house with their perpetrators are not being considered homeless by local authorities, although, they should be automatically considered homeless on account of fleeing domestic violence. It also shows how the local connection requirement is being applied to women who have been subjected to violence even though the law exempts them from that.



*Raja had a joint mortgage with her husband but due to domestic violence she left her home. She was living in a Black and minoritised women's refuge with her children and her husband remained in the jointly owned marital home. When the time arrived for her to move on from the refuge, she was unable to make a homelessness application because she jointly owns the marital home. The WAHA project intervened by referring Raja to a family lawyer to apply for divorce and financial settlement. A representation was made before the local authority to explain that Raja was going through financial settlement and that in the meanwhile, she remained homeless although still responsible for the children. Her application was considered pending the financial proceedings; however, a second issue arose when her application was refused by the Council on grounds that she did not have a local connection. The WAHA project used the existing Housing Act 1996 to explain that a woman fleeing domestic violence does not need to prove local connection, but that, in fact, Raja did have a sister who lived in that local area (even though her residence was for less than five years). Eventually, Raja's homelessness application was successful, and she was granted temporary accommodation in the area of her choice.*

In another case a woman needed assistance to move to a Black and minoritised specialist women's refuge after experiencing discrimination in a generic women's refuge. This specific case illustrates the need to ensure women are given the right to access a Black and minoritised women's refuge. Whilst this was the only in-depth case supported by the WAHA project, further evidence from our focus groups reveal negative experiences in generic refuges, suggesting they may often be unable to ensure a non-discriminatory and safe service to Black and minoritised women. These findings are in line with Imkaan research showing that the overwhelming majority of Black and minoritised women (87%) prefer to be in a by and for refuge service.<sup>35</sup>



*Aderonke was living in a generic refuge where she complained she felt racially discriminated by other residents and unsupported by her refuge worker, so she asked to be moved to a Black and minoritised specialist refuge. She reported regularly receiving comments on the food she cooked, and her English accent being laughed at. The WAHA project intervened by liaising with the refuge manager and discussing the reported treatment. They gave another narrative but agreed for Aderonke to be transferred to a specialist refuge.*

#### 4.3 POST-MOVE ON ISSUES: BLACK AND MINORITISED WOMEN PRESENTED WITH FURTHER ISSUES AFTER RE-HOUSING

In 28% of the cases supported by the WAHA project Black and minoritised women were presented with issues at a post-move on stage, that is, after they had already been re-housed (n=19). Some of the women had been re-housed directly following domestic violence incidents; whilst others had moved to temporary accommodation following a period in a specialist women's refuge. These women were living in different forms of accommodation and needed assistance with a range of issues:

- 1) 1 woman was **living in a permanent council house but needed help to relocate to an adapted house** given sustained issues of noise and anti-social behaviour by neighbours leading to sleep disturbances, anxiety and PTSD;
- 2) 4 women (with children) were **living in B&B-style accommodation under detrimental, unsafe and overcrowded conditions** (for over 6 weeks), and needed help with rehousing and dealing with immigration issues;
- 3) 14 women were **living in self-contained temporary accommodation** and needed help with:
  - △ Issues regarding housing disrepair, damp and mould (n=4);
  - △ Bidding for a permanent council property (n=5);
  - △ Preventing eviction due to rent arrears following incorrect assessment as NRPF by local authority (n=1);
  - △ Relocating from temporary accommodation outside of London, given isolation and lack of support in area allocated by the local authority (n=1);
  - △ Challenging unreasonable one-day notice to leave temporary accommodation given by local authority (n=1).

These cases are illustrative of how the housing practice of local authority officers and poor Department of Work and Pensions' (DWP) decisions can acutely affect Black and minoritised women survivors. Shortages in permanent housing means that Black and minoritised survivors are systematically being moved to temporary accommodation which are unsuitable and fail to meet their needs. Particularly concerning is the way in which women in temporary accommodation are being placed at further risk of becoming homelessness due to local authority unlawful practices. For example, in one of the cases, a woman with EEA family permit had been living in the UK for over 15 years but was incorrectly assessed as NRPF after being failed on her Habitual Residence Test<sup>36</sup>. As a result, her Job Seekers Allowance and Housing Benefit stopped, she started accumulating rent arrears and was threatened with eviction. Eviction was prevented after the WAHA project appealed the decision and her benefits were reinstated, however, the situation placed this already traumatized survivor under severe distress, anxiety and fears of returning to homelessness even after finally having been re-housed from a refuge.



*Madhu has been moved from a Black and minoritised women's refuge to a temporary accommodation where she has been living with her two babies for five months. It is a very small studio, and she does not have enough sleeping space. She currently does not have access to water so she cannot bathe the babies nor cook. She goes to an NHS hospital every day to bathe her babies. She was supposed to leave the property four months ago, but no action has been taken by local authorities to rehouse her and she has a Social Worker who does not respond to her calls. Both the agent and the council are informed about this situation; however, they are not taking responsibility. Although the WAHA project has assisted Madhu to liaise with the council, they would continuously transfer the responsibility from one department to the other and then to the housing agent. A housing officer agreed to visit the studio; however, time has passed, and she never did so. Madhu reports being frustrated and left in a precarious situation with a lot of uncertainty which is severely impacting her life and mental health.*

<sup>35</sup> Imkaan (2010) Vital Statistics: The experiences of Black, Asian, Minority Ethnic and Refugee women & children facing violence & abuse. London: Imkaan.

Black and minoritised women with young children are also increasingly being moved by local authorities from women's refuge to inappropriate shared temporary accommodation, such as hostels and B&B-style accommodations. These forms of accommodation are unsuitable and create further vulnerabilities for these women, making them susceptible to return to the abuser if not given timely assistance. Our experience shows that women with children are being left in B&B for much longer period than what is recommended in law (a maximum of 6 weeks) and are only being re-housed following close advocacy and intervention. The case below is representative of the issues Black and minoritised women and children are facing for being pushed into B&B-style accommodation:

*Azara is a woman of Pakistani descent, she was married for 15 years and following many years of severe and escalating domestic violence she fled her home with her two children. Azara and her children managed to find a place in a Black and minoritised women's refuge where they stayed for 7 months. When she made a homelessness application, she was only offered a place in a B&B accommodation and was told by the local authority that if she did not accept it she would be considered intentionally homeless. Azara then moved to the B&B with her two children but started feeling unsafe as it was a mixed-gender accommodation with people with different needs, such as drug dependency and mental health problems. They were living in overcrowded conditions, with only two bathrooms and one kitchen to share between 18 people. Azara was also worried about the lack of hygiene and had to clean the toilets every time before her children needed to use them - which also meant her health deteriorated due to regular use of unsafe cleaning products. Given the lack of safety and space, Azara and her children spent most of the time confined in their small room, although this clearly impacted on the physical and psychological wellbeing of them. They lived under these circumstances for 9 weeks until they were moved to another hostel following WAHA intervention. However, Azara was placed again in a shared temporary accommodation, which she considered better than the previous one but was still concerned about the level of hygiene and the lack of space.*

## CHAPTER V – THE VOICES OF SURVIVORS AND REFUGE WORKERS: FINDINGS FROM THE WAHA CONSULTATION

The WAHA project has carried out consultations with Black and minoritised refuge workers and survivors' who were residing in specialist refuges to further understand gaps in housing policy and practices regarding the specific needs of Black and minoritised women. Below we provide a summary of the main findings arising from these interviews and focus groups.

The profile of Black and minoritised survivors attending the consultations varied greatly. Their age ranged from 20-64 years old. The majority were South Asians (n=27), followed by Latin Americans (n=5), Black British/Caribbean (n=5) and Central Asian (n=1). They were from different religious backgrounds: Muslims (n=24), Catholics (n=7), Sikhs (n=4), Hindus (n=2), and other (n=1); and 3 of them had a disability. Given their immigration status, 29 of them were NRPF although they were able to access some form of funding or public support through Southall Black Sisters emergency funding, the Destitute Domestic Violence Concession or through Section 17 from the Children's Act 1989.

### 5.1 BLACK AND MINORITISED WOMEN'S EXPERIENCES OF HOMELESSNESS AND FLEEING TO A REFUGE

Black and minoritised women generally reported that before deciding to leave their abusive partners and house they felt very nervous, afraid and stressed; confusion and lack of confidence; worries about the future such as "not knowing where to go" or "what would happen next"; fears of being caught by the perpetrator and its repercussions: "I was scared, if he found me, he would kill me". Many women reported feeling scared and confused because they did not know what support was available to them, neither did they know about their rights in this country:

*I was feeling very strange, I stopped myself [from leaving] every time because of the fear that there was nothing for me out there, I didn't know anything about the UK. I felt so strange and stressed, I can't describe the feelings.*

(Indian woman, survivor)

*I feared not being able to find a safe accommodation for my son and me. I had many doubts at the time and the Local Council was not helpful, I did not receive any help with interpreting, I was hardly supported there.*

(Brazilian woman, survivor)

Most participants in the focus group reported taking the decision to leave their houses after an escalation of violence, fearing for their life and their children's lives. This is consistent with studies showing that Black and minoritised women stay in abusive relationships for longer periods than white women.<sup>37</sup> Most Black and minoritised women decided to leave following severe incidents of abuse which resulted them being in contact with public services such as the police, GPs, or their local council.

Findings from the focus groups reveal patterns of systemic and institutional failures and discrimination by public authorities when dealing with Black and minoritised survivors' cases, in particular, local authorities and the police. Interviews with refuge workers reveal the extent to which the language barrier constitutes a major issue for Black and minoritised homeless survivors seeking help from various authorities:

*When Black and minoritised women become homeless they are referred to generic services and local authorities and language is the main barrier to understand what is going on and seek help.*

(Refuge worker)

*Language is a big challenge, being stereotyped straight away, not being understood by anyone*

(Refuge worker)

### **Discrimination and poor responses by Local Authorities**

Some Black and minoritised women reported feeling particularly helpless as Local Housing teams and Social Services were often unhelpful, they were not provided with interpretation and were not fully explained their rights, leading to further victimisation. Many women reported not being aware about the existence of women's refuges and not having been informed about them by local authority officers in a timely manner following disclosure of domestic violence. In other cases, Black and minoritised women who did not speak English were only provided with a leaflet with numbers of support services but were unable to understand the information, whilst in other cases they were put in contact with generic women's services/refuges but not told about by and for Black and minoritised women's services and refuges.

For example, in one of the cases, a Brazilian survivor was not informed by officers at the Council about the possibility of moving to a women's refuge or other forms of emergency accommodation until the violence escalated and she showed up with bruises following an episode of severe physical abuse by her husband. Below she describes her experiences in her own words:

*I always had to ask someone to help me with the language, so I was really ashamed. Even when I brought someone to help me with the language the Council refused to take my application, they initially offered support with the deposit of a house, but I explained that I couldn't afford the rent of anything as I had absolutely no money and a child to take care of. At the time, they did not explain to me that as a spouse of an EU national I was entitled to housing benefit and could access a women's refuge. When I went back home, a few days later, I got beaten up by my husband, so I went back to the council. Because they refused me an interpreter, I had to ask for the support of a friend. In the council when they noticed that I had marks refuge, which I accepted.*

(Brazilian woman, survivor)

This illustrates a case of gatekeeping practice as the council did not provide the proper information to this woman who they disbelieved and deemed the abuse not to be severe enough for it was not visibly physical. Although experiences of disbelief are commonly reported by survivors of violence, in the case of Black and minoritised women this can translate into vital information about their rights being withheld from them - information which they are unlikely to know or be able to access due to their language barrier, unfamiliarity with the UK system and experiences of imposed isolation. This is similarly illustrated in the testimonies below:

*I was worried because I had no place to go. I went to the council, but they did not tell me about women's refuges. I said I suffered from domestic violence, but they told me they could send me outside of London.*

(Somali woman, survivor)

*I contacted the police and they left me at the Council. I went to the council for three days, but they did not give me any information, support or tell me about the refuge. I slept in shop doorway for 3 days.*

(Bangladeshi woman, survivor)

### **Vulnerability is not being properly considered**

Other testimonies by Black and minoritised survivors have also shown misleading practices in the ways their cases have been handled by local councils. Some cases of Black and minoritised survivors without children were disregarded, their vulnerability due to domestic violence and their intersecting needs were not being properly taken into account, even when showing evidence of severe depression and other mental health issues. This was particularly the case for women without children, for whom the vulnerability threshold appears to be significantly higher.

*I went to the council, but they did not help me. For three days I slept on my friend's sofa. One day I stayed at the Council for 4 hours, but they still did not help me. They said I didn't have children and that I didn't have a disability, so I was not vulnerable. They kept offering me to go outside London. I was scared, I had panic attacks, I couldn't speak English, and did not have a job. They do what they want when you can't speak English. I had a British spouse visa and a friend helped me to apply for the DDVC.*

(Bangladeshi woman, survivor)

*I went to the council three times. They told me to go away, were rude and did not listen. They just asked me if I had children, but I have no children.*

(Pakistani woman, survivor)

*I spent the whole day in the council, and in the end I was told I was not eligible because I was not disabled, I spent two nights sleeping on the floor of a shop with all my luggage, they [Council] didn't bother about where I would go. They said if I can cook, clean and look after myself then I am not vulnerable. They asked me to take my luggage but then didn't bother. They took no responsibility, I know I am not disabled but they knew I have PTSD and I'm taking medicine but didn't bother, if I didn't have this space in this refuge where would I be?*

(Bangladeshi woman, survivor)

However, even cases of Black and minoritised women with children who according to the Housing Act 1996 should be immediately considered in priority need, are often not being treated adequately given their NRPF status. This is illustrated in the testimony below:

*I feel they [authorities] should have special people, at least after the police, to guide you, give you emotional support, at that time is really important [...] I kept going after the council, I was going to sleep on the street after my friend threw me out with my children [...] I had to keep coming back for 3 days to chase the social worker [...] After that they gave me one night in a hotel, then I had to again wait all day in the council, sat there, I kept getting one- night hotel. You feel like a joke, everyone looks at you at the council because you have all your stuff there.*

(Indian woman with children who was NRPF)

### Discrimination due to language barrier

In addition, women also generally noted discriminatory treatment by housing officials, reporting rude and inconsiderate behaviour. This appeared to be particularly the case for Black and minoritised women with language needs, who complained about being discriminated due to their lack of English. As some of them reported:

*They don't have sympathy, they shout, they don't listen.*

(Indian woman, survivor)

*When they know that you don't know, that you don't understand, they do what they want to do.*

(Indian woman, survivor)

*They don't explain things properly to you. You don't have a choice because you don't understand their language. I don't understand. It's like you can't say no. You have no choice.*

(Pakistani woman, survivor)

*My experience was not positive as I felt they didn't believe me and my story of violence.*

(Colombian woman, survivor)

The language barrier has indeed been presented as a recurring issue. However, although lack of interpreters was presented as a persistent issue, even when this was provided, it did not necessarily improve the treatment received from officers. In some cases, the interpretation was neither sensitive nor accurate. For example, an Indian woman survivor of violence reported:

*I have a friend in refuge. She does not speak English. She has got an interpreter at the Council, but they don't interpret what she is saying. Her husband was an addict, but the interpreter did not interpret this. There is miscommunication. Sometimes I would interpret for her, but my English is not good.*

(Bangladeshi woman, survivor)

### Discrimination and poor responses by the Police

Findings from the focus groups reveal the ways in which the Police is often failing to fulfil their duty to refer under the new Homelessness Reduction Act 2017. Many Black and minoritised survivors who sought help from the police were often not given information their housing rights and not referred to the housing authorities or other appropriate services, such as Black and minoritised organisations. In at least two cases, Black and minoritised women had to sleep in the police station given they had nowhere else to go. They were neither offered other options nor put the survivors in contact with social services until after they slept more than one night at the police station. In another case, a Black and minoritised woman was offered to sleep at the police station but instead decided to seek refuge at her brother's house.

In addition, there was also a highly concerning case in which a Brazilian survivor called the police following being physically assaulted by her husband. When officers arrived instead of arresting the husband or serving him with Domestic Violence Protection Notice (DVPN) - to remove him from the house - they told her that her husband had the right to stay at home because he was the one who paid rent. The police officer even threatened to arrest her if she insisted. She reported feeling discriminated as a Black and minoritised migrant who was married to a British perpetrator.

Further to that, the experiences of Black and minoritised women dealing with the police suggest a systemic and institutional failure to fulfil their duty to refer under the Homelessness Reduction Act 2017, leaving survivors uninformed and unsupported, as can be seen from the following testimonies:

*I called 999, they picked me up, dropped me off with my friend and never bothered to check on me again or give me any further information... I didn't feel supported (by the police).*

(Indian woman, survivor)

*I found the organisation online, I had to google everything because the police did not provide me with any information.*

(Bangladeshi woman, survivor)

*I went to the police, but I told them not to hurt him [the perpetrator]. They did not take the case forward because I said that, they did not take me seriously. They told me to go to my friend's house.*

(Moroccan woman survivor of violence)

*I contacted the police but they did not help [...] when I went to the hospital, they asked me if I wanted a social worker but I did not know what this was and my family back home said I should say no.*

(Somali woman survivor of violence)



**I was really scared as I was new in this country, I had never heard about what support I could access. In my country things don't work like here.**

**(Colombian woman, survivor)**

## 5.2 BLACK AND MINORITISED HOMELESS SURVIVORS NEED TO RELY ON THEIR LIMITED SUPPORT NETWORK

Given the lack of information and/or unresponsiveness from local authorities, many Black and minoritised women reported having to rely on outside help, such as friends, family or acquaintances. As a result, most of them reported having sofa-surfed for different periods of time before moving to other forms of emergency accommodation. Whilst they were grateful for the help they received and having a roof over their heads, they also reported how the situation was far from ideal and very difficult at times. The testimonies below are illustrative of that:

“

*I went to live with my friend, but I was sleeping on a chair, so another friend asked me why I was going through this, and then told me about the refuge. I lived with my friends for 3 months, and only got in contact with local authorities when I came to this refuge. I still feel stressed but now I feel better.*

**(Mauritanian woman, survivor)**

*I lived with my daughter at a friend's house for three months, she helped me and went to the council with me.*

**(Bangladeshi woman, survivor)**

*My cousin helped me and let me stay with her, I slept at her son's room and whilst he had to sleep on the sofa, so it was not good for him [...] she then found out about the refuge for me and that's how I came to this refuge [...] she did everything for me.*

**(Somali woman, survivor)**

*My friend helped me. She has three children. I did not have mine and my children's passports, so she helped me to get them. I stayed with my friend for 3 months, she helped me to find a refuge, to register my children in the school, and put me in contact with a social worker.*

**(Sri Lankan woman, survivor)**

*I stayed at my friend's house for twelve days. It was really difficult sleeping on the sofa. It was very hard, not comfortable, you can't do anything. You can't even cook your own food.*

**(Ghanaian woman, survivor)**

”

There was a particularly concerning case in which an Eritrean woman survivor saw herself forced to sleep rough given she lacked any sort of supportive network to rely on. She did not speak any English and did not know anyone in the UK so was unable to seek help. As she explains:

*I thought about my children and they gave me the courage to leave. I slept two days in a train station, I was one month pregnant, and I had a small baby. A stranger saw me, but I couldn't communicate, so they helped me to call some friends in Eritrea who explained my situation. They then helped me to seek support from the council and they referred me to a generic women's refuge.*

(Eritrean woman, survivor)

### 5.3 THE IMPACT OF LIVING IN UNSUITABLE FORMS OF EMERGENCY ACCOMMODATION

Some women reported negative housing experiences before moving to a Black and minoritised women's refuge as they were often offered mixed gender and unsafe hostels inappropriate for them and their children, or experienced discrimination or lack of support in some generic women's refuges. In many cases, they reported feeling unsafe and living under unsuitable conditions. One of the women explained:

*The hostel I was placed by the council was really bad, there were all types of people leaving there. Loads of people using drugs and I felt very unsafe. I don't think it was appropriate for me and my son, I barely left my bedroom. Many times, I thought about going back [to live with the perpetrator] and doubted whether I was doing the right thing for my son, especially when I was living at the B&B. I needed more support for me and for my son, I was really scared and feared for my life and my son's life.*

(Brazilian woman, survivor)

Some women reported having moved to a generic women's refuge before but feeling unsupported and that their intersecting needs were not being considered. For example, a Black and minoritised women who was living in a generic women's refuge reported:

*My husband found out my refuge and nearly killed me, he tried to kill me on Christmas, and he tried everything he could. The previous refuge didn't help me find another refuge after my husband found me, I had to find everything by myself.*

(Bangladeshi woman, survivor)

In another case, a pregnant Eritrean woman who did not speak any English reported feeling completely unsupported by both the generic women's refuge she was living in and the local housing team she sought help from. She had a complicated caesarean birth, and no one helped her upon her return to the refuge. Soon after, she was given notice to leave the refuge and was told to go to the council by herself with her new-born baby and make a homeless application. She stayed the whole day at the council and at the end of the day they offered her to go to a mixed gender hostel. All her belongings were still left in the refuge so she said she could not go and because of that her application was cancelled.

She was classed as intentionally homeless without this being properly explained to her. Although she did have an interpreter this was not explained to her and no worker from the generic refuge was there to advocate for her. She later received an eviction letter from the refuge and only managed to avoid returning to street homelessness after being referred to a Black and minoritised women's refuge by an Eritrean community organisation. She describes how her experience made her feel:

*It made me feel powerless, I needed more support and comprehensive advice when I was staying in the generic women's refuge.*

(Eritrean woman, survivor)

Other women also reported inappropriate levels of support and understanding of their intersecting needs by generic refuges:

*I needed to change my dressings, the refuge wasn't helpful and didn't acknowledge my needs, my feelings...because of my medication I was always dizzy and maybe people thought there was something wrong with me... I had problems with speaking English, I needed support to go to the job centre and she [refuge worker] only gave me a map to go by myself, I had medical needs and felt dizzy [...] My friend [from the refuge] was the one that supported me [...] people need more support, my medication makes me feel dizzy, fall down, I take 18 tablets a day.*

(Pakistani woman, survivor)

*They asked me things such as 'are you going to meet someone?' they were always calling me and judging me, asking whether I had someone with me.*

(Pakistani woman, survivor)

It was particularly concerning that some Black and minoritised women who had been referred to generic women's services/refuges reported not being supported regarding their immigration needs, being left uninformed about their rights. They were not referred to an immigration lawyer nor helped to make an application for the DDVC concession in order to receive public funds and regularise their situation. There was a particularly concerning case in which a migrant survivor on spousal visa was referred by the police to a generic women's service who advised her to "go back to her country" instead of explaining she could apply for the DDVC if she wished to remain in the UK. In other cases, generic women's services who could not offer support to NRPF women failed to explain the procedure to migrant women and refer them to services where they could be assisted:

*They said I couldn't be helped because I didn't have a DV concession card.*

(Indian women, survivor)

*Before, in another refuge I was not entitled to benefits, they did not help me to apply for the DDVC concession, now, here, I am.*

(Pakistani woman, survivor)

## 5.4 MOVE ON EXPERIENCES OF BLACK AND MINORITISED WOMEN DEALING WITH HOUSING AUTHORITIES

### Poor treatment and discrimination

Black and minoritised women moving on from refuges tend to have negative experiences when they approach housing authorities by themselves. They reported being particularly scared of attending to meetings on their own given that they were often mistreated and considerably less likely to be supported than if they had an advocate accompanying them. The following testimonies are illustrative of that:

*The support worker is the one that can push them, they keep closing the case if we go by ourselves [...] I am worried because I have only 3 months left.*

(Bangladeshi woman, survivor)

Black and minoritised refuge workers also reinforced these views that Black and minoritised women are often being mistreated when approaching housing authorities by themselves, especially when language is an issue:

*There is a lot of discrimination in terms of language. They don't provide interpreters; they say to bring key workers to everything. They say, 'if you are not able to speak go back and bring your key worker'. [...] Black and minoritised women don't know the language and get taken advantage of. They have loads of South Asian housing workers at the Council but do not match them with the survivors. Some women are being nice to survivors but saying that there are no jobs nor money here, that their country was nice: 'why don't you go back?'*

(refuge worker)

*The way the officers speak to women is rude and racist, especially migrants that are not accompanied.*

(refuge worker)

In other cases, housing officers are providing Black and minoritised survivors with misleading information and trying to gate-keep them from making a homelessness application:

*A housing officer said 'why is the refuge asking you to leave? Make a complaint about them!' suggesting that she could stay here for as long as she liked. They say that refuge residents are not homeless because they can live in the refuge. Councils give misleading information to women and say the refuge worker is not right, they make users confused and not knowing who to trust.*

(refuge worker)

*There are some particular housing officers who pretend that they do not know anything and tell women to come back another day. They also ask for a 2 hours risk assessment/phone even after the women have been to refuge and got immigration status based on that.*

(refuge worker)

As one refuge worker explains, in the Brexit context of hostility towards migrants, Black and minoritised women who are married to Europeans are also being further discriminated and not having their rights recognised:

*When they are married to Europeans and they are Black and minoritised it is even worse - they are seen as having no rights because they are not even European themselves. The attitudes towards the support workers are also discriminatory, they ask 'why are you here?' They act as if they did not know about the law because we are not from here. Being very rude.*

(refuge worker)

### Experiences of disbelief

Black and minoritised refuge workers reported that women are having their experiences of violence disbelieved by housing teams even when moving on from Black and minoritised refuges specifically for survivors of violence.

*I had cases where they [Local Authorities] challenged whether the woman was really a survivor, asking for police report. Even implying that because there was no physical violence, they were not survivors. Not recognizing verbal and psychological abuse. I had a client very vulnerable with mental issues, who was gaslighted. They said that because there was not police report and not physical violence, she was not a survivor. It is almost the responsibility of the advisor to educate the case worker from the council, explain that psychological abuse is almost even the worst.*

(refuge worker)

*There was a case where I had to go to the council 7 times even though the service user was being rehoused in a private accommodation. The Council asked to see her 7 times to accept she was a victim of DV. Because it was a short-term relationship and there was no physical violence [it was a case of harassment, stalking and control] they did not see her as a victim of domestic violence.*

(refuge worker)

## Vulnerability established on a discretionary basis

Black and minoritised survivors of violence should be considered in priority need by housing authorities given their vulnerability due to domestic violence as well as their intersecting needs. However, as Black and minoritised refuge workers report, the threshold of vulnerability is very high:

“

*There was a single Black and minoritised woman with severe mental health issues and other vulnerabilities, but the Council claimed her not to be vulnerable. A housing solicitor has been dealing with her case and this now went to court. She has medical evidence and everything to support her and doesn't understand why she is deemed not vulnerable. The court has decided for the Council to respond to them. It's been going on for months now, it is a back and forth that is severely impacting the mental health of this service user.*

(Refuge worker)

*The most difficult cases are of single Black and minoritised women, especially under 35 and if they are working part-time, they are not seen as vulnerable.*

(refuge worker)

*The threshold of vulnerability is very high. There is a deaf Black and minoritised woman in the refuge who will need social services support when she moves on. She has been referred since September [6 months before] but we still have not heard from the council, she has not even been assessed yet.*

(refuge worker)

”

As a refuge worker explains, decisions within the Council are made on a discretionary basis, the outcomes often depending on knowing the right people:

“

*You need to have good contacts inside the Council. If you don't know who to talk to, the first advisors you go to don't have enough information, they don't know the law and guidelines. They lack information and training. Unless you reach the highest levels of hierarchy you don't get what you need for the Black and minoritised women you are supporting.*

(refuge worker)

”

## Local connection requirements

Homelessness applications of Black and minoritised women are being rejected by housing teams based on local connection, even though this requirement should not be applied for victims of Domestic Violence (according to the Housing Act 1996). As one Black and minoritised refuge worker reports:

**"There are heartless people sitting in the council, I already saw everything that the council does, I don't want to go by myself, I need my support worker to come with me".**

**(Pakistani woman, survivor)**



*There are many cases of women told to go back to the borough where the refuge they live is based on, because they say this is their local connection. After a key worker intervenes the Council will often respond differently specially when threatened with court challenge.*

(refuge worker)

Gatekeeping practices affect Black and minoritised women even in cases where they indeed have a local connection, because their local connection is not being properly considered (e.g. having a cousin living in the area, children's school, faith groups, counselling support). For example, a Somali woman stated:

*The local authority said that I can only apply to Newham because it's where I live now, but the only cousin I have that helps me lives there [at the council's borough] ... My English is not that good, this cousin helps me to go to hospital. [...] They said, 'she is not your sister', but she is my cousin, who is going to help me if I need?*

(Somali woman, survivor)

As another Black and minoritised refuge worker explains, housing teams are not considering the intersectional needs of Black and minoritised survivors when requiring local connection, the need to feel safe and protected from repeat victimization such as racial abuse.

*Cultural needs are often not considered, they [Black and minoritised women] feel unsafe in certain places. Don't want to be picked out because of their religion, because they wear hijab in a predominantly non-Muslim, white area. They are racially profiled in mostly white areas.*

(refuge worker)

In many cases, women are only being offered accommodation outside of the borough's administrative boundaries. They are being pushed into further isolation, to unsafe areas far from supportive networks, friends and relatives, faith groups and community when they most need them. This can be further aggravated where there is a language barrier and where there is no possibility of accessing employment.

*Women are being sent to industrial areas, the building and area is scary, unsafe for them and children, not close to shops where they could work part-time. Schools are far, money is not enough. Many women wanted to work but cannot. 15h of childcare is the only support they get. Sometimes they consider that going back [with the perpetrator] would be better. Many women say that if they knew they would not have left.*

(refuge worker)

### **Use of B&B accommodation as a move on housing option**

The experiences of Black and minoritised women dealing with local authorities regarding housing in order to move on from refuges tended to be mostly negative. We have identified a common practice among local authorities of moving Black and minoritised women with children from by and or refuges to B&B-style accommodation and hostels.

*Women with children living in refuges are asked to go to B&B after or private accommodation. They can't afford private [accommodation] so they often end up moving to B&B. The Council says their duty starts when they move to B&B, not at the refuge so they need to move there first. It is a stress factor, there is no smooth transition. They only look for temporary accommodation once the user has moved to B&B.*

(refuge worker)

As emerged during focus groups and interviews, B&B-style accommodation can considerably worsen the vulnerability and trauma of Black and minoritised women and children, placing them at high risk of repeat victimisation. The case below of a former Black and minoritised refuge resident is illustrative of that as explained by a Black and minoritised refuge worker:

*There was a mother with two young boys (10 and 2 years old) who was placed in a temporary accommodation which was a mixed gender hostel. There were people with a range of different vulnerable needs, drug and severe mental health problems, former prisoners. The rooms were full of damp, the oldest boy had asthma and it got worse when he was there. Showers were gender segregated but she had to go to the men's one with her son and often found drug utensils, such as needles and spoons. There were also cockroaches and mice. She could not use the kitchen as it was only for the staff, so they had to buy meals from the hostel which was too expensive. She was only able to afford food for the children but not for her. We appealed the decision, got a letter from the GP, brought to Hackney council but they said she had to wait for at least 6 weeks more, she ended up staying 8 weeks more, 20 weeks in total. This woman and her children were put at much greater risk, with people using drugs, being aggressive, stealing things, police would often show up. They were exposed to more violence.*

(refuge worker)

Move on cases of Black and minoritised women with insecure immigration, where their eligibility is being challenged by the council (e.g. women with EEA passports or with an EEA family member visa) tend to be more likely to be sent to B&B-style accommodation:

*“ There are cases where eligibility in regard to immigration is not clear, then the Council sends clients to hostels. The challenge is that they don't have support in hostels, they are exposed to discrimination and further violence. Children have contact with people with other types of vulnerability, drug misuse, and health conditions. Hostel are often mixed and very far away, which means they lose local support and become isolated.*

(refuge worker)

There have been instances where the appalling situations Black and minoritised survivors are being put in by Local Housing Authorities have led them to question the decision of leaving their abusive homes in the first place and considering going back to the perpetrator:

*“ Many women thought about going back with the perpetrators because they were starving, homeless and so were their children. Many say that at least with the perpetrator they knew what to expect. It is a hard job to convince them that it would be a bad decision to take.*

(refuge worker)

### **Moving on to private rented accommodation**

Many Black and minoritised women moving on from refuges are only being given the option of moving to private rented accommodation. Whilst this is normally a preferred option over going to B&B-style accommodations, multiple issues remain in terms of suitability, affordability and availability of private rented options. For example, in some cases Black and minoritised women struggle to find suitable housing options given that landlords are often reluctant to accept tenants on welfare benefits and/or racially discriminate against them during house viewings:

*“ Landlords don't want to take women on benefits, especially universal credit. Options decrease if women are not working.*

(refuge worker)

*People who show property treats them differently than other white viewers in group.*

(refuge worker)

*They [council workers] may give you several viewings [for private rented houses] but they offer you one. If they offer, women have to accept otherwise they are made intentionally homeless.*

(refuge worker)

Black and minoritised refuge workers report that in the majority of the cases Black and minoritised women have to move to private rented houses which are often in bad conditions. However, complaining about it can often lead to landlords evicting them or increasing the rent beyond their means.

*“ When think they will be given their own place after leaving the refuge, but it is actually short term. If they complain about the condition's landlords give them notice within months. Sometimes [they] get court order and eviction even before the council can do anything. Security of tenure is a must for Black and minoritised women who experienced violence.*

(refuge worker)

*Private accommodations offered are often in bad conditions and it's only a 1-year contract. After one year they need to have money for deposit to renew contract. The Council only cover deposit in the first year [this is a loan that needs to be returned in the second year], this should be a one-off grant.*

(refuge worker)

Black and minoritised women who move on to private housing often struggle to cover rent given that rent levels tend to be higher than Local Housing Allowances, especially for young people. In these cases, they may accumulate rent arrears and quickly become threatened with eviction and homelessness again, furthering the cycle of abuse.

*“ Rent arrears remains an issue with private rented schemes, rent is often higher than what is paid through housing benefit. Workers do an action plan for payment of rent arrears with the user. But language is a major issue in dealing with rent arrears as Black and minoritised women may take time to realise what is happening and will be unable to resolve the issues by themselves. This is where close support is needed but if immediate support is not available, they may quickly increase their rent arrears and the situation escalates to a possession order being issued and eviction.*

(refuge worker)

*There was an 18-year-old girl who was housed in shared accommodation. She experienced lots of harassment. She tried to study for university but there was a lot of noise. Because she was young and was 18, she was not paid enough to cover rent. They made a mistake, so the girl had to work 3 jobs to cover the rent. The council recognised and cleared the arrears eventually. The police had to get involved because of harassment. Landlords don't take harassment and racism seriously. After she complained it became worse. She could not use shared facilities.*

(refuge worker)

**Women with children are being sent to hostels when they should be going to a temporary accommodation. From crisis [refuge] they go to emergency [hostels] and then temporary [accommodation].**

(refuge worker)



There are also instances where Black and minoritised women are being placed in private rented houses in areas which are unsafe, where they experience further violence and harassment. This is illustrated in the case of a Black and minoritised refugee resident described below, where no action was taken by the relevant authorities and the woman was eventually considered to have made herself intentionally homeless given she left the house where she was being harassed:

“

*There was a former resident who privately rented a flat of her own. She experienced loads of harassment from men and women, banging on the door at night, incredibly aggressive. One friend came to stay with her because she was scared. A key worker called once and could even hear the banging and threats. So, we told the woman to come back, had her back at refuge to sleep on the sofa. Despite letting the relevant people know, no action was taken, she was considered intentionally homeless because of that. We had to help her find a place, because when the police came there was no one there so they said they could not do anything.*

(refuge worker)

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### **Move on challenges faced by specific groups of Black and minoritised women**

Whilst the move on experiences of Black and minoritised women seeking re-housing to leave refuges have proven to be increasingly challenging as described above, throughout our research there have been identified specific issues experienced by particular intersecting groups of Black and minoritised women, in particular: Black and minoritised women with EEA passports or EEA family visas; single young Black and minoritised women; and trans Black and minoritised women.

### **Black and minoritised women with EEA passports or EEA family member visas**

In the current Brexit environment, there have been increasing issues preventing Black and minoritised women with EEA passports/ EEA family member visas from moving on from refuges. Our research reveals that there is a lack of information about the law and the rights of these women under current legislation.

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*Accessing benefits has become a huge challenge under the hostile environment, so even those protected by the law often cannot access benefits. Local authorities often say no even before assessing the case. There are cases of women eligible for benefits who have not been awarded, I have made many appeals, but cannot challenge them in court. Universal credit is a major challenge.*

(refuge worker)

*When Black and minoritised women have a European passport or family member visa, they often have problems to access benefits. People in councils are not aware that Europeans can claim benefits. For example, an Albanian woman married to an Italian man was referred to us [Black and minoritised refuge] by social services and her form stated NRPF. Housing benefit was processed but we are still fighting for universal credit. They are saying she has not worked in the country, so she does not meet the habitual residence test. She has her place funded but no money for substance. She is living out of food banks, money from friends. She depends on her husband's work to claim benefits, but she can't contact the perpetrator. There is a disparity between their rights and the information they are given. There seems to be gatekeeping in practice.*

(refuge worker)

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To be able to access Universal Credit, Black and minoritised women with EEA passports/ EEA family member visas are now being required to pass the Habitual Residence Test. They are being systematically failed on an arbitrary basis since there are no clear guidelines on how to implement the test, particularly not in relation to survivors of domestic violence (whose situation of violence may make them unable to produce the required evidence to prove habitual residence). This means that women are often becoming stuck in Black and minoritised refuges without the means to move on once they are ready to do so.

**Europeans have to pass the habitual residence test and it is so long and tiring. There is misinformation from council workers who think that they are just 'no recourse'. The habitual residency test is really arbitrary, it just depends on the council officer. Lots of them only look at income, if they have been working in the past 3 weeks, but there are many other questions. They could accept the evidence that children were enrolled in school but normally this does not happen. There is a lot of confusion with Latin Americans because they think they are no recourse, although many have European passports.**

(refuge worker)

The case of Maria, a Brazilian woman, mother of a 7-year-old girl and married to a Spanish perpetrator is illustrative of the difficulties often experienced by migrant survivors with EEA family member visas. Maria made a homelessness application to the housing authority, who rejected it claiming that she needed an independent immigration status from her husband (inaccurate advice according to European law). She had been living in a Black and minoritised refuge for nearly a year through housing benefit, but her re-housing became a big challenge since she was denied Universal Credit on the basis that she did not meet the Habitual Residency Test.

**In my case I am having several problems, I feel as if I am to be blamed for being in this situation, I feel that there is a lot of discrimination with survivors of domestic violence, we feel inferior, we have to beg for help and always receive no. There is a lot of humiliation in the council and job centre. [...] They deny help as if it was a whim. It is like they are enabling more violence to occur [...] I often have panic attacks [...] They ask the same things over and over again, about my husband, about why I was with him.**

(Maria, Brazilian survivor)

Maria was also denied Job Seekers Allowance, so given the lack of funds to cover the basic needs of her and her son, she had to find a job although she was unfit for work. She started working at a hotel even though she was still vulnerable and had regular panic attacks.

**We already come from a very complicated situation and they just don't help; we even think about giving up. Sometimes I have panic attacks at work. I start shaking suddenly because of my medication. [...] I live with three hundred pounds a month. Sometimes it is difficult to go to work but I know I need the money. I feel like I am begging for alms, as if I was a criminal trying to take advantage, a scammer. But I have been worse.**

(Maria, Brazilian survivor)

As she explains, her experience in the council was marked by discrimination and disbelief. The case suggests an intersection of racism and sexism as Maria described being treated as a "scammer, trying to get advantage" which resonates with common stereotypes about Latin American women supposedly marrying EU nationals to "take advantage".

### Single, young Black and minoritised women

Single young Black and minoritised women are also facing specific challenges with their move on process. Private renting options are significantly more limited and less affordable for single young women under 35 years old given that in most cases they are only entitled to claim the shared accommodation rate of housing benefit (or universal credit housing costs), set under local housing allowance rules. Single young people 18-25 are being particularly affected by the age criteria for housing allocations.

**Re-housing for single Black and minoritised women is a major challenge and this has increased in the last years as they are not being considered vulnerable due to DV and not being considered a priority anymore. Women ask, 'why are we cast differently?'**

(refuge worker)

Black and minoritised workers have reported re-housing cases of young women under 25 to be particularly difficult, especially when they are in full-time education, in which case they are often only given advice by local authorities. Local authorities are also discharging their duty by claiming that young Black and minoritised women are not vulnerable. As some Black and minoritised refuge workers explain:

**A 19 years old was housed in a hostel. But the Council took more than 3 months to carry out assessment and then discharged their duty. We took her back in. She was new in the country, whilst in the hostel her mental health deteriorated.**

(refuge worker)

**There was this young Black and minoritised woman who fled domestic violence just before she turned 18. The Council doesn't provide supported housing to under 25. Young people are not considered vulnerable as such. We were able to get an exception for 3 months, the Council paid housing benefit for this period. As soon as she felt better, she went back to work and full-time education, so the Council cut the benefit - on the basis that she was not vulnerable anymore. She still had a lot of mental health issues, but they assessed her as not vulnerable. It was challenging to get her out of the refuge, she stayed for 4 months at the refuge without rent being covered. She stayed for 8 months in total. We tried to find a mental health supported housing, but they did not accept her referral because of her rent arrears and fear that housing benefit would not get through.**

(refuge worker)

## Trans Black and minoritised women

The housing challenges of Black and minoritised women who are trans are multiple, particularly given that their experiences of discrimination will often be cross-cut by transphobia in addition to racism and other challenges associated to be a migrant, being unfamiliar with the UK system and/or having a language barrier. The case of Alejandra, a Black Venezuelan woman, is illustrative of that. Alejandra was trafficked to the UK, sexually exploited and physically assaulted several times until she was finally able to escape and report the crime to the police. Although the police started investigating her case, the investigation was eventually closed due to lack of evidence. Alejandra was then placed in a temporary accommodation provided by the council and was being supported by adult social services and Galop, who made a referral to LAWA - particularly given Alejandra's language needs. The accommodation Alejandra was placed in was a hostel-style accommodation which was unsuitable for her needs. It was a mixed gender shared accommodation under very poor hygienic conditions, Alejandra had to share a room and bathroom with complete strangers. She felt very unsafe, especially considering the high risk of facing a transphobic attack.

**18 to 25 years old are only offered room in shared property and there are none. Some are offered hostel. They get £18 a week, but this does not even cover B&B.**

**(refuge worker)**

*There were four rooms on one floor, and she was in a shared room with other two beds where other people would sometimes come and spend the night. So, Alejandra was obviously not happy or feeling safe because at any time other people could just come and share the room with her, she didn't want that because she didn't know what kind of people they would be. It was like a hostel. There was only one bathroom in each floor to be shared among the four rooms and it was in a very poor condition, not clean. There was a person in the reception that would often not be there. She felt very unsupported, especially by the council, she felt like they put her there and then just forgot about her. What happened at the end is that Galop, adult social services and us, we were all working together to provide the support that she needs.*

**(case worker)**

Although the accommodation Alejandra was placed was clearly unsuitable, it has proven very difficult to move her to a better place. As the case worker explained, it would have been more appropriate for Alejandra to move to a self-contained accommodation of her own at that stage. However, the housing officer responsible for her case was unresponsive to all contact attempts by LAWA's case worker, Galop and even adult social services. Because of that, arrangements were then made for Alejandra to move to LAWA refuge.

*It was impossible to get in contact with the housing officer, even for the social worker who was based in the same council. We all sent so many emails, but he never replied. He only replied after Alejandra was already in our refuge and already being supported by our local council. It felt like she was neglected by the housing officer also because she was a trans woman. I do remember the first time I spoke to him, he actually mis gendered her, he referred to her as 'he', so I told him: 'she is actually a she'.*

**(case worker)**

After moving to LAWA's refuge, Alejandra felt much safer and supported by the team who assisted her with her specific needs such as helping her secure hormonal therapy through the NHS, but also the local housing authority which is prioritising her case and searching for a suitable move on option in the local area. However, even after moving to the refuge, Alejandra was subjected to transphobic treatment by other residents and a shop keeper from the local area. Although these incidents were promptly dealt with by the refuge staff (who strictly followed the internal policies and procedures and assisted Alejandra in making a report to the police about the case in the local shop), they evidence the pervasive risk of violence experienced by Black and minoritised trans survivors living in shared accommodation and navigating public spaces.

## 5.5 GOOD PRACTICE EXAMPLES

Despite the identification of misguided practices in police and housing authority's responses to Black and minoritised survivors with complex housing needs, there were also some cases which reveal good practices. Some Black and minoritised survivors seeking help reported being supported and provided with vital information at the first point of contact particularly by some GPs and social workers.

For example, in one case, a Pakistani woman was referred to social services by the police straight after an incident of domestic violence. From the beginning, social services explained to her the available options and that she could move to a safe women's refuge, however, she decided to give another chance to the perpetrator. Some months later, the perpetrator abused her again and this time she decided to leave. She contacted social services and they started looking for a refuge for her. As she explained below:

*I had a social worker contact number and I called her because I was really scared with the situation at my home, my husband was getting more violent every day. She then offered me to go to a hotel but I said I was not comfortable staying at a hostel by myself and I asked to call my husband's sister and ask her if I could stay at her house while they found me a refuge. Social services then helped me to contact the police to report the situation and to find a refuge space away from home. The social worker really helped me to get to the refuge and also helped me to apply for my DDV concession and now at the refuge I am getting support to apply for a settled immigration status.*

(Pakistani woman, survivor)

In another case, the police appropriately responded to a case, guaranteeing through a Domestic Violence Protection Notice (DVPN) that a Black and minoritised survivor could remain in her house until a place in a refuge became available. The testimony of this Bangladeshi woman survivor can be found below:

*The police chucked my husband from my house. I found a refuge because he was threatening me. They gave him a restriction order until they moved me out [...] He moved out and the police were every time checking on me, the police were helpful to me. [...] They called the refuge for me and then they gave me the number to keep on tracking. Someone from the refuge called me later to tell me that they had a space, then, in the afternoon, I went for an interview and on the same day I was placed in the refuge.*

(Bangladeshi woman, survivor)

In some other cases, Black and minoritised women reported how health services helped them by doing the appropriate referrals to other authorities:

*My husband tried to kill me in hospital, I was on oxygen, and my husband would come and start shouting at me, so the hospital applied for the concession.*

(Pakistani woman, survivor)

*The GP called the social worker and the social worker came and made me priority.*

(Sri Lankan woman, survivor)

Building on the experiences of the WAHA's project and research, this report considered the various issues and barriers facing Black and minoritised homeless survivors. The analysis presented here has been underpinned by national and international legal frameworks, identifying gaps in policy and practice in the ways the housing needs of survivors are currently being addressed. Drawing on national homelessness legislations, the Equality Act 2010, the Istanbul Convention, and the Imkaan's Alternative Bill<sup>38</sup> gendered and intersectional framework to addressing VAWG, the specific policy recommendations laid out in this chapter suggest concrete ways to move forward to ensure the UK complies with its obligations towards all women subjected to violence, regardless of race and immigration status, in a fair and non-discriminatory manner. We are making recommendations to:

- △ National Government
- △ Local Authorities
- △ Police

### 6.1 NATIONAL LEVEL

#### 1. Amend the Homelessness Reduction Act 2017 to ensure the duty to refer embeds a diverse pathways approach inclusive of the by and for Black and minoritised sector

The duty of public authority to refer cases in England to local housing authority should be extended to incorporate:

- a. A duty to provide accessible information to Black and minoritised women survivors of domestic violence (homeless or threatened with homelessness) about by and for specialist services and refuges;
- b. A duty to make a direct referral of cases of Black and minoritised women survivors of domestic violence (homeless or threatened with homelessness) to by and for services and refuges if they consent to.

The current statutory homelessness duty to refer to the local housing authority is exclusionary of the by and for Black and minoritised sector, and fails to acknowledge the key role of by and for Black and minoritised services and refuges in providing life-saving pathways to Black and minoritised women subjected to violence and acting as their advocates. In line with Imkaan's Alternative Bill call for the protection of diverse and safe pathways<sup>39</sup>, we propose that the homelessness duty to refer is amended to embed a diverse referral pathways approach fully including the by and for Black and minoritised sector in addition to statutory services. In order to comply with the Equality Act 2010 (public sector duty towards women and girls with protected characteristics) and the Istanbul Convention 4(3)<sup>40</sup>, public authorities must respond appropriately to Black and minoritised survivors' (homeless or threatened with homelessness) intersecting needs by providing them with accessible information about and referral pathways to by and for Black and minoritised services and refuges in addition to statutory services. This will improve early intervention, reducing the risk of escalation of violence and/or repeat victimization.

One of the main barriers Black and minoritised survivors face to leave their abusive homes is not knowing where to seek help from, given unfamiliarity with the UK system, lack of information about their rights and services and language barriers preventing them from accessing these. Our evidence shows that local authorities are failing to provide vital accessible information about by and for support services and refuges, which means that Black and minoritised survivors are being left unsupported and at great risk for extensive periods of time before they become aware of their options. For example, several residents of by and for refuges reported having to stay put with the perpetrators, sleep rough, couch-surfing or moving to other unsuitable forms of emergency accommodation (such as mixed gender hostels or generic women's refuges) before they became aware of the existence of by and for refuges. Evidence shows that by and for refuges are not only the most appropriate form of refuge accommodation to address Black and minoritised survivors' needs but that survivors themselves report feeling safer and more supported in this type of accommodation.

<sup>38</sup> From the Margin to the Centre. Proposal for an Alternative Bill Addressing Violence Against All Women and Girls Calling for an End to the State of Control and Surveillance. A Proposal by Imkaan, September 2018.

<sup>39</sup> From the Margin to the Centre. Proposal for an Alternative Bill Addressing Violence Against All Women and Girls Calling for an End to the State of Control and Surveillance. A Proposal by Imkaan, September 2018. Page 73.

<sup>40</sup> This Article of the Convention establishes that measures to protect victims shall be guaranteed on non-discriminatory grounds. Therefore, in order to guarantee Black and minoritised survivors are protected on non-discriminatory grounds their intersecting needs and vulnerabilities must be fully taken into account.

#### 2. The MHCLG Homelessness Code of Guidance for Local Authorities 2018 should become binding and a robust accountability structure to ensure Local Authorities' set up practices guaranteeing representation of the by and for Black and minoritised specialist sector.

This would ensure LAs properly fulfil their duties towards women subjected to violence who are homeless or threatened with homelessness. Currently, the guidance is inconsistently applied across different boroughs leading to arbitrary outcomes. Our work has shown how Local Authorities practices do contradict procedures outlined in the code. However, these are extremely hard to challenge given the non-binding nature of the code of guidance.

These binding guidance procedures should be incorporated together with a robust accountability structure inclusive of the by and for Black and minoritised expert sector. We welcome the MHCLG proposal to introduce a statutory duty on lead authorities to convene a multi-agency Local Domestic Abuse Partnership Board (LPB), however, this should necessarily include:

1. Representation and participation of the by and for Black and minoritised expert sector in its formal structure;
2. An extended remit to provide robust accountability of Local Authorities practices, to ensure they consistently follow the MHCLG Homelessness Code of Guidance for Local Authorities 2018 when dealing with domestic violence homelessness cases (fulfilling their duties under homelessness legislation – primarily, Housing Act 1996, Homelessness Act 2002, Homelessness Reduction Act 2017) and have due regard to their Public Sector Equality Duty (PSED)<sup>41</sup> in the exercise of their functions in relation to Black and minoritised women.

#### 3. All survivors of violence should be automatically considered eligible for safe housing/housing benefit regardless of their immigration status.

Guaranteeing protection and access to housing to all migrant women subjected to violence on non-discriminatory grounds is an obligation of the UK under the Istanbul Convention Article 4(3) and the Convention on the Elimination of all Forms of Discrimination against Women. There is a need for enforcement of Article 59 of the Istanbul Convention, granting all women subjected to VAWG with an autonomous resident status enabling them to access housing and other welfare benefits regardless of immigration status.

We call upon the government to abolish the No Recourse to Public Funds Rule (NRPF) for all women subjected to VAWG. These women must be able to secure access to safe refuge accommodation (through housing benefit) and move-on housing options. We are in full support of Southall Black Sisters campaign<sup>42</sup> calling for a complete end to the NRPF rule for migrant survivors. Currently, only women with NRPF who are on a spousal visa are entitled to access the destitution domestic violence concession (DDVC) under the Domestic Violence Rule, whilst women with student visas, work permits, and undocumented migrant women are left unsupported and at risk. The options for these women are often limited to remaining in violent homes, often under a life-threatening situation, or becoming homeless and therefore exposed to other forms of violence.

In order to fulfil Local Authorities' extended homelessness duties towards survivors of violence who are NRPF (as recommended above), the government should guarantee adequate levels of funding are allocated strictly for this purpose. The government should ensure all survivors can be assisted through welfare support, whilst local authorities should be working together with by and for BME women's organisations to guarantee Black and minoritised access to adequate refuge and housing options.

#### 4. The central government should provide ring-fenced funding to by and for Black and minoritised women's refuges.

By and for Black and minoritised women's refuges offer a vital emergency accommodation for Black and minoritised survivors fleeing violence where they feel safer, their intersecting needs are adequately addressed, and they are supported to move on to other more stable forms of housing. An appropriate level of provision of specialist refuges is central to fulfil Local Authorities' duties under the Equality Act 2010 and Article 4(3) of the Istanbul Convention, ensuring Black and minoritised survivors fair and non-discriminatory access to adequate supported accommodation. However, by and for refuges have been hit the hardest by central government austerity cuts and Local Authorities' decommissioning

<sup>41</sup> Under s.149(1) of the Equality Act 2010

<sup>42</sup> See more information here: <https://southallblacksisters.org.uk/campaigns/immigration/abolish-no-recourse-to-public-funds-campaign/>

practices. In the past 12 years, 22 Black and minoritised refuges across the UK have had their funding cut or have been taken over by larger organisations. This year Newham Council has decided to abruptly de-commission London Black Women's Project threatening the closure of its four life-saving refuges for Black and minoritised women in East London. The national level of provision of by and for refuges is already significantly below the level of demand and is only likely to decrease. Local authorities must ensure promising practices by supporting Black and minoritised women's organisations, recognising their long-standing experience and expertise.

The UK is failing to meet its legal obligations. In order to comply with Articles 20<sup>43</sup>, 22<sup>44</sup> and 23<sup>45</sup> of the Istanbul Convention, the government should allocate adequate financial resources to address and ensure VAWG survivors' access to general support services, specialist services and shelters in a non-discriminatory manner. This would enable the UK to meet its public sector duty towards people with protected characteristics as outlined in the Equality Act 2010, as well as its international obligations under Article 4 (3) of the Istanbul Convention. Therefore, we call for a needs assessment of the national and local provision of specialist services and refuges - framed within equality principles - to establish the level of ring-fenced funding to be allocated to by and for Black and minoritised women's refuges.

### **5. The government should reassess caps on Local Housing Allowance to ensure it realistically matches the cost of rented accommodation.**

Current housing options for Black and minoritised women moving on from refuges are very limited. Given the lack of social housing, the large majority are being forced to move on to private housing. However, caps on Local Housing Allowance means that women are not able to cover full rent through Universal Credit. This is further limiting women's housing options when they are still vulnerable and recovering from violence, therefore increasing their risk of repeat victimization. As a result of such restrictions, many women are being pushed into rent arrears, being threatened with eviction and often becoming homelessness again, thus reinforcing a cycle of poverty, homelessness and abuse.

## **6.2 LOCAL AUTHORITIES**

### **1. A binding duty should be placed on Local Authorities to ensure their internal guidance and practices comply with the MHCLG Homelessness Code of Guidance for Local Authorities 2018 in order to fulfil their legal duties under the homelessness legislation - Housing Act 1996, Homelessness Act 2002, Homelessness Reduction Act 2017. More specifically, they must ensure that:**

▲ Local Authorities must refrain from requiring survivors of domestic violence to provide further proof of violence in order to be believed and granted support.

We have identified several instances where victims are disbelieved and denied support if they fail to provide proof of a non-molestation order or police report. As stated in the Homelessness Code Section 21.20 - "Assessments must be based on the facts of the case and should be devoid of any value judgements about what an applicant should or should not do, or should or should not have done, to mitigate the risk of any violence and abuse." In addition, it clearly states that "the housing authority should be particularly sensitive to an applicant's wishes and respectful of their judgement about the risk of abuse" (21.26).

Under Article 18 of the Istanbul Convention, there is an obligation to provide measures and services to avoid secondary victimisation of women who have been subjected to violence, 'the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator' (Article 18.4 of the Convention). Furthermore, the Convention does not require a high threshold for State intervention in individual cases of violence. The Convention does not require a minimum level of severity of violence to trigger the State's obligation to intervene. The Convention keeps a clear-cut line that there is no justification in the State's idleness to prevent violence against women in a rapid and appropriate manner.

▲ Local Authorities must have equal regard to all forms of violence against women, regardless whether women have experienced physical violence.

Our evidence shows many instances where victims have their experiences of abuse disbelieved or not taken seriously enough, especially when the abuse they experience is not visibly physical, such as psychological or financial. As stated in the Homelessness Code Section 21.19 - "The term 'violence' should not be given a restrictive meaning, and 'domestic violence' should be understood to include physical violence, threatening or intimidating behaviour, and any other form of abuse which directly or indirectly may give rise to harm; between persons who are, or have been, intimate partners, family members or members of the same household, regardless of gender identity or sexual orientation". In particular, the Code explicitly states that Housing Authorities must follow the cross-government definition of domestic violence and abuse which includes, but is not limited to, psychological, physical, sexual, financial, and emotional abuse.

▲ Local Authorities must refrain from requiring survivors of violence to prove a local connection in order to make a homelessness application.

Our evidence reveals several instances in which Black and minoritised women survivors of violence are being required by housing teams to provide proof of local connection in order to make a homelessness application. Even when they are able to do so, their local connections are often not being taken into account (e.g. relatives/friends who live in the area, local temples / mosque / churches, children's school, support services, employment). This illustrates a failure by Housing Authorities to recognise that boroughs where survivors of violence might have their strongest connection are likely to be an area where they would be at risk of violence and therefore cannot be expected to live in. As stated in the Homelessness Code Section 21.38 - "A housing authority cannot refer an applicant to another housing authority where they have a local connection if that person or any person who might reasonably be expected to reside with them would be at risk of violence and abuse in that other district. The housing authority is under a positive duty to enquire whether the applicant would be at such a risk and, if they would, it should not be assumed that the applicant will take steps to deal with the threat.

▲ When assessing vulnerability of Black and minoritised women due to domestic violence, Housing Authorities must fully consider vulnerability arising from structural and intersectional inequalities in full compliance with their public sector duty under the Equality Act 2010 in relation to people with protected characteristics.

Local authorities are consistently failing Black and minoritised survivors without children in their vulnerability test to assess whether someone is in priority need for housing. Our evidence shows that the vulnerability test has a very high threshold and decisions are being made on an arbitrary basis. Black and minoritised women's vulnerability arising from structural and intersectional inequalities are not being properly considered, such as vulnerability arising from their mental health and language needs and the ways this is exacerbated by racial and gender-based forms of discrimination. In line with the Alternative Bill proposals, we advocate for a reconceptualization of "vulnerability as a wider category of oppression that affects all women, manifesting in their unequal representation and participation as a condition of the structures and institutions they come into contact with."<sup>46</sup> We are in full support of Crisis 'Safe Home' campaign calling for an automatic extension of priority need for all survivors of domestic violence, which should necessarily include all survivors regardless of their immigration status.

<sup>43</sup> Article 20 (1) on general support services states that 'Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.'

<sup>44</sup> Article 22 (1 and 2) on specialist support services states that 'Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short-and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.'

<sup>45</sup> Article 23 on shelters states that 'Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.'

<sup>46</sup> From the Margin to the Centre. Proposal for an Alternative Bill Addressing Violence Against All Women and Girls Calling for an End to the State of Control and Surveillance. A Proposal by Imkaan, September 2018, p.5.

## 2. Local Authorities should refrain from using B&B style accommodation as a move on option for Black and minoritised survivors, in particular women with dependent children.

Our experience shows that Black and minoritised women moving on from by and for Black and minoritised refuges are often only being offered B&B style accommodation as an option, where they need to share facilities with strange men and adults with drug and alcohol problems. Unwillingness to accept is being met with threats of being made intentionally homeless. Black and minoritised women have reported traumatic experiences having been forced to live in B&B style accommodation before or after instances in a refuge, in particular, feeling unsafe having to share spaces with strange men and/or adults with drug and alcohol problems; being racially discriminated; not being able to cook and properly feed their children; being worried about extreme low levels of hygiene, and problems such as mold; worried about the general wellbeing of their children given the lack of space.

Whilst we understand that B&B-style accommodation may be used as an emergency measure at the point of fleeing violence given shortage in refuge accommodation, it should by no means be used as a move on option for women relocating from a refuge. This form of accommodation is not suitable to any survivors of domestic violence, in particular those with dependent children - being particularly detrimental to the health and development of children. Under section 210(2), The Secretary of State Homelessness (Suitability of Accommodation) (England) Order 2003 (SI 2003 No. 3326) specifies that B&B accommodation is not to be considered as suitable for applicants with family commitments provided with accommodation under Part 7.

## 3. Local Authorities should refrain from housing Black and minoritised women in unsuitable areas, instead ensuring they are placed in areas where they can integrate in the local community.

The experiences of nomination and housing allocation of Black and minoritised survivors show that they are often being re-housed by Local Authorities in unsuitable and unsafe areas, often outside of their administrative areas. No regard is being taken in relation to Black and minoritised women's local connections in relation to tailored support services, children's school, employment, faith communities and general support networkers. Moving to far away areas therefore means increase in isolation, loss of support and income and increasing risks of re-victimization, in particular race-based re-victimization when women are being sent to predominantly white areas where they are racially profiled.

## 4. The Habitual Residence Test (HRT) should be abolished by Local Authorities' in assessing the eligibility for benefits of women who have been subjected to violence.

As shown by our cases studies, HRT is inconsistently applied across local authorities and decisions are being made on discretionary basis without account for domestic violence, which raises serious concerns about justice and discrimination. In the current Brexit environment, our evidence reveals that Black and minoritised survivors of violence with an EEA passport or EEA family member visas are being increasingly failed in the Habitual Residence Test and therefore denied access to universal credit to fund their accommodation. Many of these women have dependent children and are indeed entitled to welfare support under current European law (which is still applicable). Although Brexit negotiations are ongoing, there is no legal justification for postponing processes or arbitrarily taking decisions of non-eligibility. Brexit will in any case have a 2-year trial period, during which current laws will continue to be applied until relevant changes are enforced.

Our experience shows that whilst many of these women are able to move into by and for Black and minoritised refuges (by having their places funded with housing benefit directly being paid to refuges), they are then subsequently being denied Universal Credit. This is preventing them to move on, becoming stuck in our refuges, unable to rebuild their lives in a more stable form of housing, whilst utilising spaces that are urgently needed by other Black and minoritised survivors fleeing violence.

## 5. Local housing teams should provide Black and minoritised survivors with the option to be assisted by an officer who is a Black and minoritised woman when this is available.

Many Black and minoritised survivors and Black and minoritised refuge workers have reported that when they seek assistance from local housing teams, they are not being matched with officers who are Black and minoritised women, even when this is available. Their experiences of discrimination in terms of racism, language barrier and disbelief of their experiences of violence reveal they are at a greater risk of victimisation when dealing with local officers, ensuring they are assisted by other Black and minoritised women could help to mitigate this risk.

## 6. Local Authorities should provide comprehensive training for all its staff dealing with Black and minoritised survivors who are homeless or threatened with homelessness.

Black and minoritised women have repeatedly reported being unsupported, disbelieved and discriminated against whilst dealing with local authorities, in particular, local housing teams. There is a pressing need for Local Authorities to receive comprehensive training, specifically in relation to:

- ▲ Compliance with Public Sector Equality Duty (PSED)<sup>47</sup> in the exercise of its functions to have due regard to the need to eliminate discrimination and harassment of and advance equality of opportunity for Black and minoritised women (for people with shared protected characteristics), as per the Equality Act 2010;
- ▲ How to appropriately respond to Black and minoritised women specific experiences and needs regarding gender-based violence;
- ▲ How to adequately implement the MHCLG Homelessness Code of Guidance for Local Authorities 2018;
- ▲ Identification and provision of accessible information to Black and minoritised survivors who are homeless or threatened with homelessness regarding diverse referral pathways, making referrals to Black and minoritised services and refuges where Black and minoritised women identify the need to do so.

The obligation to provide or strengthen appropriate training to professionals dealing with victims of violence is established under Article 15 (1) of the Istanbul Convention. Article 15 (2) specifically encourages the inclusion of training to ensure multi-agency cooperation and adequate use of referrals.

## 6.3 POLICE

### 1. The police should be provided with comprehensive training on how to adequately respond to cases of Black and minoritised women subjected to violence.

Black and minoritised women have repeatedly reported being unprotected, disbelieved, discriminated against and further criminalised whilst dealing with the police. As an enforcement agency, the Police has no supportive role but must ensure they respond to domestic violence cases appropriately and in a non-discriminatory manner in ways that do not exert further harm. There is a pressing need for the police to receive comprehensive training, specifically in relation to:

- ▲ Compliance with Public Sector Equality Duty (PSED) <sup>48</sup> in the exercise of its functions to have due regard to the need to eliminate discrimination and harassment of and advance equality of opportunity for Black and minoritised women (for people with shared protected characteristics), as per the Equality Act 2010;
- ▲ How to appropriately respond to Black and minoritised women specific experiences and needs in regards to gender-based violence;
- ▲ Their duty to refer cases to local housing authority under Homelessness Reduction Act 2017;

<sup>47</sup> Under s.149(1) of the Equality Act 2010

<sup>48</sup> Under s.149(1) of the Equality Act 2010

△ Their powers to make appropriate use of Domestic Violence Protection Notice (DVPN) and Domestic Violence Prevention Order (DVPO) to remove perpetrators from a house at least until safer accommodation is made available for Black and minoritised survivors;

△ Identification and provision of accessible information to Black and minoritised survivors who are homeless or threatened with homelessness regarding diverse referral pathways, making referrals to Black and minoritised services and refuges, where Black and minoritised women identify the need to do so.

The obligation to provide or strengthen appropriate training to professionals dealing with victims of violence is established under Article 15 (1) of the Istanbul Convention. Article 15 (2) specifically encourages the inclusion of training to ensure multi-agency cooperation and adequate use of referrals.

## 2. The police should make appropriate use of Domestic Violence Protection Notice (DVPN) and Domestic Violence Prevention Order (DVPO) to remove perpetrators from a house at least until safer accommodation is made available for Black and minoritised survivors.

There is a need for existing protective orders to be reinforced and strengthened rather than introducing new ones. Our evidence shows that the police are failing to make appropriate use of DVPN/DVPO when attending to domestic violence cases. There were instances where after calling the police, upon arrival Black and minoritised survivors were told they could not do anything to remove perpetrators from the house because the perpetrator owned/rented it. In other cases, Black and minoritised survivors were removed from their homes by the police and left unsupported having nowhere to go, with some having to sleep in the police station.

Under the Crime and Security Act 2014, the police have powers to use DVPN to provide emergency protection to a person believed to be a victim of domestic violence. The notice is used to bar the suspected perpetrator from returning to the victim's home or contacting the victim. A magistrates' court application must be submitted for a DVPO within 48 hours of issuing the DVPN. The court will issue a DVPO (for 14 to 28 days) if satisfied that the suspect has been violent / threatened violence towards the victim and that the order is needed to prevent further violence or threat of violence.

According to Article 5(2) of the Istanbul Convention and in accordance with the case law of the ECtHR, the States must oblige with the principle of due diligence. This means that they must respond to violence in a diligent manner to combat and prevent further acts. It implies a requirement to provide effective and efficient responsive measures when cases arise.

## GLOSSARY

**B&B:** Bed and breakfast, a lodging establishment which offers overnight accommodation and breakfast.

**Black and minoritised:** groups that due to their race, religious creed, nation of origin, sexuality and gender are minoritised and as a result of social constructs have less power of representation compared to other members or groups in society. This term is used as a better reflection of minoritised groups than the previously used BME acronym.

**BME:** Black and minority ethnic individuals, a terminology more commonly used to refer to minoritised people in the UK context.

**Destitution Domestic Violence Concession (DDVC or DDV):** an authorisation enabling a person who was previously granted leave to enter or remain as the spouse/civil partner/unmarried or same-sex partner of a British citizen or a settled person to access public funds for a three-month period while they submit a free-standing application for leave to remain, when that person claims:

△ that the relationship with their spouse/civil partner/unmarried or same-sex partner has broken down as a result of domestic violence; or

△ that they need access to funds to leave the relationship.

**Diverse Referral Pathways:** the availability of a range of referral options to organisations catering to the individual characteristics of a person approaching a public authority for assistance. Diverse referral pathways would include, by way of example, the possibility of referral to by-and-for BME organisations.

**Domestic Violence Protection Notice (DVPN):** a protection notice issued by the police to a person when there are reasonable grounds to believe that that person has been violent, or has threatened violence towards, an associated person, and the issuance of the DVPN is necessary to protect that associated person from violence. A DVPN may include provisions prohibiting the potential/actual aggressor from:

△ evicting the associated person;

△ entering the premises; and

△ coming within a specified distance of the premises.

**Duty of care under the Children's Act:** a general legal obligation of every local authority to:

△ safeguard and promote the welfare of children within their area who are in need; and

△ so far as consistent with that duty, to promote the upbringing of such children by their families;

△ by providing a range and level of services appropriate to those children's needs.

In addition to this duty, and further to the UN Convention on the Rights of the Child, local authorities have a legal obligation to take into account the best interests of the child as a primary consideration in any decision relating to children.

**EEA/European Economic Area:** acronym used to describe a person who is a citizen from an EEA state. These are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK, Iceland, Liechtenstein and Norway.

**EEA family permit:** a residence permit that a person from outside the EEA may apply for in order to join an EEA or Swiss family member who is in the UK or will be in the UK within 6 months of the date of application.

**Eviction:** the action of expelling someone from a property.

**Gatekeeping:** the practice of local authorities turning individuals away who are seeking to make a homelessness application and denying their legal right to support.

**Habitual Residence Test:** a test which a person from EU, Norway, Switzerland, Iceland or Liechtenstein must pass in order to be able to apply for benefits. The purpose of the test is to establish that:

- Δ A person has the right to reside in the UK, Ireland, Channel Islands or Isle of Man; and
- Δ That a person's main home is in either of the above mentioned locations and she/he plans to stay (habitual residence).

**NRPF/no recourse to public funds:** a condition imposed on a person due to their immigration status, according to which a person will not be entitled to benefits which are not based on National Insurance contributions.

**Occupation Order:** a court order which regulates who can and cannot live in the family home and can restrict an abuser from entering the surrounding area.

**Permanent housing/accommodation:** accommodation available for a person to live in for an undetermined period of time.

**Public Sector Equality Duty:** The public sector equality duty (set out in s. 149 of the Equality Act) imposes on public sector staff the legal obligation to have due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation;
2. advance equality of opportunity with people who share a relevant protected characteristic (e.g. race, sex, disability or sexual orientation) and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic; in the exercise of their functions.

In order to meet this legal obligation, public sector staff must:

- Δ remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to the characteristic.
- Δ tackle prejudice and promote understanding
- Δ take steps to meet the needs of the person who share a relevant protected characteristic that are different from the needs of persons who do not share it.

**Safe accommodation:** accommodation where a survivor is safe from any risks stemming from a previous or continuing experience of domestic abuse.

**Survivor:** a person who has experienced one or more forms of gender-based violence.

**Temporary Accommodation/Housing:** accommodation available for a person to live in for a set period of time. In the homelessness context, temporary housing refers to council housing granted to a person when a homelessness application has been made and the council:

- Δ decided a person qualifies for longer term housing but has not made a final housing offer;
- Δ placed a person in emergency housing but has not moved a person after deciding they qualifies for longer term housing

**Tenancy agreement:** an oral or written contract between (a) tenant(s) and a landlord setting out their rights and responsibilities towards one another, including:

- Δ the name of the tenant(s);
- Δ the address of the property (or room) rented;
- Δ the name and address of the landlord and letting agent if there is one;
- Δ the rent payable, when it is due, and how it is paid;
- Δ how long the agreement is for;
- Δ rules for ending the tenancy.

**Vulnerability:** a state, caused by one or multiple factors relating to a person's past experience, which may result in that person:

- Δ being unable to protect themselves from harm; and/or
- Δ needing additional safeguards than an ordinary person would need to ensure they do not suffer harm.

Vulnerability has a distinct meaning in the housing context, where an applicant may be considered to be vulnerable for the purposes of establishing priority need if she/he is significantly more vulnerable than an ordinary person in need of accommodation, and is likely to suffer greater harm in the same situation.

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