PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) BILL [*LORDS*]

First Sitting

Tuesday 27 March 2018

(Morning)

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not later than

Saturday 31 March 2018

The Committee consisted of the following Members:

Chairs: † Andrew Rosindell, Joan Ryan

† Afolami, Bim *(Hitchin and Harpenden)* (Con)
† Burghart, Alex *(Brentwood and Ongar)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Docherty, Leo *(Aldershot)* (Con)
† Duffield, Rosie *(Canterbury)* (Lab)
† Hughes, Eddie *(Walsall North)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Lewer, Andrew *(Northampton South)* (Con)
† Norris, Alex *(Nottingham North)* (Lab/Co-op)
† Onn, Melanie *(Great Grimsby)* (Lab)
† Phillips, Jess *(Birmingham, Yardley)* (Lab)
† Philp, Chris *(Croydon South)* (Con)
† Syms, Sir Robert *(Poole)* (Con)
† Tolhurst, Kelly *(Rochester and Strood)* (Con)
† Wheeler, Mrs Heather *(Parliamentary Under-Secretary of State for Housing, Communities and Local Government)*

Nehal Bradley-Depani, Kenneth Fox, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 27 March 2018

(Morning)

[Andrew Rosindell *in the Chair*]

Secure Tenancies (Victims of Domestic Abuse) Bill [*Lords*]

9.25 am

The Chair: Good morning. Before we begin the line-by-line consideration of the Bill, I have a few preliminary announcements. Please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

Today, we will first consider the programme motion. We will then consider a motion to enable the reporting of written evidence for publication. In view of the time available, I hope that we can take these matters formally and without debate. I first call the Minister to move the programme motion, which was agreed by the Programming Sub-Committee yesterday.

Ordered,

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 27 March) meet at 2.00 pm on Tuesday 27 March;

(2) the proceedings shall be taken in the following order: Clauses 1 and 2; new Clauses; new Schedules; remaining proceedings on the Bill;

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 27 March.—(*Mrs Wheeler.*)

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Mrs Wheeler.*)

The Chair: Copies of the written evidence received by the Committee will be made available soon.

The selection list for today is available in the room and on the Bill website. None of the amendments have been grouped for debate. The Member who has put their name to the amendment being debated is called first. Other Members are then free to catch my eye to speak on that amendment. A Member may speak more than once in a single debate. At the end of a debate, I shall call the Member who has moved the amendment again and before they sit down, they will need to indicate if they wish to withdraw the amendment or to seek a decision. I shall use my discretion to decide whether to allow a separate stand part debate on individual clauses following the debate on the relevant amendments. I hope that explanation is helpful to the Committee. We start with amendment 5 to clause 1. I have selected this amendment, although it is starred, as it was provided to the Public Bill Office before the deadline but was not processed until Friday.

Clause 1

Duty to grant old-style secure tenancies: victims of domestic abuse

Melanie Onn (Great Grimsby) (Lab): I beg to move amendment 5, in clause 1, page 1, line 9, after "tenant)" insert

"and regardless of whether the qualifying tenancy is in the jurisdiction of another local authority".

It is a pleasure to serve under your chairmanship, Mr Rosindell. The amendment stands in my name and that of my hon. Friend the Member for Rochdale (Tony Lloyd), the former shadow Minister, who is now the shadow Northern Ireland Secretary—we are in a fast-moving world at the moment.

Let me start by saying that the amendments to the Bill in the other place are very welcome. They recognise that the Government have listened to the very real concerns expressed by Members from both sides of the House and members of the other place on this important issue. I have read the transcripts of the debate in the Lords, where my amendment originated—I should take the opportunity again to thank Baroness Lister of Burtersett and Lord Kennedy of Southwark for their work on the Labour Benches in introducing the amendment— and it is clear that there is a great deal of concern about the situation for victims of domestic violence.

Lord Farmer noted in his contribution that

"we are still…stuck on the question, 'Why doesn't she…leave?', when someone is the victim of abuse, rather than…asking, with regard to the perpetrator, 'Why doesn't he…stop?"—[*Official Report, House of Lords,* 9 January 2018; Vol. 788, c. 147.]

He commented on the research about victims who return to lives of domestic abuse, saying that "a high proportion" go back to their abusive partner. He later qualifies that with the figure of 66%—that is, 66% of women who have tried and failed to leave an abusive partner. Two thirds of women decide, for whatever reason, that it is preferable to stay in the same property, their home—a really important part of this is that it is their home—with someone who abuses them. Nearly all those women—97%—have returned repeatedly. They have tried to flee, to leave, and to establish a new life, but for myriad reasons have then returned. That is why it is so important that the Government ensure that the security of a home, a safe place for children and the support of agencies such as Refuge and Women's Aid are dealt with in legislation.

This small but, I would say, mighty amendment would ensure that the legislation met in practice the intentions that we set out in this room. That is the purpose of our amendments—to ensure that in practice, out there in the real world, in the real lives of people living in the circumstances that we are discussing, what we decide in this room and what the Government decide to set down in black and white as the law of the land works in practice on the ground, meets the needs of those people and meets the Government's intentions. I have listened carefully to the Minister, and the intentions are there. They are clear. I believe that there is a strong commitment, going all the way to the top of the Government, to ensure that women's lives are improved—I am referring to women, as they make up the majority of victims of domestic violence; I accept that there are also male victims, but I am using "women" as the more general term—and are not hindered in any way by policy. We must ensure that the policy that we agree is the best that it can be.

Our amendments and the amendment of the Bill in the Lords will, I believe, greatly reduce the risk of return to abusive partners and will, I hope, go a great distance towards reducing the absolutely terrible statistic of two women dying every week at the hands of the person who is supposed to love and care for them the most. One cannot help but think about that and the reality of the situation for these women. We know that women sometimes remain in abusive relationships for years before summoning the courage to leave. Children are often the reason for staying: the women do not want the kids to be without their dad because he is a good dad; he loves them and would do anything for them. However, there is also fear of the alternative: what else awaits women if they go? They leave the comfort of their surroundings and the place that they know. They leave their friends, their social networks, family perhaps, their children's schools, their work—everything is thrown up in the air. It is a period of great upheaval and uncertainty.

The Minister will know that I have previously expressed frustration that it is always the victim who is expected to leave, to seek refuge and to start again. That will remain the case until we see a significant change in the judicial system and the education system, as well as the embedding of the principles of early intervention and healthy relationships across the country. I look forward to the domestic violence Bill that will be introduced later this year, so that we can see what the Government's plans are in this area.

After women have taken the step of leaving, the process of rebuilding a life for them and their family can be a tough road. There must be certainty of housing support. In Baroness Lister's contribution on the Lords amendments she noted that Women's Aid had reports of women being

"reluctant to leave a secure tenancy and that some would take massive risks rather than give it up."—[*Official Report, House of Lords,* 24 January 2018; Vol. 788, c. 1042.]

The amendment that the Government have supported was tabled with every intention of tackling that fear, and of laying to rest the concern of victims of domestic violence about being left—because of being a victim—in a worse housing position with their council tenancy.

That great intention—that purposeful move towards supporting the victims of domestic violence—could, however, be undermined if the Government do not make the meaning of the Bill clearer. In debate after debate—about housing, on International Women's Day, about the justice system and about domestic violence specifically—there has been discussion of the fact that women often have to go out of the area when they are in the situation we are considering, as well as of the resulting funding issues and the wider issue of the problematic review of supported housing funding. The reasons are various, and include, sometimes, a lack of refuge places or finance, people returning to homes in the wider family, and issues of individual or family safety. If the abuser is a persistent harasser, in particular, there will be a need to keep the location discreet.

Lord Lipsey noted that three quarters of the women in a refuge would not be from the area where it was situated, and commented that it was natural for victims to want to

"fly as far away as possible"—[*Official Report, House of Lords,* 9 January 2018; Vol. 788, c. 145.]

from the source of the abuse. Women's Aid put the figure at about 68%, just shy of three quarters. It has also provided us with the outcome of its No Woman Turned Away project, which shows that nearly a fifth of women were prevented from making valid homelessness claims on the grounds of domestic abuse for reasons that included having no connection to the area.

That is important and goes to the heart of the purpose of amendment 5. We are talking about women's situation and their need for support. When we see what really happens when people cross local authority boundaries—how many people are being refused, and the fact that the Women's Aid report mentions refusals being made specifically because of a lack of local connection—we must do all we can to ensure, through the Bill, that that situation does not continue. If the Bill is allowed to go forward without amendment, we shall have failed to deliver what the Government intend by it.

Local housing teams make the decisions. The systems that they develop are based on legislation that comes from this place. That leads me to the point that when a right to housing and a secure tenancy is specified, that should follow the individual. It should not matter whether they are within or outside their local authority; it should follow the victim. Whether it is through fate or design that victims leave their areas and relocate—and for some of them the relocation must be long-term and discreet—legislation must reflect the reality.

The measure will be something of a legacy for the Minister, and there is no point in failing to sew up the least thread of the seam. It is not inconceivable, given the reaction of some local authorities when asked to contribute to refuge support services, that with all the constraints and pulls upon their resources, they will find enough of a hole in the Bill to wriggle out of the duties that it is intended to place on them. I call on the Minister to do all in her considerable power to see that that possibility—however small she may consider it—is addressed today, and that the amendment is accepted.

It would be a tragedy if the Government's well-intentioned measure were to be undermined later through limited implementation in cases where victims tried to re-establish their lives outside their original local authority area. Is there is a reason why it is not possible to make the provision explicit?

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): It is a pleasure to serve under your chairmanship, Mr Rosindell, I believe for the first time.

The amendment aims to ensure that where a victim of domestic abuse applies to another local authority to be rehoused, the requirement to offer a lifetime tenancy still applies if a new tenancy is offered. The Bill is intended to protect people who need to move from their current home, and those who have already fled, to escape domestic abuse. It is clearly understandable why a victim of domestic abuse may want or need to move themselves and their family to an area far from the perpetrator. It is therefore important that the Bill protects victims who apply for housing assistance in another local authority district. However, it already does that, so the amendment is technically ineffective.

The Bill applies to any local authority in England, and to any tenant who has a lifetime local authority or housing association tenancy for a dwelling house anywhere

[Mrs Heather Wheeler]

in England and needs to move from that house to escape domestic abuse. I therefore believe that the amendment is unnecessary and ask for it to be withdrawn.

The Chair: Let me clarify, in case there is any confusion, that the Minister may speak again. It is perfectly fine for the Minister to speak and for Back Benchers to come in afterwards.

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to serve for the first time under your chairship, Mr Rosindell, and to be part of this important Committee. I am conscious that there are lots of skilled and talented people in the room who are very experienced in the area of domestic abuse, so it is perhaps natural that I rise to speak with a little trepidation, but I care deeply about this issue and I want to make a couple of points about the amendment.

Prior to coming to this place, I was a city councillor in Nottingham for six years. I had special responsibility for a variety of things, but I was responsible for the council's domestic abuse services throughout that time. I felt that the council had two roles, which pertain directly to the Bill. The first was to set out our stall, in a time of real cuts, to try to protect services in the city—those commissioned by the council and the broader services in our city's fragile ecosystem. Cuts to the council's budgets were such that we could not do that in many areas, but we decided that we would draw the line at domestic abuse, and I am happy to say that we held that line pretty well.

The council's second role was to take away barriers. I do not have direct experience of what it is like to be in a relationship with an abusive loved one, and I cannot imagine how difficult it is to leave such a situation. The closest I have come is through my casework, both as a councillor and as a Member of Parliament. Suffice it to say that I have seen from that vantage point just how difficult it is—but I cannot quite imagine it. However, I felt that the council's job was to take away barriers, and that is what we set out our stall to do.

We said to people, "If your concern is about your children and the impact on them, then we will guarantee good schooling and we will guarantee that their mental health needs will be met. If your issue is with your pets, then we will make sure your pets are taken care of and fostered. If your issue is with money, then we will support you." I felt that we had a role as a local authority, as Parliament has a role, to take away those barriers, and housing and secure tenancies are absolutely at the nub of that. The Minister said on Second Reading that the purpose of the Bill is to remove impediments, and I completely agree.

We all know, because this subject has been well played out, that the safest place for a survivor in my community this evening may well be a refuge in Birmingham, and vice versa. That person may need to be physically far away from where they live tonight, and it stands to reason that that may well be true for months or years, or forever. It is important that a secure tenancy is not a barrier and that it follows that survivor. So far, so good. That point was well played out on Second Reading and in the Lords, and there is clear agreement on it.

However, we diverge on whether the Bill needs expressly to state that secure tenancies apply across local authority boundaries. On Second Reading, the Minister said that she did not think there was a problem and that that did not need to be stated in the Bill. I disagree. That position is based on an assumption that local authorities take a common approach to these things. I do not think that is the case, for both positive and negative reasons.

Let me deal first with the positive reasons. Localism says that for all manner of services—perhaps every service—every local authority does things slightly differently. They have a mandate to do so, so it is not surprising especially when it comes to housing, that things will look very different in Nottingham from in south Derbyshire, or Derbyshire in general. As a result, there are times when the Government need to prescribe a broader approach, to make sure that people are not missed out.

9.45 am

I recognise what my hon. Friend the Member for Great Grimsby said about local connection—a point that Women's Aid has made very strongly. At a time when there are cuts and pressures on councils to make their housing revenue accounts stretch, there will always be a perverse incentive to try to put people off. We are all very sure of the positive motivations of people who work in local government—I certainly know that, as I have worked with lots of them for a long time. Nevertheless, it would be helpful to be clear on the face of the Bill that there is a cross-party, cross-Chamber understanding from Parliament that we mean secure tenancies wherever that tenancy is needed. That seems like a reasonable thing that will future-proof against a bad decision.

The secured tenancies would be applied sensibly in the vast majority of cases, but every time they are applied badly and that barrier is put in place, we create a significant risk of harming individuals and ruining lives. The cost of failure—of falling off that high wire—is extraordinary. The price of avoiding that is to set it out on the face of the Bill, which seems a sensible approach to removing that risk.

Stella Creasy (Walthamstow) (Lab/Co-op): It is obviously a pleasure to serve under your chairmanship, Mr Rosindell, for this incredibly important piece of legislation. I do not think a single member of the Committee can be unaware of how important it is to get these issues right. We will have seen in our constituency surgeries the people for whom the system does not work. I want to start by giving an example of that to explain—*[Interruption.]* If the Minister has not, she is very lucky, because sadly, in my constituency—

Mrs Wheeler: It is a good council.

Stella Creasy: I do not think this is about good councils; it is about how we deal with domestic violence cases in this country. Still too often, we require the victim to put the pieces of her escape route together. I say "her", and I recognise that men are victims as well, but it is overwhelmingly women who we ask to try to work through a system based on service provision rather than their needs.

I want to give the Minister an example—which I hope will explain why Opposition Members are concerned about future-proofing this legislation—of one of the cases I dealt with in Walthamstow, near the boundary

with Redbridge, because in London the difference between 33 boroughs can be the difference between life and death. It is the example of a woman whose secure tenancy was ruined because her abusive partner set fire to their flat. She fled to Redbridge, but as soon as she left the borough, a mere 10 minutes by car, everything fell apart for her. Suddenly, she was simply someone from another borough seeking housing, not a victim of domestic violence—as he stood on the balcony of the property that she had managed to find, tapping on the window and telling her that he had found her.

We could not keep that woman safe. I took to calling the borough commanders in my borough and in Redbridge every single day about her, because we could not get housing and could not get the police forces to work together, merely because they were 10 minutes apart by road. They were two different boroughs and two different housing departments. She started getting chased for her council tax and rent arrears on a property that was a burnt-out shell. If she had gone back to that property, he could have found her there, too. Every single day, that woman was on my conscience, all because bureaucracy could not see the victim, only the housing service and the policing requirements. The police in Redbridge said to her, "Close your windows, then he can't knock on the windows," not understanding what was going on, because we did not put the victim first.

The challenge is that that case is not unusual. It is not about London boroughs or co-ordination; it is simply that there are two different housing departments, one of which recognises that there might be a domestic violence case, while the other simply sees somebody whose postcode is in the wrong district.

I share the Minister's desire to get secured tenancies right. She says that is already written into the legislation, but why not make it certain that it can be beyond a degree of reasonable doubt with any housing authority? That way, when MPs are faced with somebody who has come from a mere 10 minutes away, who is desperate for help, in fear of their life and has made that difficult decision to leave, there is no doubt that they will be housed. There should not be a point at which a housing officer says, "I'm sorry, this postcode isn't in our borough and therefore this person is not our responsibility. They need to go back into the system."

We have all seen the person who does not leave—the person who recognises that bureaucracy is going to be another hurdle and who, with everything else going on their life, does not want to take the risk. Each of us has had that conversation with that resident, pleading with them to talk to the independent sexual violence adviser and not go back. All too often, it has been a housing officer who has not understood their obligations and said to them, "I'm sorry, if you leave, you're making yourself intentionally homeless." That is the phrase we have to deal with, and that is why amendment 5 is so important. It changes the conversation and says that if someone is recognised as a victim of domestic violence—I appreciate that we also need to get some later clauses and amendments right—that person is more likely to get help.

The Minister does not look impressed. There are countless examples that I am sure other Members will give her. That is the lived reality of trying to get this right. We all want the best councils, the best police services, the best healthcare providers, the best social workers and the best MASH—multi-agency safeguarding hub—teams, who do not say, "Well, for the needs of the child we'll try to keep the family together," even though they have had perpetrators who put their partners into hospital and near death. The lived reality of trying to deal with these situations means that we have to make sure the legislation is belt and braces. Even if the Minister thinks the point is covered, I urge her to include it, to put it beyond reasonable doubt, because those cases, such as the person who moved between Redbridge and Waltham Forest, are not unusual.

Jess Phillips (Birmingham, Yardley) (Lab): It is a pleasure to serve under your chairship, Mr Rosindell. I also welcome the Bill. As somebody who worked in the field for many years, it is revelatory to see this put into law. I am really pleased and feel that we are constantly surging forward, and 99% of the time that is done on a completely cross-party basis, with total consensus. When I first started working in domestic abuse services, that was not something I necessarily would have said or experienced, but times are changing. I am very pleased to say that this is no longer the bastion of noisy feminists such as myself; it is everybody's business, which is great to see.

The concerns on this side of the Committee stem from memories of how localisation under new welfare rules after the 2010 general election changed the way that people moved across boundaries. It was not a willing Government, or even the Opposition, who changed the ruling about whether people could cross borders and seek tenancies; it was a woman who lived in the refuge where I worked and the Child Poverty Action Group. They took the case to court, on a judicial review, to stop local councils—in this instance Sandwell Council—being able to say, "You have to have lived in a local authority area for five years before you can have access to the housing list and be put on priority."

It was not even five years ago that that was the case. Councils all over the country—certainly Birmingham and Sandwell—were saying, "Unless you have a link to this local authority area, you cannot come and live here," regardless. There was no exemption for victims of domestic abuse. Thanks to brilliant victims of domestic abuse and brilliant charities that support them, that was overturned. Councils were told by the courts, not by any Government policy, that they had to allow victims of domestic abuse to be exempt from those rules. I had some personal issues with that, which I raised with my council in a public forum—when I was told by the then MP for Birmingham, Yardley, in a moment of horrendous dogwhistling, that I was trying to encourage anybody to come and claim benefits in Birmingham—so I have some form on arguing for this issue.

What we are trying to get across in the amendment is that that cannot happen again—that there should be no room for the Child Poverty Action Group and local authorities to have to go up against each other with individual victims' cases. As my hon. Friend the Member for Walthamstow has said, there will be cases that come to light where there is difficulty, and we do not want the courts to have to be the place that makes the right decision.

We should remember there are lots of local authorities that are rubbish on this. We are living in a total postcode lottery. I remember a mantra where I used to work was,

[Jess Phillips]

"Don't get raped in Dudley," because there were no services for rape victims in Dudley. We had to somehow give them a postcode for another area, so that we did not turn away children who had been raped, for example. Not all councils are brilliant on this stuff. It seems like a painfully political point to make, but the Prime Minister's own council, where her seat is, does not fund a single refuge bed. There is good and bad—

Mrs Wheeler: Neither does Southwark.

Jess Phillips: As the Minister says from her sedentary position, nor does Southwark fund a single refuge bed. That is not a case I have ever heard. However, if it does not, it should—absolutely it should. This is not said with a Labour cap on; we took a Labour council to court. I do not give a toss what colour the council is; I care that the law protects the victims when they cross the border. I do not think anyone who might be watching this, either in this room or outside, thinks I am afraid of criticising the Labour party. Some of us are more than keen to point out problems wherever they arise.

The issue is ensuring that councils that are hard up do not have any excuse. That is all we seek. If we do not do it in these rooms, if we do not get the legislation right, you can bet your bottom dollar that somewhere a judge will.

Sir Robert Syms (Poole) (Con): This is clearly an important issue. It is generally a rule in this place that Oppositions always want to put a lot more stuff on the face of Bills and Governments do not. My question to the Minister is: will guidance be issued by the Ministry of Housing, Communities and Local Government? Any of us who have sat in front of families and tried to work out what is a family, and what rights they have, will know that modern life is complicated.

It is important that there should be guidance and that there should be consultation on that guidance. People do not necessarily leave a secure tenancy; sometimes they go to stay with a friend, sometimes they go to a refuge and sometimes they go to stay with their parents. In most housing law, that diminishes their rights. It is important that the Government set out explicitly in guidance how a local authority would deal with this particular right.

It is also important for the Government to track how many cases there are, not only internally placed within a borough or local authority, but—picking up the Opposition point—how many people have to go outside. We all know examples of women, or indeed men, who are petrified of their partner and do not want to stay in the same community, for obvious reasons. It only takes somebody to stand outside the school gate; they can intimidate even if they do nothing.

My main question to the Minister is: will there be guidance? Will there be a consultation on it? Will there be clear evidence of what pathway local government housing officers should deal with? Will there be a method of reporting, so that this House will know after six months, a year or 18 months the sum total of these cases?

There is also a resource issue. I come from a local authority background, and it is very easy for the Government to put rights on local authorities and then say, "Well, that can be paid for out of the general grant." If, for very understandable reasons, they give a right to somebody and that puts somebody else down the queue, Parliament has to know what the implications are for the funding of local authorities, all of which are struggling with the current resource implications.

10 am

Mrs Wheeler: I have listened carefully to what everybody has said, and there is a genuine misunderstanding about what is currently in the Bill, and what that means going forward. Under the Bill, any local authority in England that has somebody presenting with domestic abuse issues must take on a secure tenancy if that person had a secure tenancy before. It cannot be plainer than that, and that why the amendment is ineffective: the measure is in the Bill. The courts have said that local authorities must not apply the local connection test to victims of domestic abuse who apply for social housing, which is again in line with guidance issued in 2013. The amendment does not change anything and is therefore unnecessary.

The Department collects data on all social housing lettings through CORE, the continuous recording of social housing lettings and sales system. That information includes the type of tenancy granted, the nature of the landlord—local authority or housing association—whether the new tenant has moved from another social home or local authority district, and the main reason why the tenant left their last settled home, including whether that was in relation to domestic abuse. Taken together, those data will enable us to monitor the impact of the Bill. The amendment is therefore technically ineffective because the measure is in the Bill, and I ask the hon. Member for Great Grimsby to withdraw it.

Melanie Onn: I find the Minister's response disappointing. The amendment has been tabled in good faith, and I cannot see this measure in the Bill. The Minister said that "any local authority" must grant a tenancy, but the Bill does not say that.

Mrs Wheeler: It says "a local"—

Melanie Onn: The Minister speaks repeatedly from a sedentary position throughout every proceeding. Perhaps I may continue. The Bill does not say "any" local authority—the Minister's words are important, as are those in the Bill. As I was trying to explain, the amendment has been tabled to try to ensure that there can be no mistake when it comes to the practical implementation of the Minister's good intentions.

Let me return to the comments from Women's Aid, which spoke about the very inconsistent approach taken by local authorities across England in discharging their current obligations to house women who are fleeing domestic abuse in another area. It states that on one day in 2017, 68.4% of women resident in refuge services had come from a different local authority area. That number is so significant that we cannot dismiss it. The danger is that when we draft legislation, we assume that what we think, believe and discuss in this room will automatically be understood by people out there who have to work within our words. Too often we find that that is not the case, that the situation is confusing and oblique, and the holes that I was talking about become ever wider.

Local housing teams have prevented nearly a fifth of women who are supported by the No Woman Turned Away project from remaining because they had no local

connection, and we can consider the evidential base behind that. I also support the comments that the hon. Member for Poole made about ensuring that the implementation of the Bill is robustly monitored and reviewed. I disagree fundamentally that this measure is in the Bill. I am not inclined to push the matter to a vote today. However, I put the Minister on notice that we will not shy away from pursuing further amendments on Report, whereupon votes may indeed be pursued, to try to tackle this. If we cannot protect nearly 17% of women who are going out of area with their housing needs, we will all have failed in our duties and responsibilities.

I remind the Minister that this is an incredibly sensitive subject and the approach to it matters. We would not be in this situation—we would not even have to discuss it—if we had continued security of tenure within council housing, and if we had not removed the fixed-term tenures and applied limits to them. My hon. Friend the Member for Birmingham, Yardley made it clear that this has been pulled and yanked to this stage, even to get the amendment that the Government are supporting. I will leave it there, but we may well come back to this. I hope the Minister will take time to consider this before the Bill is complete. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Melanie Onn: I beg to move amendment 1, in clause 1, page 1, line 25, at end insert—

'(2BA) The Secretary of State must by regulations issue guidance as to—

(a) the identification of persons entitled to be offered a tenancy under subsection (2A) or (2B) including the evidence required of domestic abuse; and

(b) the training of local authority officials in matters relevant to the exercise of the duties of local authorities under subsection (2A) or (2B).

(2BB) Before issuing the guidance the Secretary of State must consult such persons and the representatives of such persons as he or she considers appropriate.

(2BC) Regulations under this section shall be made by statutory instrument and may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.'

I will begin by returning to the point that has just been made about a fifth of women being turned away by housing teams due to their not having a local connection. That leads to the issue of training. I have been discussing consistency across the country, which puts into sharp focus the training of local government staff, who will be charged with executing the new duty. I have worked alongside staff in local government and recognise the funding challenges that local government is facing—I say that in the kindest terms, in the hope that the Minister will have open ears to my arguments. Unfortunately, as in any industry, training is usually the first budget to be trimmed.

We are fortunate to have good connections across the House with experts from the refuge sector, whether that is Women's Aid, Solace, Refuge or SafeLives—all those organisations work day in, day out, on this. Some hon. Members have personal experience of dealing with domestic violence on a day-to-day basis, so will have been deeply immersed in the realities and the struggles of women who present themselves at a refuge, then require additional support going forward. Those organisations have great depth of knowledge, understanding and personal connections with those victims. They approach the issue from a very different perspective from a local housing officer. It is fair to say that the housing officers in the local authority, with the best will in the world, simply do not have access to the same depth of knowledge and resource of experienced colleagues to be able to properly support the women who are presenting.

There are a multitude of pressures on local authorities. It is not just individuals who have suffered domestic violence who present themselves to a housing officer. There are people who feel like they have been on a housing waiting list since time immemorial. The council house waiting list in Southwark stands at 20,000, I think. There will be people there who are in extreme need—new babies coming along. *[Interruption.]* I am not sure why the Minister shakes her head on that point.

Mrs Wheeler: Will the hon. Lady give way?

Melanie Onn: With pleasure, if the Minister explains why she was shaking her head.

Mrs Wheeler: I have had the great pleasure of going to Southwark to talk about housing arrangements. Southwark's statistics for getting people into homes and moving people out of B&Bs are stunningly brilliant. It has nobody in B&Bs now, and it has amazing statistics on temporary accommodation as well. Perhaps the hon. Lady would like to talk about a different council.

Melanie Onn: Well, I will talk about my local council, which has 2,000 people on its waiting list. It is a small local authority covering one and three-quarter constituencies. We have about 180,000 people residing in the area, and 2,000 people on a housing waiting list is a significant proportion of that.

Hon. Members may wish to intervene and discuss their areas. There is no point denying that there are councils that are under strain or that there are excessive waiting lists. That is the whole point: we have a crisis. We do not have enough social housing in the country; private rents are far too expensive for many people to afford.

Jess Phillips: I want to mention Birmingham which, being the largest council, probably has the longest waiting list. Currently, for temporary accommodation in Birmingham, those moving house can expect to be sent to Burton upon Trent. I believe we have some people in Manchester. There is no available temporary accommodation in Birmingham today.

Melanie Onn: My hon. Friend makes the point perfectly. I applaud Southwark. I understand that it is operating some Government pilot schemes and I commend it for its proactive approach. Having met with the portfolio holder responsible for housing, I know how seriously she takes it. She is very committed to making sure that Southwark residents have the best housing opportunities, but we know that there is significant pressure in the housing sector. People are being moved around the country. I have often knocked on doors and found that suddenly there is somebody from London living in a street in Grimsby—as unexpected for them as it is for me.

Mrs Wheeler: The Bill.

Melanie Onn: The Minister is being quite disrespectful. She wanted me to talk about another council, so I have done so. This is important. We are talking about the pressure on local authorities and the struggles and strains that they face. The Minister expects local authorities to implement this legislation and they are under significant pressure. I began by making a point about housing officers, who are under great strain in trying to meet the needs of many different people.

In my area, one of biggest housing needs is for adapted housing: there is a real shortage of adapted properties. One of my colleagues was saying that if thousands of bungalows were suddenly built in his constituency, he would absolutely have enough people to fill them, such are the demographics. That is the reality of the different challenges that housing officers are facing.

When it comes to dealing with a specialised issue, and we have heard testimony from hon. Members about individuals coming forward who have had some dreadful experiences. I understand that the Minister has had some contact and association with the domestic violence sector. Some of the stories we have heard are quite shocking. The level of abuse and degradation that individuals are subject to can often leave them without any self-worth or sense of identity. They often struggle to know how they will get through the next day, let alone plan their housing future and support their children—children are often involved.

That sensitivity is critical, whether people have gone through a court case, are trying to report a matter to the police, seek legal support or avoid the far-reaching tentacles of an abusive relationship and the abuser. It does not matter if someone changes their phone or goes into hiding, because in reality, persistent abusers can still find their victims. They will often use their children, through school routes, to try to undermine victims and leave them feeling unnerved.

10.15 am

I met survivors in my constituency at an event attended by more than 100 women. Five survivors gave a presentation about their experiences and how they were getting through with the support of the local Women's Aid service. Knowing how to deal with those stories—how to receive and how to respond—with sensitivity and empathy does not always come easily.

Someone dealing with housing and the multitude of challenges it poses needs the right training. That training needs to be consistent across the country, so that it does not matter if a victim from Birmingham ends up in Manchester or north-east Lincolnshire. They should get the same treatment, including a full appraisal of what is expected of them, so they understand what is to be delivered and what the Minister's expectations are.

I do not know whether the Minister has considered a single source of training. Earlier, there was a discussion about guidance. If there is not a single source and package of training delivered to achieve consistency, we will continue to see inconsistencies in delivery. I say that to assist, not frustrate, the Minister. I can see that she is rubbing her eyes and looking a little bored. I am sorry about that, because I believe that this is relevant and important.

I am sure that the Minister was as horrified as I was by the Women's Aid brief in the "Nowhere to Turn" report that gave examples of domestic violence victims being told to return to the perpetrator or to come back for help when the situation got worse. How much worse did those officers expect the situation to get before they were prepared to assist with that individual's housing need?

We have an opportunity to address that and ensure that every victim who needs housing support, wherever they end up in the country, receives the same treatment. It is not unthinkable that under pressure, public servants in town halls across England are not up to speed on the latest advances in the treatment of domestic violence victims. They will not have detailed knowledge and day-to-day experience of dealing with them in the same way as specialist support services.

We should not accept that this is the best that we can do. If we can do more, let us do more. Let us aim a little higher. I expect the Minister to draw my attention to the revised homelessness code of practice for local authorities but, again, this is about the practice on the ground of the concepts that we have in this place. It is about ensuring that our intentions here are delivered on the ground in the way that we intend.

Stella Creasy: It feels like the most helpful thing that many of us can do for the Minister today is to try to give her some examples of the things that we have been dealing with, so that she understands why these amendments have been tabled. I appreciate and understand that she has what she considers to be a fantastic local authority. Sadly, for many of us—not through a lack of wanting to get services right—the reality is that services are not right.

It is worth remembering that there is no actual requirement for a housing officer to understand what domestic violence is. There is no requirement for them to know why it matters to have, for example, a confidential space in which women can come forward and tell people what has been happening.

Many of the things that the Minister talks about assume that the initial conversation, whereby somebody discloses that they are a victim of domestic violence, happens in such a way that there will not be a culture of disbelief. Sadly, my experience of working with victims of domestic violence in my local area, which I do not think is unique, is that they are often not believed, or that barriers are often put up that affect their ability to access services.

That is why training and getting housing officers to recognise that they are often the frontline is necessary. For example, we could train every single housing officer to ask why somebody needs repeated repairs—"Why does that door keep getting broken? Why does that window keep getting broken?"—because the answer is often not that it was an accident but that somebody has been violent in that household, which is very hard for people to admit.

It is frightening how many people in my local area, when turning up at housing authorities and housing offices presenting as victims of domestic violence, have been turned away or told that they would say that because that is how to get a house. That is the culture we have to deal with. I will give the Minister some examples of real cases from my local housing authority which, like many others, has a massive waiting list and is housing people in Luton and Bedford—well out of the

area—because it does not have access to housing. It is trying to build more housing in difficult circumstances but, like many others, it still has not got it right when it comes to dealing with victims of domestic violence. The Bill is intended to get that right, and if the Minister wants to do so we have to deal with the reality of how these services are offered and why training would make a difference.

For example, one woman attended the housing authority on six different occasions before she was assisted. It started when she was heavily pregnant and continued with her attending with a newborn baby. The baby was three days old during one visit, and she was made to wait all day without being seen. The woman was homeless and was sleeping with the baby for more than five months in a single bed in a room that she shared with three adults in a friend's property.

Another woman with two autistic children was provided with temporary accommodation—one room in a shared property. One woman had six children and was refused assistance. The authority insisted that she obtain a court order against her husband and request a panic alarm from the police, despite her being a high-risk victim who did not feel safe staying at her address. Additionally, the woman had a 16-year-old child who required 24/7 care, which was not taken into consideration. Another woman was discouraged from making a housing application when it was stated that she would only be provided with housing in faraway areas, such as Birmingham, which is a very long way from Walthamstow. Other women have had problems because they do not speak English as a first language.

As I said in my first contribution, we ask victims to navigate this system, rather than having a system that understands that domestic violence is far too prevalent in our society, and that offering housing and safe refuge is therefore one of the most important things that we can do. Training would fundamentally change that culture.

I am ashamed that there is not a safe space for women in my local authority to say, "This has happened to me; can I talk to somebody about it?" I am ashamed that housing officers query whether somebody is saying that they are a victim of domestic violence as a way to get a house, as if anybody would go through the shame of having to admit that. I am ashamed that housing officers and social care workers very often do not work together, even though a social services officer might have first seen the signs that something was not right in that family.

Training is absolutely crucial to put domestic violence at the forefront of people's minds, rather than it being one of the tests that they might have to set to see whether somebody is eligible for housing. I am sure that the Minister wants the Bill to change that tick-box culture, but sadly, without that new culture, it is not going to change; all this will be is another set of obligations. If we truly want to keep victims of domestic violence safe, we have to change root and branch the way in which decisions are made.

The Minister might have a fantastic local authority, but I would love to hear from her local service providers whether they think that it gets it right every single time; whether every woman, when she first has the confidence to say, "This happened to me; I need to be somewhere safe" gets the right response. Training is a crucial part of that—getting people to think about how they deal with somebody who is disclosing trauma. These are victims of trauma, which is not easy to deal with. Any Member who has had somebody come in to their constituency surgery to talk about their experiences knows that. Sadly, for my local authority, the examples I gave were provided by independent sexual violence advisers. Those are the most serious cases of domestic violence.

One challenge we face is that, too often, we wait until something escalates before we intervene. In the past eight or nine years, we have begun to recognise that we do not want to do that, which is good. Concepts such as coercive control have become part of our conversations: we recognise that we can spot the signs when somebody is in a toxic relationship and we can intervene. However, that is not the reality on the ground. I know we are going to discuss later the questions about evidence—people having to prove beyond reasonable doubt that these things are happening to them. The problem is that they are having to prove that to people who are not expert enough to be able to understand what they are being shown. Giving them training would start to change that conversation. Again, I say to the Minister: think of this legislation as a belt-and-braces measure. If, one day, somebody walks into her constituency surgery and this has not been got right, she will realise why belt and braces matter.

Alex Norris: Like the Minister, I have a very good local authority. I have long admired the housing officers there, who are exceptionally skilled people. When they open that door in the morning, when they open their emails or answer the phone, they never quite know what they are going to get. It could be somebody suffering domestic abuse, as we are talking about today; someone with drug or alcohol abuse issues, or mental or physical health challenges; or someone does not speak English as their first language. They face all sorts of challenges, they have to be very adaptable to meet the different needs of the people who require their services, and they have to do that against a difficult backdrop. These officers can face hard councillors, which many of us in the Committee were, who prosecute the case for their resident because they want to get them the best deal, and have to balance that because there are five other hard councillors that morning trying to do the same thing.

I believe fundamentally in the best in people—I think that is a strength, but some say it is a weakness. However, I acknowledge that there is still dishonesty, and we have to be able to pick through. We know from our casework that what a case looks like might not be so when we dig into it. We ask our housing officers to be extraordinary generalists—multi-skilled and aware of many different things, at a time when local authorities are under unprecedented pressure. As my hon. Friend the Member for Great Grimsby says, the first budgets to go are those for training, because they are not the immediate frontline services of the day. As a result we are giving our housing officers a difficult challenge, asking them to do more while others are asking them to do it with less. We are sending a real signal that we value their work by putting it on the face of the Bill.

Risk is an issue that weaves throughout the Bill and will do so throughout the next domestic abuse Bill, later in the Session. When I was in local government and had responsibility for domestic abuse services, it was not the

[Alex Norris]

women who were considered high risk who gave me the most anxiety, although of course those cases are really serious. Those women get the very intense, immediate support, wrapped round them 24 hours a day, seven days a week, and there is some comfort in that. My concern was about those who were low and medium risk—cases that might escalate quickly, but one cannot know which ones might do so, or they would be classified as higher risk. The only mitigation against those fast-escalating, low and medium risk cases is to make every contact with people count. Someone might directly speak about their situation, or we can try to read other cues that give us a clue, as my hon. Friend the Member for Walthamstow said. That only works if, with every single contact, that person is skilled enough to read those cues. To give them a fair chance, we need to give them proper training. Putting that on the face of the Bill would send a strong signal.

Mrs Wheeler: Though I understand the intention behind the amendment, I do not believe that it is necessary. Local authorities already have to identify whether a person who is applying for social housing or homelessness assistance has been a victim of domestic abuse. The purpose of the Bill is to provide important protections for victims and it does not require local authorities to make decisions in relation to domestic abuse cases that may be significantly different from those already made.

10.30 am

On 22 February the Government published the homelessness code of guidance, which took into consideration responses from a range of sources following a public consultation, including those supplied by Women's Aid. The guidance, which will come into force on 3 April, at the same time as the Homelessness Reduction Act 2017, provides extensive advice to help local authorities handle cases that involve domestic abuse. The guidance recognises that local authorities may wish to seek information from a range of sources, including friends and relatives, social services, health professionals and domestic abuse support services, as well as the police, but it also recognises that corroborative evidence of actual or threatened violence may not be available because, for example, there were no adult witnesses or the applicant was too frightened or ashamed to report incidents to family, a friend or the police. I therefore think that sufficient guidance is available on evidence and identification of victims, which takes into account the most recent public consultation. It would not be helpful for local housing authorities or indeed victims or charities involved in the sector to have to refer to different pieces of guidance on domestic abuse issues in relation to social housing.

It is up to local authorities to decide how they train their staff to best support victims of domestic abuse. To ensure a consistent approach by local authorities, we have deliberately drawn the definition of domestic abuse in the Bill along similar lines to those in the Homeless Reduction Act. The updated homelessness guidance also covers the Homeless Reduction Act duties, integrates separate documents published since 2006, and updates and streamlines guidance on existing law. It also advises local authorities about the need to have appropriate policies and training in place to identify and respond to domestic abuse. It advises that specialist training for staff and managers on domestic abuse will help them to provide a more sensitive response and to identify with applicants housing options that are safe and appropriate to their needs.

We are committed to helping local authorities to provide that support, which is why we already provide funding to the National Homelessness Advice Service to provide training on homelessness, including training courses specifically on domestic abuse. The NHAS training is being updated to reflect the Homelessness Reduction Act, and we will ensure that the revised material draws attention to the strengthened guidance on domestic abuse contained in the new code of guidance. We also provided funding to the National Practitioner Support Service to provide domestic abuse awareness training to frontline housing staff in local authorities in 2016, resulting in the training of 232 frontline housing staff across nine English regions and the production of an online toolkit. In addition, a number of local authorities used funding from our 2016-18 £20 million fund for specialist accommodation-based support and service reform to meet the priorities for domestic abuse services, to provide training programmes for their frontline staff.

It is not necessary to issue formal guidance on training to local authorities to support them in implementing the Bill. For those reasons, I do not believe that the amendment is necessary, and I therefore hope that the hon. Member for Great Grimsby and colleagues will agree to withdraw it.

Melanie Onn: I thank the Minister for that response. I challenge her statements that housing officers are not required to make decisions around incidents of domestic violence. They are required to make such decisions. She talked about consistency of approach between local authorities across the country, which is one of the problems, and she went some way towards solving that in the later part of her comments. We will discuss later cross-border working and how we achieve consistency on that basis, but she does not seem to have a plan for monitoring and checking to ensure consistency among local authorities, within a certain tolerance—I accept that there will not be an identikit model—when people present in that situation.

I was pleased to hear the Minister talk about the NHAS and the Government's funding and support for it, and her commitment to continue that support and to roll out further training. It is right that some training for housing officers comes from the likes of Women's Aid and Refuge, because they are the experts. She says that 232 frontline housing staff were given that training. I do not know what that is as a proportion of housing officers around the country, but it does not seem very many given how many people are in housing need. How far has that programme gone, and have steps been taken to expand it? How many of the 232 are still in post, given that there has been significant restructuring in local authorities as they seek to manage their financial situations? On the basis of the training support in place at the moment, I am content to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Melanie Onn: I beg to move amendment 2, in clause 1, page 1, line 25, at end insert—

"(2BA) A local housing authority which grants an old-style secure tenancy under subsection (2A) or (2B) has discretion to decide whether or not the maximum rent for the old-style secure tenancy should be determined according to regulation B13 of the Housing Benefit Regulations 2006 (SI 2006/213) as amended by the Housing Benefit (Amendment) Regulations 2012 (SI 2012/3040)."

This amendment will probably not find favour with the Minister as it relates to under-occupancy and the charges applied during the last three years, or even longer, that the bedroom tax has been in place. We know that that has caused significant difficulties for people not in a domestic violence situation. The purpose behind this amendment is to ensure that domestic violence victims are not penalised when they leave a secure tenancy and are then provided with a secure tenancy in another property with a spare room incorporated. The Minister will be relieved to hear that I will not speak ad infinitum on this. The principle behind the bedroom tax and its effectiveness will presumably be assessed over time.

We have to look at the Prime Minister's intentions when she talks about her commitment to supporting victims of domestic violence, and we have to look at the circumstances. We should remember that every week two women die in domestic violence circumstances, ask ourselves why they do not leave their properties, and try to remove all the barriers to their doing so. I try to place myself in the situation that may befall some victims, and think about the significant barriers that would stop me leaving and trying to start again—not having a family network to rely on, not having the financial resources to fully support myself, the emotional difficulties that my children may be experiencing, and wanting to continue to support them and give them as normal a life as possible during a very challenging time. Given those burdens and blocks, had I been told that I was leaving a secure tenancy with the option of another tenancy that involved additional financial costs put upon me as an individual, it would worry me a great deal if I were on a low income or had limited means.

We must do everything we can to reduce the likelihood of victims returning to their abusers or ending up in an even worse situation through not having the security of a home. Removing those barriers is essential. We know that there are already exemptions to the bedroom tax, and victims of domestic violence should be included in that.

Mrs Wheeler: I thank the hon. Lady for being succinct and for indicating that she will not push the amendment to a vote. I will also be brief, and try to give her some succour.

Under the Bill, we expect that a local authority offering a tenancy will ensure, wherever possible, that that does not result in a tenant under-occupying the property. Allocating a property that is too big for the tenant's needs would not be in the interests of the tenant or the landlord. The tenant, if eligible for housing benefit, would be subject to the adjustment to remove the spare room subsidy, and under-occupancy would not be the best use of scarce social housing.

Statutory allocation guidance issued in 2012 clearly recognises that when framing the rules to determine what size property to allocate to different households and in different circumstances, local authorities should take into account the removal of the spare room subsidy. Where the victim wishes to remain in her own property after the perpetrator has left, or been removed, we would expect in most cases that that would not result in an under-occupation charge. Domestic abuse will normally occur between partners, and in this case between joint tenants, and in such instances the property is typically let on the basis that both tenants share a bedroom. Removing the perpetrator would generally therefore not result in under-occupation.

When deciding whether to grant a further tenancy to victims who remain in their home, local authorities must take into account a number of factors, including the particular circumstances of the victim and her household. In some cases it may be more appropriate to offer a new tenancy in another smaller property—but only where appropriate. There may be a small number of cases where, for whatever reason, the local authority allocates a new property, or grants a new tenancy in the same property, and that property has more bedrooms than the tenant needs, but I expect that number to be very, very small. Furthermore, in such cases it would be open to the tenant to apply for discretionary housing payment to cover any rental shortfall.

The Government's policy is not to deal with personal circumstances unrelated to the size of the property by the inclusion of general exemptions to the regulations, but rather to take into account a person's individual circumstances separately, through the process of discretionary housing payments. In 2016 the Supreme Court upheld that policy, and dismissed a challenge for the removal of the spare room subsidy brought by a victim of domestic abuse on the grounds that it amounted to unlawful sex discrimination. That case involved a victim who was being provided with protection under a sanctuary scheme. Since 2011, £900 million has been provided to local authorities for discretionary housing payments to support vulnerable claimants, including victims of domestic abuse. Funding for 2018-21 was set out in the summer Budget in 2015, and for 2018 there will be £153 million for England and Wales.

The spare room subsidy was introduced to bring parity in treatment between the social and private rented sectors, and to encourage mobility, strengthen work incentives, and make better use of available social housing. Rules on the removal of the spare room subsidy already exist, and include an exception for victims of domestic abuse in refuges. We do not intend to provide any further exceptions. Where local authorities grant tenancies to victims of domestic abuse, they have a choice: they can either ensure that they offer a property that meets the tenant's needs, or they can consider providing a discretionary housing payment. For all those reasons, I do not believe that the amendment is necessary, and I hope that the hon. Lady and her colleagues will agree to withdraw it.

Melanie Onn: I naturally find the Minister's view disappointing, but if she is confident that the current provisions will not result in any hardship—I accept that Women's Aid say that the measure would impact on a relatively small number of people—I will therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

10.45 am

Melanie Onn: I beg to move amendment 3, in clause 1, page 1, line 25, at end insert—

'(2BA) The person making the application for an old-style secure tenancy under subsection (2A) or (2B) must not be charged for obtaining any evidence of domestic abuse if this evidence is required to make the application.'

For local authorities to certify the reason for someone's housing need—we have heard about occasional dishonesty when people present, but I certainly do not think that that is the norm—they should be in a position to check and have rigour behind their processes, establish that people are given, correctly and accurately, the housing they need and that their circumstances are taken fully into account. When a new duty is placed on local authorities to establish a prescribed reason for housing need, such as domestic violence, there is a requirement for evidence.

To my mind, that evidence is not a medical note, so that people can fly abroad on their summer holidays while they are taking prescribed pills, or go potholing or canoeing, nor is it a legal affirmation or warning letter for which one might reasonably expect to be charged a fee. It is a piece of essential documentation that supports the person presenting at the housing office, confirming that the information they provide—however scant that information is—can be backed by an official in a position of authority who has knowledge and experience of that individual and the circumstances that have led to them presenting at the local authority.

Notes from doctors or lawyers can cost significant amounts of money. Women's Aid tells us of occasions where people have been charged £100 for this sort of evidence. I do not understand how that can be justified, in any sense of the word. For example, we might expect a £10 charge in support of a passport application, but £100 seems excessive. Perhaps that is because it is outside the norms, because it is outside GP contracts, or because it is not prescribed, so there is a freedom at these offices, to which women might ordinarily go, to charge whatever the professional chooses. I am sure that GPs will say that their surgeries are in need of additional funding—perhaps not lawyers' offices. It seems to me a crass and opportunistic charge, and somewhat of a money-making exercise on the back of quite vulnerable people. Should we not just say that, particularly with GPs, there should be no charges?

GP contract negotiations are ongoing. I wonder whether the Minister has approached, or intends to approach, the Secretary of State for Health and Social Care to determine an exclusion for this advisory note. I wonder whether there is already provision or whether provision could be made to say that other services are suitable in providing that evidence—that there are no statutorily prescribed individuals who must give the supportive evidence for an individual. For example, that could be a refuge support worker, social worker, police officer, children's schoolteacher or headteacher, or even someone's boss if their boss is in a position of relative importance or responsibility in their local area, in the same way that they might support a passport application. There should be somebody in a position of authority, who can be taken as trustworthy, to easily support the victim.

Again, it is about avoiding those unnecessary barriers to accessing a property. If there is an excessive charge, it will prevent people from obtaining that information, which will in turn prevent somebody from accessing the property, moving on with their life and setting up afresh. Anything that can be done to remove those barriers must be seen as a positive step that the Government can take to make the path as easy as possible. I will leave it there and hope the Minister will consider that carefully.

Jess Phillips: Many of us who were part of the change in how legal aid was divvied up, certainly in civil and family cases, are all too aware of exactly how it has become par for the course for someone to prove that they are a victim of domestic abuse. There was a time when believing was just a thing that most people did. I have had lots of experience. I continue to help victims of domestic abuse almost weekly to seek legal aid clarifications in the family courts, where they have been turned down because they are not believed to be a victim of domestic abuse.

The timescale for proving that has been extended once again by judicial review—from three years to five years, if my memory serves—and the Government have recently widened the group of those who can give evidence that a woman is a victim of domestic abuse, recognising that the freest piece of evidence they can have is something from the police. The police do not charge for any evidence, supplying a crime reference number or writing a letter to say that someone has been a victim. However, we all know that the vast majority of women will never report to the police, so we must recognise refuge providers, charities and even Members of Parliament as those who can provide evidence for free.

However, a lot of women seek out help from their GP. A lot of people seek support from a solicitor, especially those who are migrants to this country, as they are more used to working with solicitors through our immigration systems. I watch every day as women are completely and utterly swindled and asked for money. It fills me with no pleasure to say this about where I live, but I once had to put on Twitter that a GP in my area was charging a woman who needed evidence £100 for that service. A woman from Norwich—God love the people of Norwich—sent me a cheque for £100. Twitter is not the answer.

Melanie Onn: Were any explanations given about what the £100 charge was for? Were there administration fees, or excessive delving into records and so on?

Jess Phillips: I was about to say something really rude and ask why a dog does something: because it can. It is a bit like anything, just putting stamps on letters—it seems stamps are really expensive in certain GPs' surgeries. That is happening not just in cases of domestic violence, but in cases of disability. There are a lot of agencies that are potentially under reasonable strain and kicking back against that reasonable strain, because they are in a culture where belief, proof and evidence matter so much. There is an awful lot of call on GP surgeries and hospitals—primary care and secondary care—and all sorts of agencies to help individuals to prove that they are not lying about the fits that they have or about their husband bashing them about, so there is strain in the system.

We are calling on the Government to make it very clear that what is happening is totally unacceptable, whether in cases of this type or in cases involving legal

aid. As I said, I still have to write to the Legal Aid Agency every single week to say, "Why have you not helped this woman? She has given you proof. Why have you not listened to her?" That must not be the case under a Government who I know really care about this issue and would not want women to be disbelieved. Unfortunately, our bureaucracy is not currently on side.

Stella Creasy: What price is a bruise? That is the question that we are asking ourselves today. The Minister might have cases; I have cases of constituents who have managed to disclose to a healthcare professional what has happened to them. The healthcare professional has seen the evidence of the bruises and still the practice wants 50 quid to write a letter to confirm that. The hon. Member for Brentwood and Ongar screws up his face, and I can well understand why. It is shameful.

We wrote to our local clinical commissioning group to try to find out about charges, about why doctors are charging people, and the answer that we got back is very simple—it is not about dogs, which may disappoint my hon. Friend the Member for Birmingham, Yardley. GPs charge for non-NHS work, and that is what this work is; it is private. It is in the same category as providing a certificate to allow someone to go skateboarding at seven months pregnant or giving people a certificate that they might need for work. Actually, it is not in the same category. This is about risk. One thing that I think all of us would like to see society doing when it comes to things such as domestic violence is moving away from challenging victims to prove what has happened to them towards understanding risk and how we prevent it. That is the way we will save a lot of money if nothing else. It is also the way we will stop people dying.

When it comes to providing evidence and having paperwork to prove what has happened, let us just think for a second about how humiliating it is for people not to be believed when they say, "This has happened to me." They summon up the courage to admit that someone they love has turned out to be a monster, and our housing officers say, "Well, I don't believe you, so I need evidence. Is there someone who can verify your claims? Is there someone whom we consider to be trustworthy? Obviously, by default, you are not trustworthy, because you are after something." The person turns to their doctor, and their doctor charges them, so this is indeed the question: what price is a bruise? What price is the evidence for something that someone has admitted has happened to them?

We know how hard it is to tell someone, when people are asking for help, what has happened. Often people disclose in healthcare environments, or they might disclose to other agencies. This is not just about the cost of doctors. In my list of cases, which I am happy to share with the Minister, the cost of interpreters is an issue. Who pays for someone to come and explain? If women do not have English as a first language and want to say what has happened to them, finding someone they trust and who can explain that to housing officers is impossible. I find that, even with the independent sexual violence advisers who are working with them: they have to pay for these services because they are not provided by housing. If people are presented with evidence, they have to act, and if they are presented with evidence that meets their standard test, they have to act.

Something that we are now seeing in my local authority area, which I am extremely worried about, is that even when women are scraping together the money to pay for the paperwork to meet the tests—they are not trusted to explain what has happened to them, so a third party has to verify it—it is still challenged. Then they have to find the money for a lawyer, because they need someone to fight their case. In my local authority area, there is no independent legal housing service, so they have to try to find and pay for someone themselves. Every single step of the way, a financial barrier is put in place, and these are not women who have access to independent means. They have often been saving up money—money that they do not themselves have control of—to try to get out of the situation; they might have small children. One woman was trying to get evidence that her partner had Asperger's, because the local authority said: "Well, Asperger's doesn't make you an abuser". No, he was an abuser who had Asperger's, but the evidence was part of the case that she was trying to put in place.

11 am

Every time we add these barriers, money makes a difference. Every time that money makes a difference, it becomes less likely that we will keep somebody safe. It is not just about trusting victims, it is about recognising the barriers and how we can do something about them. Nobody is suggesting that GPs should not charge if a certificate is needed to be able to go snowboarding at Val-d'Isère. *[Interruption.]* Well, it is not my cup of tea, but I am sure it is a wonderful experience for many. If a GP sees somebody at risk, charging them £15 to get the letter is not acceptable, because there is a risk that the evidence will not be there.

We have two choices. We either get rid of the charges, as the amendment proposes, or we change the way that we take evidence and risk-assess people. Will the Minister consider both points? For now, making sure that no victim of domestic violence has to scrape funds together, borrowing money, perhaps taking out a payday loan, going hungry or having to steal money from the perpetrator to pay for paperwork is not something that should happen in our society. The day on which one of those cases walks through her door and one of those people turns up at her surgery she will know why belt and braces matter.

Alex Norris: I came this morning more in hope than expectation. I can count how many Opposition Members there are and how many Government Members, which brings a certain likelihood to whether we will get what we hope for out of the sitting. Come what may, I want to know that we have made the case for the person who has made that incredibly difficult decision and weighed up the pros and cons, and removed all the artificial arguments against leaving that very dangerous situation. There cannot be any worse argument in that column than, "I can't afford the money to do so". That would be an awful reflection on us as a society. Wherever that happens, we must do our absolute best to remove it. We will have let people down if, in their moment of greatest challenge, they turn to the services we rely on to live our lives freely and find out that they are asked for a fee that they cannot afford.

[Alex Norris]

We have heard lots of sums discussed so far in the debate. We will have seen it in our casework as well. Every single time, whether the fee is £25, £50, £70, £100 or £150, it is always a suspiciously round number. There is no calculation that sits behind it. I do not think anybody is saying that we want to see public service finance suddenly decimated by this extra requirement of support—that is not the case. Hon. Friends have made the point that it is done because it can be done. We have the chance this morning to make sure that it cannot be done and we ought to take it. There are very compelling arguments for amendment 3.

On evidence, will the Minister say what evidentiary standard she thinks local authorities will be looking for and whether there will be local variants? That comes back to the arguments that we made earlier about training, local discretion and any possibility of a postcode lottery. I hope that that will not be the case.

What will be the exemptions? I am conscious of the exemptions in other pieces of legislation. I think about benefits from the Department of Work and Pensions which have a domestic violence exemption. Similarly, there is the application for the exemption from the Child Maintenance Service. Are similar exemptions likely to apply here?

Rosie Duffield (Canterbury) (Lab): As Opposition Members have mentioned many times, the barriers to leaving are crucial. We are talking mostly about women who have spent months, years, sometimes decades making mental lists over and again about their route out. Their route out will be to sort out the children's school, to talk to their friends, to reach out to someone and to go to services. All those things take huge amounts of courage at the first step and then the next step, and then it possibly gets easier.

Our main responsibility today is to remove all the barriers on that route out. If those of us here decide to do something, we mostly have the money to do it. These women have been controlled financially, which is the main way in which women are controlled in a domestic violence situation. The partner may have run up debts that the woman cannot deal with, or certainly will have stopped access to money for anything from children's presents to basic sanitary products and food. We have a duty to make sure that that crucial element is included in the Bill.

Finances are the barrier—the brick wall with no holes. Someone might be able to deal with the other things; they might be able to borrow a little money from a grandparent for a children's present or for Tampax, but they will not be able to find £100—from the list of desperate, emergency things in their head—to prove that they have been a victim. It is essential to make sure that that is not a thing that happens.

Mrs Wheeler: I am sure we can all agree that we are not at ease with the idea of charging a fee to a victim of abuse who is seeking evidence of that abuse. The issue was raised when the Bill was debated in the Lords, and it was discussed on Second Reading in the Commons, particularly in relation to the medical profession.

As I understand the matter, the provision of notes or letters of evidence of abuse falls outside a GP's NHS contract, and therefore a fee can be charged. Negotiations for the 2018-19 contracts are currently going on, and the Minister for Faith, Lord Bourne of Aberystwyth, who took the Bill through the Lords, has written to the Department of Health and Social Care to raise the concerns that arose among peers about this issue during the Bill's passage through the Lords. As I said to hon. Members on Second Reading, I shall inform the House when we have a response to that letter.

It is, however, important to remember that victims of abuse may seek evidence from a wide variety of sources—not just GP letters or notes—as set out in the homelessness code of guidance. As part of the variety of evidence that can be supplied, an individual, as a data subject, can ask to be provided with their medical records.

Stella Creasy: One of the things about this country is that we do not own our medical records. When constituents of mine have tried to do as the Minister describes, doctors have been able to say no. The Secretary of State for Health and Social Care owns all our medical data and therefore access can be refused.

Mrs Wheeler: I thank the hon. Lady. Forgive me; I was not quite clear. From 25 May, the general data protection regulation becomes directly applicable and a data subject cannot be charged a fee except where a request is manifestly unfounded or excessive, or where requests are made for further copies of the same information. In that case, the fee must be reasonable and based on the administrative cost of providing the information. In the first instance, a person will be able to ask for their medical records from 25 May.

In addition, the British Medical Association advises GPs that where they intend to make a charge for providing a letter as evidence, they should inform the patient before doing so. The amendment has been introduced to deal specifically with GP charges, but it is widely drawn and, as a blanket prohibition, would apply across the public and private sector. I do not believe that regulating parts of the private sector is appropriate in the circumstances in question, or that it is a matter for the Bill.

For those reasons, I ask the hon. Member for Great Grimsby to withdraw the amendment.

Melanie Onn: I trust that the new measure due to be enacted at the end of April will go some way to removing some barriers that women face, although it will not go all the way. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Melanie Onn: I beg to move amendment 4, in clause 1, page 1, line 25, at end insert—

"(2BA) A private registered provider of social housing or a housing trust which is a charity that grants a tenancy of a dwelling house in England must grant an old-style secure tenancy if—

(a) the tenancy is offered to a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant); and

(b) the provider is satisfied that—

(i) the person or a member of the person's household is or has been a victim of the domestic abuse carried out by another person; and

(ii) the new tenancy is granted for reasons connected with that abuse

and such a private registered provider of social housing or housing trust which is a charity shall be considered a person who satisfies the landlord condition under section 80 for the purpose of granting an old-style secure tenancy in accordance with this subsection."

I was struck on Second Reading, and I have been struck more broadly within the housing sector, by how certain phrases are used interchangeably, particularly around social housing. When winding-up on Second Reading, the Minister mentioned council housing and housing associations. I am concerned—that is the best way to term it—about how the duty, which is conveyed on local authorities, can possibly be enacted in areas where there is no council housing and where social housing sits entirely within housing associations under the provisions in the Bill. Has the Minister given that any consideration, or does the broad term "social housing" mean that the duty conveyed on councils is also a duty conveyed on housing associations?

I know that some housing associations have a strong record of dealing with victims of domestic violence and other people in positions of vulnerability. During the Lords debate there was a conversation about Peabody and Gentoo, which set up the Domestic Abuse Housing Alliance with Standing Together Against Domestic Violence. It is an admirable feat to go into that area independently. They have a mission to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process. There was a strong recognition during that debate that housing associations play a critical role in delivering the homes that we need up and down the country. They can only help to provide a home in these circumstances if they have the homes to put people in.

There is an obvious disconnect between a local authority duty and the liaison with a housing association. Is that the Government's intention? I believe that the duty should be applied equally to whoever provides the broadest context of social housing in a local authority area. My local authority area only has a housing association, which provides all its housing stock. The local authority did not retain any of its housing stock. There are some that are mixed, so they will have different, more complicated issues, and London obviously has many different housing associations operating. How can a local authority ensure that the duty can be provided through those housing associations?

Has there been any consideration of the disclosure of private, sensitive information on the part of the individual—the victim? They may disclose information to the council, but may not be aware of how housing works and of that further disclosure to the housing provider, if it is not the local authority. The Bill does not specifically mention housing associations. It mentions local housing authorities, but people may well have had their lifetime tenancies with a housing association. If they then move from a housing association to an area that has retained all its local authority stock, will that be an issue in the interpretation of the legislation? Will housing association tenancies be recognised by a local authority, particularly if they are out of area? Those are questions aimed at providing additional certainty and comfort to people who might find themselves in this situation.

11.15 am

I am thinking of the thousands of people in my local authority area who are in housing association accommodation but consider it council housing, even if it is under the ownership and management of a different organisation. If they were suffering domestic violence, they would expect to have precisely the same treatment, on the same terms, as somebody who is in council-provided accommodation. I look forward to hearing the Minister's response to that point.

Mrs Wheeler: I am mindful that we break at 11.25, so I will be as brief as I can. Amendment 4 would extend the Bill so that it applied to housing associations. Generally, tenancies granted before 15 January 1989, the date the Housing Act 1988 came into force, were secure tenancies, even though they might have been granted by housing associations. With very limited exceptions—for example, in relation to their own tenants who already had a pre-'89 secure tenancy—tenancies granted by housing associations on or after that date have been assured tenancies under the Housing Act 1988 and not secure tenancies under the Housing Act 1985.

The amendment would ensure that, where a housing association decides to rehouse an existing lifetime tenant who needs to move to escape domestic abuse, it must grant a lifetime tenancy under the Housing Act within—

Melanie Onn: I want to be sure I understand correctly what the Minister is saying. Is that the housing association within its own organisation or is that between housing associations, perhaps in different local authority areas?

Mrs Wheeler: I am responding to the hon. Lady's amendment, so I suppose that is a question for her. I do appreciate the motivation behind the amendment, which is to ensure that victims of domestic abuse are treated on the same basis, whether the landlord of the new property is a local authority or a housing association. However, I cannot accept the amendment for a number of reasons.

In the first place, local authorities and housing associations are very different entities, which are subject to different drivers and challenges. Local authorities are public sector organisations. When schedule 7 to the Housing and Planning Act 2016 comes into force, local authorities will generally be required to give fixed-term tenancies and will be able to grant lifetime tenancies only in limited circumstances specified in legislation or regulations.

Housing associations are private not-for-profit bodies. They will continue to have the freedom, as now, to offer lifetime tenancies wherever they consider them appropriate. The purpose of housing associations is to provide and manage homes for people in housing need. The vast majority are charities with charitable objectives that require them to put tenants at the heart of everything they do.

We would expect housing associations to take their responsibilities for people fleeing domestic violence very seriously. As some hon. Members may know, the Domestic Abuse Housing Alliance was set up, as the hon. Member for Great Grimsby said, by two leading housing associations, Peabody and Gentoo, together with Standing Together Against Domestic Violence, a UK charity bringing

[Mrs Wheeler]

communities together to end domestic abuse. The alliance's stated mission is to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process.

I am sure hon. Members will agree that housing associations play a critical role in delivering the affordable homes that we need. That includes providing a home for people fleeing domestic abuse.

Stella Creasy: Many of us pay tribute to the work that Peabody, and particularly Gudrun Burnet, has done on this. Sadly, I have to say to her that not every housing association lives up to the standards that she just articulated. Many of them, including some in my area, seem to act as private landlords that are given public commissions. Why would we penalise those tenants, who have been allocated to those housing associations by local authorities, by not giving them the equal protection that we see organisations such as Peabody offering?

Mrs Wheeler: I appreciate the hon. Lady's comments. I have asked for guidance, and for clarification I will read it out so that we all know what we are talking about. Where council properties are moved over to an arm's length management organisation—ALMO—that is included. These rules do not apply to separate housing associations, but they apply to ALMOs. That is crucial, because that will affect a lot of people across the country.

That includes providing a home for people fleeing domestic abuse, but we can only do that if there are the homes to put them in. It is vital that we ensure that housing associations remain in the private sector, so that they are able to borrow funding free of public sector spending guidelines. We must also avoid imposing any unnecessary controls that might risk reversing the Office for National Statistics classification of housing associations as private sector organisations.

The amendment would also require housing associations to offer secure tenancies. As I have explained, since 1989, housing associations have granted assured tenancies under the Housing Act 1988, except in very limited circumstances—for example, when dealing with a tenant who has an old-style secure tenancy. The rights of assured and secure tenancies are very different. For example, secure tenants have a statutory right to improve their property, and to be compensated for those improvements in certain circumstances.

The amendment would require private sector landlords to operate two different systems, which would be an unnecessary burden over and above the very limited circumstances in which they still manage pre-1989 tenancies. It would introduce unnecessary additional costs, which would introduce an element of confusion for tenants and would risk the re-classification of housing associations, as I stated earlier.

Stella Creasy: The Minister has not answered my question.

Mrs Wheeler: I am sorry about that. For the reasons I have given, I invite the hon. Member for Great Grimsby to withdraw the amendment.

Melanie Onn: It is with some disappointment that I will withdraw the amendment. I reserve the right to bring something back on Report and explore this matter a little further. I am sorry that we are running short of time; this is something that warrants a bit more investigation, because it will impact on thousands of people. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned. —(*Kelly Tolhurst.*)

11.23 am

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) BILL [*LORDS*]

Second Sitting

Tuesday 27 March 2018

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 31 March 2018

The Committee consisted of the following Members:

Chairs: Andrew Rosindell, † Joan Ryan

† Afolami, Bim *(Hitchin and Harpenden)* (Con)
† Burghart, Alex *(Brentwood and Ongar)* (Con)
† Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Docherty, Leo *(Aldershot)* (Con)
† Duffield, Rosie *(Canterbury)* (Lab)
† Hughes, Eddie *(Walsall North)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Lewer, Andrew *(Northampton South)* (Con)
† Norris, Alex *(Nottingham North)* (Lab/Co-op)
† Onn, Melanie *(Great Grimsby)* (Lab)
† Phillips, Jess *(Birmingham, Yardley)* (Lab)
† Philp, Chris *(Croydon South)* (Con)
† Syms, Sir Robert *(Poole)* (Con)
† Tolhurst, Kelly *(Rochester and Strood)* (Con)
† Wheeler, Mrs Heather *(Parliamentary Under-Secretary of State for Housing, Communities and Local Government)*

Nehal Bradley-Depani, Kenneth Fox, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 27 March 2018

(Afternoon)

[Joan Ryan *in the Chair*]

Secure Tenancies (Victims of Domestic Abuse) Bill [*Lords*]

2 pm

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

New Clause 1

Duty to review cooperation between England, Wales, Scotland and Northern Ireland

"(1) By the end of the period of six months, beginning with the day on which this Act is passed, the Secretary of State must publish a review into the potential for future cooperation between local authorities in England, Wales, Scotland and Northern Ireland in relation to the provisions of this Act.

(2) The review under subsection (1) must consider how it may be possible to extend the provisions of the Act to ensure that applications for secure tenancies in cases of domestic abuse—

(a) from Wales, Scotland or Northern Ireland may be considered by local authorities in England;

(b) from England, Scotland or Northern Ireland may be considered by local authorities in Wales;

(c) from England, Wales or Northern Ireland may be considered by local authorities in Scotland; and

(d) from England, Wales or Scotland may be considered by local authorities in Northern Ireland.

(3) The review must be laid before both Houses of Parliament.

(4) In this section, "local authority" means—

(a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;

(b) in relation to Wales, the council of a county or county borough;

(c) in relation to Scotland, the council of a district or city;

(d) in relation to Northern Ireland, the council of a district, borough or city."—*(Melanie Onn.)*

Brought up, and read the First time.

Melanie Onn (Great Grimsby) (Lab): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Ms Ryan. The most common scenario in domestic violence cases is that of a woman fleeing her abuser. She escapes a harmful and dangerous situation and tries to find a place of safety—often a refuge. As we said this morning, for 68% of those women that is in another local authority area. The Minister said she does not think there is a problem with that in the Bill and decided not to accept amendment 5, which we withdrew following our discussion this morning, but we still hold that there may be a problem if the cross-boundary duty is not made explicit. The situations becomes even clearer if we think of people fleeing from another country in the UK—from Northern Ireland to England, from Scotland to Wales, from England to Wales, or from Scotland to Northern Ireland.

There are significantly fewer resources in towns than in cities. For those living in the more far-flung reaches of our country, access to support services, including housing, may be much more limited. The homelessness services provided by, for example, Crisis, are well known, but Crisis clearly operates somewhere where a significant amount of rough sleeping occurs—London. The excellent services it provides at its Crisis Skylight centre in central London are much harder to come by in, say, Norfolk or Wiltshire, although it now has an excellent service in South Yorkshire. The groundbreaking work and the centrepiece services tend to be in cities, and the same is true for domestic violence services. It stands to reason that the more people there are, the broader the range of support services catered for, and the greater the experience and knowledge base that is built up.

The anonymity of cities can be a draw for victims. If there are services to support those experiencing domestic violence, or if that is the nearest place where spaces are available, that is where victims will go. Complications may arise if someone who lives in a border town—for example, Wrexham—is directed to or heads to Manchester to seek sanctuary. Similarly, people from Northern Ireland may head to Birmingham, which my hon. Friend the Member for Birmingham, Yardley tells me contains the largest diaspora of Irish people in the country, to be supported by extended family members. Will the rights conferred by the Bill travel with them? Will the rights follow the victim? When the system differs among our devolved nations, will victims find that they do not receive the same treatment and housing opportunities as someone who straightforwardly moves from one council house in their local authority area to another in that same local authority area? I fear that the Government are looking at this matter far too simplistically and that down the line they will come a cropper as they realise that the Bill has not worked as intended.

Lord Bourne of Aberystwyth recognised the issue presented by the Bill and has committed to taking this particular matter to the Ministry's devolved Administration roundtable, which I believe is due to convene in Cardiff in April. He has also committed to provide the Library with a copy of the letter that follows the outcome of that roundtable. I am unclear about what that might mean for the Bill, because the outcome of that roundtable will surely serve as some form of response to some of the issues that have been flagged up in debates so far.

I very much accept the difficulties and sensitivities involved, so the new clause will not force England-only duties on to the devolved nations. It strives to ensure that full collaboration is exercised and provided for to enable all victims to be treated fairly and equally, wherever in the country they come from and wherever they end up. To do that, there must be some method of reviewing the issue, and I personally prefer to understand the issue that we are trying to fix with the import of new legislation.

The new clause would recognise that there should be no detriment to anyone travelling between Northern Ireland, Scotland, England or Wales who requires security of tenure. At the moment, the Bill does not do that, despite the recognition of the problem. The new clause therefore proposes a review period of six months to establish where the problems lie in the legislation and to enable the Government to take steps to resolve them.

We do not want to see anyone dissuaded from getting themselves to a place of safety if that place is in one of the devolved nations. The matter was recognised in debate in the Lords. Rather than having to reflect on a missed opportunity, and in full understanding that this is an issue of a premise accepted by Lord Bourne, I urge the Minister to take the necessary steps to future-proof this Bill.

Sarah Jones (Croydon Central) (Lab): I want to speak in support of new clause 1 and the principle of co-operation, and to give a couple of examples. I used to work for Shelter, and I lobbied successfully for the Homelessness Act 2002. It was a groundbreaking piece of legislation because, for the first time, local authorities had to have a strategy in place to tackle homelessness. It also extended the definition of priority need to many different groups who had not fallen into that category before, including people fleeing domestic violence, as well as 16 and 17-year-olds and people leaving care, prison or the armed forces.

Shelter put a huge amount of resource into lobbying for the legislation. We worked during the passage of the Bill and lobbied civil servants on the guidance that followed. It was a good Bill and there was good guidance, but we knew that we could not necessarily guarantee that it would be implemented in the way that legislators had intended. As a charity, we funded about 15 full-time members of staff to work with every single local authority to help them understand the legislation and implement it.

My point is that even though we had a good Bill, good guidance and all this extra resource from Shelter, which was used widely by all local authorities, there were still differences in implementation, with pockets of good practice and pockets of bad practice. For example, the good practice was that a local authority should have a safe place—a safe room or a safe opportunity—for people once they came to the local authority and said that they were fleeing domestic violence. Not every local authority does that; there are differences in implementation. The implementation and what is written in the Bill are absolutely crucial.

We know that there are different definitions of priority need in different nations. If someone is fleeing domestic violence in England, the category of priority need is stronger than it would be for someone fleeing in Wales. If someone is fleeing in Wales, they have to have been the victim of domestic violence. In England, they have to be the victim or at risk of domestic violence. There is a slightly different way of interpreting that legislation, because it is different in the two nations. I would hate, as I am sure the Minister would, for us to introduce legislation that does not enable every single person we can possibly help to get the support that they need.

The new clause is a sensible addition to the legislation. Giving six months to look at this before anything has to be introduced is sensible. We can support those victims of domestic violence who need our support. Croydon, which I represent, has the highest number of applications by people fleeing domestic violence of any London borough. We have a fantastic service in Croydon. We have the only family justice centre in Europe, which brings together all the agencies that help to support people who are fleeing domestic violence, including housing and the police. We provide brilliant support, which I would like to see across the country and across the nations, but sadly that is not the case. I am supportive of co-operation and new clause 1.

Alex Norris (Nottingham North) (Lab/Co-op): Ms Ryan, this is the first time I have served under your chairship and it is a pleasure to do so.

In this morning's sitting we had a long and interesting discussion on amendment 5. It was a shame we could not reach consensus. We ended up having a conversation about whether what the amendment said was already in the Bill and it became an almost semantic conversation about whether "a local authority" is the same as "any local authority". That is what will happen when something is gone through line-by-line, and it is important that we get to that level, but it was a shame we were not able to establish consensus.

With new clause 1 we have basically the same principle, but grown out. We now know for a fact that "a local authority" falls once we get to the boundaries of England, but we also know that the need for refuges does not drop off that cliff as we meet that border.

We also spent a lot of this morning talking about not wanting to put up barriers. Our job is to remove whatever barriers there are to the survivor leaving that situation. Whether the barrier is money, housing, family or whatever, we should seek to remove it so that they can make that best decision for themselves. This is a pretty big barrier: it is a border. I almost hesitate to say that because we talk too much about borders, especially in the context of Northern Ireland, but mercifully we are not going in that direction today.

Nevertheless, we will clearly have to do something. As my hon. Friend the Member for Great Grimsby said very eloquently, the need will be the same around border towns, but the facilities will be different. In a big city such as Nottingham, we might have things that they do not have in small border towns. From the perspective of people going from Scotland or from Wales to England, I should like to think that we would be there for them if that was best for them. I am sure that everybody would share that thought.

We have to be mindful of devolution and the devolution settlement, but it seems sensible, and to behove us, to accept the clause because it will give us a proportionate way of looking at how to get to something sensible. I suspect that it will be said that there are different arrangements in these countries. I am perfectly willing to accept that; nevertheless, how the arrangements marry up with our own is really important. It is important for English survivors, but it is also important for survivors in those nations.

I do not want to rehash everything from this morning, but I thought it regrettable that we did not push forward on the question of training in amendment 1. This is exactly the sort of situation that will be very complicated for a housing officer. We ask housing officers to understand an awful lot of things about an awful lot of different needs, and this is yet another one. We need them to understand that, if they are talking about people moving to different communities, that will need to be in England. We would not want people to be advised that their secure tenancy will apply somewhere else if those are not arrangements that we have been able to secure. I do not think that that is asking for much, but it will

[Alex Norris]

certainly give us more confidence that down the line we will get to a point where we will have stitched-up nationwide look at the issue laid before Parliament, which would be desirable.

2.15 pm

Sir Robert Syms (Poole) (Con): I have sat on a number of Committees in this House, and Plaid Cymru and the Scottish National party have always asked one question: have the devolved Administrations been consulted? They say little else apart from that. Whether it is a good or a bad idea to add this measure to the Bill at this stage, as a Unionist I think that if we are to ensure a good relationship between the Governments within the United Kingdom the devolved Administrations ought to be consulted first. Even on something that may be reasonable from the point of view of Government-to-Government relationships, they ought to be consulted first.

We have not yet reached the end of the Bill. There is a further stage on Report and, as Lord Bourne has already undertaken to have some discussions with the devolved Administrations, it might be better for them to be concluded before we add to the Bill, possibly ruffling feathers north of the border. Whatever the Westminster Parliament does can sometimes seem to be used by the SNP grievance machine. Therefore, we ought to tiptoe in that direction. If discussions subsequently take place so that changes can be made to the Bill, that is fine, but at this stage I am wary of adding something that, in essence, is a UK diktat—or will be seen as such by some in Scotland. I am sure that the hon. Member for Great Grimsby wants the best legislation for the victims of domestic violence, but I think it might be better for us to wait.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): The new clause calls for a review of the potential for future co-operation between local authorities in England and those in Wales, Scotland and Northern Ireland, with consideration of how it may be possible to extend the provisions in the Bill to apply across the UK. The issue was raised during passage of the Bill through the Lords and, indeed, an amendment was tabled and subsequently withdrawn.

As hon. Members are aware, housing is a devolved matter, so it is for local authorities, or the Housing Executive in Northern Ireland, and social landlords to decide whether to allow access to social housing under the law that operates in that particular country. Wales, Scotland, and Northern Ireland have their own homelessness legislation. There may of course be differences of approach, according to the requirements of the devolved area and the pressures on their housing stock. As I understand it, for example, in Wales, where social housing stock is in highest demand, the local authorities can and do discharge their duty to rehouse using the private rented sector.

The Minister for faith, Lord Bourne of Aberystwyth, wrote to peers on this issue following Second Reading, setting out how each devolved Administration would deal with the situation if a person, as a result of domestic abuse, were to flee from their home in England to a devolved Administration. I am more than happy to share that with the Committee.

I agree that there should be increased co-operation between England and the devolved Administrations on the question of victims of domestic abuse, including where a victim needs to move from one country to another to escape the abuse and to feel safe. Furthermore, I understand that the Minister, Lord Bourne, gave the commitment that he would raise the issue at the roundtable with the devolved Administrations, which I understand is next due to take place on 19 April in Cardiff. In fact, the noble Lord has written to ask whether the issue could be put on the agenda of that meeting. He has made it clear that he would like to explore whether we can develop a concordat or joint memorandum of understanding between the four countries on our approach to social housing and cases of domestic abuse.

I remind hon. Members that the purpose of the Bill is to remove an impediment that might prevent someone who suffers domestic abuse from leaving their abusive situation in England when the provisions under the Housing and Planning Act 2016 come into force. The Housing and Planning Act applies only to England.

In the current situation, a victim of abuse in another part of the UK, such as in Scotland, will not have an impediment to fleeing their situation from fear of losing their lifetime tenancy, as another council in Scotland will grant them a lifetime tenancy when they are rehoused. The commencement of the Housing and Planning Act does not change that.

I do not believe it would be appropriate to include a duty in the Bill, which applies to England only, to consider the potential for amending legislation in other parts of the UK. In this instance, I firmly believe that addressing the question at the devolved Administration roundtable is the correct approach, with a view to securing a memorandum of understanding or concordat. This is a common issue in which all parts of the UK have an interest, but, as I have said, the differences in housing legislation across the devolved Administrations mean that I do not believe a UK-wide provision in a Bill based on an Act that applies only to England is the correct approach. For all those reasons, I do not consider the amendment to be appropriate or necessary and I ask for it to be withdrawn.

Melanie Onn: Yes—yes please to the sharing of information that has been distributed by Lord Bourne. I very much welcome that, as I would a notification to confirm that the meeting of 19 April has taken place and the detail of the conversations that took place within it. I am slightly concerned that the legislation is almost being drafted with eyes shut to the reality of people's lives. I would urge every consideration to ensure that that is not the reality.

For example, I do not know whether the concordat or memorandum of understanding would be legally binding, how it would operate in an enforceable way and how, if an individual felt that they were being treated differently because they happened to cross a nation's border, how they would go about challenging that, what the normal process would be, whether legal aid would be available, and so on.

There are still concerns that the legislation will not fully do what is necessary to meet the intention that has been set out, but I await the outcome of the meeting on 19 April. I agree that there should be a pause to establish

whether that meeting can resolve this issue in an amicable fashion, rather that something that seems to have a UK parliamentary overbearing overtone, which may not be well received by the devolved nations, and I mentioned the sensitivities of the issue in my speech. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Question proposed, That the Chair do report the Bill to the House.

Mrs Wheeler: Ever so briefly, I thank everybody for the lively debate. It has been a very well-informed discussion. I think there will be some issues on which we will be able to give greater clarity and comfort to those who have asked questions. Ms Ryan, I thank you, and all the Clerks and staff who have helped us get through this Bill.

Melanie Onn: I thank the Minister for listening in an open and honest fashion to the points that have been put genuinely to try to improve the Bill. I also extend my thanks to the staff of the House authorities and the civil servants [Hon. Members: "Hear, hear!"]. I thank all of those who have participated in the debate for their contributions.

Question put and agreed to.

Bill accordingly to be reported, without amendment.

2.24 pm

Committee rose.