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Sarah Jones MP
House of Commons

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Police, Crime, Sentencing and Courts Bill: Serious Violence Duty

Thank you for your contributions at the sixth sitting of the Police, Crime, Sentencing and Courts Bill Committee on Tuesday 25 May 2021.

I am writing to follow up the debate in Committee on the serious violence duty and, in particular, on new clause 28 which would amend the Housing Act 1996 to give priority need status to those at risk of serious violence if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence (Official Report, 25 May 2021, columns 234-242). In speaking to this new clause, you drew parallels with the provision in the Domestic Abuse Act, which will give priority need status to victims of domestic abuse who are homeless as a result. You suggested that in cases of gang violence, the law currently does not prioritise families in this situation, in contrast with the provisions for victims of domestic abuse.

I thought that it would be beneficial to set out the homelessness legislation and how this interacts with social housing allocations.

Homelessness legislation is relevant and already makes provision for the cases you mentioned in the debate whereby a victim of serious violence has a home but may need to move in order to escape the serious violence. This is because, for the purposes of housing legislation (the Housing Act 1996), a household is considered to be homeless if it would not be reasonable for them to continue to occupy their accommodation. Section 177 of the Housing Act is clear that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic abuse or other violence against that person or another member of their household. This means that, where appropriate, victims of serious violence are able to access support from homelessness services should they need to relocate in order to escape violence.

The Homelessness Reduction Act 2017 amended the Housing Act 1996 and significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to help prevent and relieve homelessness in their areas. It requires housing authorities to provide homelessness services to all those who are threatened with homelessness or who are already homeless, (provided they are eligible), not just those who have 'priority need'. This provides for:

1. a duty on local housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homeless; and
2. a new duty to take reasonable steps to help the applicant secure suitable accommodation for those who are already homeless to relieve their homelessness.

If a housing authority has a reason to believe that a person is homeless, eligible for assistance and in priority need, section 188(1) of the Housing Act requires that housing authority to provide interim accommodation. If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of applicant, such as pregnant women, families with dependent children, and victims of domestic abuse (where the domestic abuse was the cause of the homelessness) have priority need if homeless. Other groups may be assessed as having priority need if they would be considered to be significantly more vulnerable than an ordinary person would be if they became homeless, for example as a result of old age, mental ill health, or as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence which are likely to be carried out.

Under the main housing duty, housing authorities have a duty to secure accommodation that is available for occupation for the applicant and their household until the duty is brought to an end, usually through the offer of a settled home. However, it is important to note that reasonable preference (overall priority) for social housing allocations is separate to homelessness priority need. By law local authorities must frame their social housing allocations scheme to ensure that certain people have reasonable preference for social housing, including those who are homeless and those owed a homelessness duty. This applies to anyone who is owed either a homelessness prevention, relief or main duty.

Local authorities may also give additional preference (high priority) for social housing to people who are in urgent housing need. Statutory guidance issued in 2012, advises local authorities to give additional preference to those who are homeless and require urgent re-housing as a result of violence or threats of violence.

Therefore, the government does not believe your new clause 28 is required. Current legislation already makes provision for victims of violence to:

- have priority need as set out above, where they are vulnerable; and
- to have appropriate priority for social housing allocations if homeless or in urgent housing need.

In respect of the parallel you drew to domestic abuse victims, the Government was clear that priority need status would be given to victims who are homeless as a result of domestic abuse through the Domestic Abuse Act 2021 to ensure that victims do not remain with their abuser for fear of not having a roof over their head.

By its nature, domestic abuse is within the home and as a result more connected to the accommodation. In most circumstances, domestic abuse crimes are committed

inside the home, out of the view of the public and by household members. We know that many victims of domestic abuse may struggle to access homelessness services and support due to the unique nature of the coercive control exercised by many perpetrators in the home. As a result, Government felt it was important for domestic abuse victims to know they would be in priority need for accommodation, so that fear of being homeless did not cause them to remain with their abuser. While I do not underestimate the impact of serious violence on victims, the circumstances are different.

Legislation already provides that a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person has priority need. The Government believes the current approach which considers vulnerability strikes the right balance and ensures that resources, including temporary accommodation and access to settled housing, are prioritised effectively and accommodation is there for people who need it most.

Therefore, due to the reasons set out above, we do not believe that new clause 28 is the right approach. I hope you find this information useful.

I am copying this letter to members of the Public Bill Committee and Stella Creasy and placing a copy in the library of the House.

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'y'.

Victoria Atkins MP
Minister for Safeguarding