

Written evidence submitted by Stonewater (DAB75)

Domestic Abuse Bill – Committee Stage

Stonewater is a social housing provider, with a mission to deliver good quality, affordable homes to people who need them most.

This briefing note has been prepared for members of the Bill Committee, highlighting the key area that we believe the Bill needs to be strengthened in. This includes proposed amendments that would support these elements, set out below.

Stonewater strongly welcomes the introduction of the Domestic Abuse Bill and hopes to work with members of the Bill Committee to strengthen the Bill.

Key points and asks

- **Clause 1: Definition of “domestic abuse”** – The definition of ‘domestic abuse’ (Clause 1) should specifically refer to abuse related to ‘protected characteristics’ as defined by the Equalities Act 2020 to ensure that those in the LGBTQ+ (and other protected characteristics) are protected.
- **Clause 30: Matters to be considered before making an order** – Consideration should be given to the mental state and fears of victims when considering a protection order for domestic abuse.
- **Clause 54: Domestic Abuse Local Partnership Boards** – Domestic Abuse Local Partnership Boards should include a representative of the housing sector to advise on the availability and options for housing.
- **New Clauses 43 and 44: Local connection for housing** – We urge the Government and members of the Committee to consider ensuring in the Bill that there is no need for a local connection in any eligibility requirements for a secure tenancy, so that those who cannot stay in their local area can still access safe and secure housing. **We therefore endorse New Clauses 43 and 44, tabled by Jess Phillips MP and ask other members to support this.**
- **Support for those with no recourse to public funds** – Stonewater welcomes proposed new Clauses to the Bill to ensure that those with no recourse to public funds are able to access domestic abuse support and services. **We would therefore urge the Government and members of the Committee to support their inclusion in the Bill by endorsing New Clauses 19, 20, 29 and 36 and ask other members to support them.**

Proposed changes to the Bill

PART 1 - DEFINITION OF “DOMESTIC ABUSE”

Clause 1: Definition of “domestic abuse”

Stonewater welcomes the introduction of a definition of domestic abuse in the Bill and agree that the Bill should be gender neutral.

However, we agree with those at Second Reading who called for the Bill to be strengthened in its support for those in the LGBTQ+ community who experience domestic abuse. Stonewater is a provider of LGBTQ+ Safe Spaces, and knows that LGBTQ+ support provision is not as readily available as “mainstream” support.

We are therefore calling for the definition of the Bill to specifically mention abuse against those with ‘protected characteristics’ as set out in Part 2, Chapter 1 of the Equalities Act 2010, which includes those in the LGBTQ+ communities and those who would not fit within the ‘mainstream’ support.

This could be achieved through the following amendment, which we would be delighted if members could table and support:

Clause 1, page 1, line 15, after “abuse” insert—

“, including abuse related to protected characteristics as set out in Part 2, Chapter 1 of the Equalities Act 2010;”.

With this amendment, the section would read:

- (3) Behaviour is “abusive” if it consists of any of the following—
- (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (see subsection (4));
 - (e) psychological, emotional or other abuse, including abuse related to protected characteristics as set out in Part 2, Chapter 1 of the Equalities Act 2010;

This small change would ensure that those who have ‘protected characteristics’ are explicitly covered in the Bill.

During Pride Month, we would also welcome members of the Committee continuing to raise awareness around the heightened need for awareness raising around LGBTQ+ abuse, as well as barriers to access support and that being much more limited support available, and for the Government to commit to more specific LGBTQ+ support services and funding for these.

PART 3 – POWERS FOR DEALING WITH DOMESTIC ABUSE

Clause 30: Matters to be considered before making an order

Stonewater welcomes the introduction of ‘domestic abuse protection orders’ and think it is right that the person experiencing abuse opinion is sought, as per Clause 30.

However, while we appreciate that the list of matters that must be considered are not exhaustive (*“the court must, among other things, consider the following”*) we believe that the Bill should specifically instruct courts to consider:

- the mental state of the person for whom the order would be made
- the circumstances of the abuse being suffered and potential that the victim is fearful of their perpetrator so may not feel able to advocate or speak honestly in their case for an order.

To not consider these aspects could lead to some victims not being comfortable in stating explicitly the abuse they have received and could risk them being in further danger.

PART 4 – LOCAL AUTHORITY SUPPORT

Clause 54: Domestic Abuse Local Partnership Boards

Stonewater welcomes the introduction of Local Partnership Boards. However, we believe that housing has a clear role to play in the tackling domestic abuse, and there is a clear link between domestic abuse and housing. Housing can be a barrier to someone fleeing domestic abuse, particularly access and supply of affordable and safe housing, and often it happens within the home.

While we recognise that there are local authority representatives proposed as members of the Boards, we would ask members to consider including a representing a member of the housing sector as part of the Boards.

This could be achieved through the following amendment, which we would be delighted if members could table and support:

Clause 54, page 36, line 3, at end insert—

(h) at least one person appearing to the authority to represent the interests of persons with functions relating to housing services in its area.

With this amendment, the clause would read:

- (2) The members of the domestic abuse local partnership board must include—
- a) a representative of the relevant local authority;
 - b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
 - c) at least one person appearing to the authority to represent the interests of victims of domestic abuse;
 - d) at least one person appearing to the authority to represent the interests of children of domestic abuse victims;
 - e) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area;
 - f) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;
 - g) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area;
 - h) **at least one person appearing to the authority to represent the interests of persons with functions relating to housing services in its area.**

We urge the Government and members of the Committee to consider ensuring that those working in the local housing sector are able to advise on housing options as part of these discussions.

NEW CLAUSES 43 AND 44: LOCAL CONNECTION FOR HOUSING

Stonewater welcomes the grant of secure tenancies in cases of domestic abuse, but would ask members to raise the issue of **local connection** in this part of the Bill.

Often when victims of domestic abuse are fleeing their home they cannot stay within their local community and need to go elsewhere in the country. We would welcome commitments from the Government, explicitly in the Bill or in subsequent guidance or regulation, that local connections will not be required to receive a secure tenancy.

Not doing so would leave many victims having to remain in the area that they are trying to flee from – increasing the danger to them. We see this particularly with those who enter our South Asian Women's Refuge in Bedford. Because of often tight-knit communities, it is very difficult to remain within a local area and travelling further away is the only way to safely escape.

We therefore endorse New Clauses 43 and 44, tabled by Jess Phillips MP, and ask other members to support this.

SUPPORT FOR THOSE WITH NO RECOURSE TO PUBLIC FUNDS

At Stonewater we have a long history of advocating for women and children fleeing domestic abuse from the South Asian Community, often with no recourse to public funds. More than 200 women have resided at our dedicated Refuge over a 12-year period. We work alongside excellent external lawyers to

support the women to gain their immigration status and they also provide us with monthly workshops to ensure the women are aware of their rights and responsibilities towards themselves.

Stonewater welcomes proposed new Clauses to the Bill to ensure that those with no recourse to public funds are able to access domestic abuse support and services. This includes ensuring that domestic abuse survivors with no recourse to public funds are able to receive the support they need and are not exempted exclusion from public funds, certain types of support and assistance and the right to rent.

We would therefore urge the Government and members of the Committee to support their inclusion in the Bill by endorsing New Clauses 19, 20, 29 and 36 and ask other members to support their inclusion.

About Stonewater

We manage around 32,500 homes in England for over 70,000 customers, including affordable properties for general rent, shared ownership and sale, alongside specialist accommodation such as retirement and supported living schemes for older and vulnerable people, domestic abuse refuges, a dedicated LGBTQ+ Safe Space, and young people's foyers.

Our ambitious house-building programme aims to build a minimum of 1,500 new homes a year from 2022/23 and we have a good pipeline of development to achieve this, driven by our vision of everyone having the opportunity to have a place that they can call home. We plough our surplus into building new homes, improving our existing housing stock and investing in customer services.

Stonewater is proud to be part of the largest Homes England strategic partnership alongside Guinness Partnership – with £224m funding for 4,500 additional high-quality affordable homes by 2022. The funding will enable Guinness and Stonewater to extend and accelerate their development plans, bringing forward the building of affordable and social housing. Because of the certainty of grant funding from Homes England, both partners will be able to enter into longer term commitments to buy additional land, targeting areas of greatest housing need.

For more information, visit our website at www.stonewater.org

June 2020