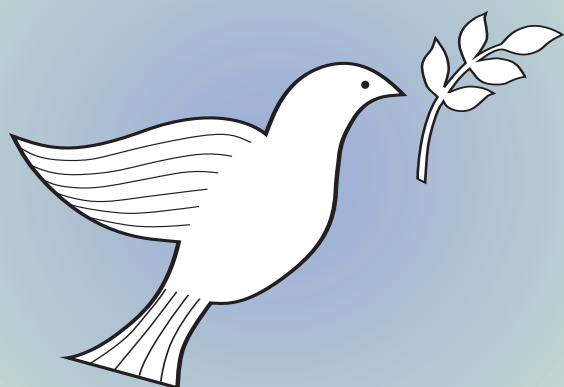


# **HOUSING POLICY AND PRACTICE FOR WOMEN EXPERIENCING DOMESTIC VIOLENCE**



**A report to the Eastern Regional Planning Committee  
on Violence against Women incorporating  
a survey of the six Local Authorities in the region**

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# **Housing Policy and Practice for Women Experiencing Domestic Violence: A report to the Eastern Regional Planning Committee on Violence against Women incorporating a survey of the six Local Authorities in the region**

## **Introduction**

The Eastern Regional Planning Committee on Violence against Women (ERPC) was established in 1997 as part of the first national strategy to address domestic violence, rape and sexual assault. The eight regional committees are located within the Health Service Executive structures and report to a National Steering Committee under the auspices of the Department of Justice, Equality and Law Reform.

In the eastern region, we are fortunate to have a wide cross section of people from both the statutory and Non Governmental (NGO) sectors represented on the ERPC. We are further advantaged by the active participation of the Local Authorities in the area. This representation facilitated the setting up of a focussed Housing and Refuges sub-committee. This group undertook to survey the policy and practice in the six Local Authorities relating to homelessness or housing need resulting from domestic violence.

Using a multi-disciplinary approach to the needs of those experiencing violence, it is clearly the case that the Local Authorities play a vital role in the ongoing safe and appropriate accommodation of women and children. Other jurisdictions show examples of where, in conjunction with the police force, housing policy has been central in recognising the specific needs of women experiencing violence. To date, neither Ireland at a national level nor in any of its regions has devised a policy on domestic violence for adoption by the housing authorities to ensure a consistent, reliable and sensitive service to all women who present as homeless or in need of housing.

We acknowledge the very good practice of individual officials in Local Authorities and as service providers our clients have benefited from such practice. However, the absence of a policy which sets down an agreed definition of domestic violence, agreed definition of homelessness, and a set of principles against which all practice can be measured, hinders progress in ensuring a coherent understanding of the issue by practitioners which would result in both a quality and equality of service to women and children in need.

Section one of the report is a clear and stark picture of domestic violence and its prevalence as a route to homelessness. It outlines what accommodation is used by women and their children in these circumstances, exposing the serious under supply of refuge spaces and the over dependence on unsuitable Bed and Breakfast facilities. The policy context in which homelessness, housing policy and domestic violence intersect is also outlined.

Section two presents the findings from the survey we undertook with the County Councils in the area illustrating the disparity of policy and practice within six Local Authorities placed side by side and the different interpretations of legislation which affects the safety of women and children.

The Housing & Refuges group of the Eastern Regional Committee on Violence against Women welcomes this report as the start of a dialogue with our colleagues in the Councils which we hope will lead to the development of best practice underpinned by a policy on domestic violence. We acknowledge that due to an extended consultation process on completion of the survey and the report there may be more recent data and initiatives that it was not possible to include.

*Muireann Morris,*

**On behalf of the committee.**

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## **Section 1: A review of the literature and policy context in relation to violence against women, homelessness and housing**

### **1.1 Violence against women**

Violence against women has been recognised as one of the most pervasive forms of human rights violations in the world by the United Nations and Amnesty International (Amnesty, 2004., UN, 1993). International research and evidence consistently reveals that many women and girls experience different forms of gender-based violence throughout their life cycle. The most common context for male violence against women is in the family and in intimate relationships (UNICEF, 2000).

Prevalence surveys from across the world indicate that between 20% and 50% of women experience violence from their male partners, or domestic violence, as it is commonly known<sup>1</sup> (WHO, 2000). A national prevalence study on the extent of violence against women within intimate relationships in Ireland was carried out in 1995 (Kelleher Associates & O'Connor, 1995). 18% of women who responded to a postal questionnaire had experienced domestic violence. This number doubled to 36% when questionnaires were administered in doctors' surgeries in one Dublin community care area. The most common reasons women cited for not leaving were economic dependence and having nowhere to go.

A national survey on sexual violence in Ireland (SAVI, McGee et al, 2002), found that 42% of women in Ireland had experienced some form of sexual violence in their lifetime. 20.4% of women had been subjected to some form of contact sexual abuse as adults and over one quarter of these women were raped. In the vast majority of cases, the perpetrator is known to the woman. The SAVI report found that 70% of perpetrators of sexual violence against women were known to them and that 25% of the perpetrators were husbands or partners or ex-partners.

#### **1.1.1 Nature and impacts of Domestic Violence**

Domestic violence is characterised by a pattern of coercive control over all of the key aspects of the woman's life. The forms of abuse are multiple and overlapping and are used systematically by the abuser to ensure compliance. They can include physical and sexual violence, emotional abuse, threats and intimidation, threats to harm others, financial control and the destruction of property and pets.

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<sup>1</sup> Whilst it is recognised that domestic violence can occur between other family members, in same sex relationships and by women against male partners or husbands, in the vast majority of cases the perpetrator is male and the victim female (92%-97%). In addition, the majority of reported cases show that women are more likely to experience repeat victimisation and post separation abuse and to suffer injuries requiring medical attention and emotional harm as a result of domestic violence (Cork Domestic Violence Project, Dublin Rape Crisis Centre, National Network of Women's Refuges and Support Services, National Women's Council of Ireland, Network of Rape Crisis Centres Ireland, Women's Aid, Women's Education, Research and Resource Centre, UCD, 2001 – Violence Against Women, an issue of gender).

The impacts of male violence can include serious injury, disability, constant pain, miscarriages and in some cases domestic violence homicide or familicide. Women may also experience multiple forms of emotional and psychological trauma. Depression and anxiety accompanied by low self esteem and lack of confidence is a commonly experienced impact of violence and abuse (Stark & Flitcraft, 1996).

One of the most devastating consequences of male domestic violence is that the woman's home becomes the most unsafe place for her and often for her children. Whilst recent policy developments and legislation have been based on the premise that victims of domestic violence should be enabled to remain safely in their own homes, the reality for many women is that despite this, the civil and criminal justice systems are not providing effective protection for women or adequate sanctions for perpetrators (Kelleher & O'Connor, 1999). This results in many women being forced to make themselves and their children homeless in order to access safety.

## **1.2 Women and children out of home because of violence**

### **1.2.1 Housing figures**

In the 2002 Local Authority Assessment of Social Housing Need, 48,413 households were assessed as being in need of housing. 43% of these were lone parent households (DOE&LG, 2002). The increased housing waiting lists are due to a number of factors including the slow down of the housing building programme, escalating house prices in the home ownership market and increased rents in the private rented sector. Despite this, Local Authority output in 2003 was up only 2.6% on 2002 and the National Development Plan target of 40,100 starts by 2006, will not be met. There are some indications that the numbers on the waiting list have decreased due to the increasing availability of private rented accommodation (Courtney, 2006). However, the National Economic and Social Council report on Housing, 2004 estimates the need for 73,000 units by 2010, the end of the current National Development Plan. Furthermore the 10,000 affordable homes promised in the national partnership agreement to respond to the increasing problem of affordability have not materialised (Brooke, 2003).

### **1.2.2 The extent of women and children's homelessness in the eastern region**

*The Counted In* survey carried out on behalf of the Homeless Agency in 2002 found that of 2,920 households homeless in the Dublin City Area, 640 households had children with them (1,140 children), 66% of the families were headed by lone parents and 94% of these lone parents were women (Williams and Gorby, 2002). However, it has been recognised by the Homeless Agency that it is difficult to gain an accurate picture of the extent of those in need of housing due to factors such as the hidden figures of those living with family and friends, those in private rented accommodation who have not registered on their Local Authority Housing List and the different criteria and definitions being used to record by agencies. An example of this is that following the recent decision that all those who are claiming rent supplement must now register, it is reported that some Local Authority Housing Lists have doubled (Brooke, 2003). A review of information systems and data is being finalised at present by the Homeless Agency.

### **1.2.3 Factors leading to homelessness**

Research indicates that one of the primary reasons for homelessness is the failure of Local Authorities to provide social housing at a pace with the lengthening housing

waiting lists (Houghton and Hickey, 2000). However, numerous studies on homelessness identify complex and multiple reasons leading to homelessness (Bergin, 2002, Houghton and Hickey 2000). Chief amongst these are: lack of affordable housing, domestic violence, family conflict, addiction problems, community difficulties, economic disadvantage and social isolation.

#### **1.2.4 Violence and abuse as a cause of homelessness**

The Homeless Persons Unit (HPU) operated under the Health Service Executive (HSE), Dublin North East, is the main referral and assessment centre for those people out of home in the Dublin City area. Figures for 2003 show that of the 214 women who presented as homeless to the HPU, 26% said that they had become homeless as a result of domestic violence.

Houghton and Hickey (2000) cite domestic violence as the primary reason for homelessness in 7% of cases and cite it as the most prevalent reason for homelessness amongst lone parents at 11.1%. It is evident from the figures provided by the HPU, that as only one reason can be recorded as the primary cause of homelessness, and as there are also categories of family breakdown and violence it is difficult to assess to what degree domestic violence is a factor in women's decision to leave their homes in order to access safety and protection.

In a survey of 100 homeless women's health needs in 2001, (Smyth & McGee et al 2001) respondents also cited failure to find affordable accommodation (18) and domestic violence (14), as the two top reasons leading to homelessness. Researchers consistently stress the importance of having a more in-depth and complex understanding of the causes of homelessness and distinguishing between the events precipitating this incident of homelessness and the original cause for homelessness. Factors identified as a primary reason or a principal factor in precipitating homelessness should not be interpreted therefore as the cause of homelessness.

Smith & Mc Gee's study (2001) provides an example which illustrates the importance of in-depth and appropriate assessment. The reason given during interview for one woman's homelessness was that she did not get on with her family. However, because the researcher enquired about sexual violence later on in the interview, the woman later indicated that the sexual abuse of her children by her father, with whom she shared the family home, was her reason for leaving home.

The recording of domestic violence as a cause of homelessness in Ireland contrasts sharply with figures from the United Kingdom which show that 38% of families using Shelter's Homeless to Home Projects lost their home due to domestic violence. In a study of families at a homeless centre in Birmingham, nine out of ten families were reported to be fleeing from violence and of these cases the perpetrator was a partner or former partner of the woman. In 2001/2002, 47% of women accommodated in a supported housing programme for homeless women and children in Bradford, U.K., were homeless because of domestic violence (Levinson & Kenny, 2002).

Even where it is not cited as the cause of homelessness, women may have been victimised. In Smith & McGee's study, 55 of the 100 women reported experiences of physical violence in adulthood (Smith, McGee et al, 2001). The majority (80%) reported the violence that they experienced was in the context of a single long-term relationship with a husband or partner. For 85% of the women, the main location for the violent behaviour was in their home and for at least 14 women, becoming homeless by leaving the violent partner was the only way they could escape the

violent behaviour they had experienced. 49 of the women reported that they had experienced some form of serious sexual violence, assault or abuse in their lifetime. 69% of these women were abused before they became homeless (32 of 49 women.) Some of the women who experienced sexual violence at the hands of other family members reported that leaving home was the only route of escape for them.

### 1.2.5 Where women and children are accommodated when homeless

*The Counted In* surveys conducted for the Homeless Agency in 1999 (Williams and O'Connor, 1999) and 2002 (Williams and Gorby, 2002) documented the type of accommodation people were in over a seven day period.

Type of accommodation	2002	1999
Refuge	4	6
B & B	88	53
Relatives/friends	5	35
Other	1	1
Other combinations	1	3

A number of reports have noted the unprecedented rise of the use of Bed and Breakfasts (B & Bs) as emergency accommodation for people out of home (Houghton and Hickey, 2000, Bergin, 2002, Halpenny et al, 2002., Smith, McGee et al, 2001). In 1990 the Homeless Persons Unit (HPU) placed just five families in B & Bs. This contrasts sharply with 1,202 households in 1999. Of these, 1,518 were adults and 1,262 were children. 71% of the adults were women. The largest group, in terms of family status, were lone parents at 39.6%. Some 92% of those lone parents were women and 75% of single adults were women (Houghton and Hickey, 2000). In 2005, 238 one parent families - the majority of whom are women, 309 single women and 595 children presented as homeless to the HPU. The numbers of single women fell by 118 from 2003 – 2005 while the number of one parent families and children show a small increase in that period (Homeless Persons Unit, 2005).

In a study of the health needs of 100 homeless women in 2001, 66% of the women surveyed were in B & Bs and 33% of women were in homeless hostels (Smith, McGee et al 2001). Comparing the level of use of B & B as accommodation for homeless people with the U.K. situation, only 14% of homeless people are in B & B accommodation in London as compared to 32% in Ireland (Bergin, 2002). A study for the Office of the Deputy Prime Minister in the United Kingdom of the provision of accommodation and support for households experiencing domestic violence in England found that 15% of homeless households were accommodated in refuges and that only 6% were in B & B accommodation (Levinson and Kenny, 2002).

### 1.2.6 Duration of homelessness

Available data indicates that the duration that people are living out of home is getting longer as evidenced by these figures from the 1999 (Williams and O'Connor 1999) and 2002 (Williams and Gorby, 2002) *Counted In* surveys.

Period of time homeless	2002	1999
Less than 6 months =	26%	45%
6-12 months =	29%	29%
1-3 years =	36%	22%
3-5 years =	9%	4%

The average duration of homelessness was 13 months.

In a review of bed and breakfast use by Bergin in 2002, the average length of stay in B & Bs was 18 months, with some families in them for more than two years. The average length of stay of women in emergency homeless accommodation surveyed by Smith and McGee et al (2001) was 72 weeks.

### 1.2.7 Refuge use in the eastern region

There are eighteen Women's Refuges in Ireland across sixteen counties. Their total capacity is 454 beds and they have an overall capacity for 111 women and 353 children at any one time (National Network of Women's Refuges and Support Services, 2004).

Figures from fourteen of the eighteen Women's Refuges in Ireland indicate that there is a shortage of refuge accommodation for women and children out of home because of domestic violence. 1,586 women and 2,741 children sought and accessed shelter in Women's Refuges in Ireland in 2003 (NNWRSS & Sonas, 2003). Of these, 661 were settled women, 765 were Traveller women and 139 were foreign-national women. 21 of the women had a disability.

There are three Women's Refuges in the eastern region i.e. the Rathmines Women's Refuge, Aoibhneas Women's Refuge and Bray Women's Refuge. The three refuges provide a total of 24 spaces for women fleeing domestic violence. The number of refuge places per 100,000 head of population is 1.2 in the eastern region (Kelleher Associates, 2001).

In 2001, 1,104 women were refused accommodation in the three Women's Refuges in the eastern region, because of lack of space (Kelleher Associates, 2001). The following table indicates a continuing problem of women seeking refuge space who are unable to be accommodated.

**Table 1: 2004 Figures for refuges eastern region 2004**

Refuge	Number of women	Number of Children	Number refused due to lack of accommodation
Rathmines	240	524	414
Bray	153	282	250
Aoibhneas	242	527	480
<b>Total</b>	<b>635</b>	<b>1,333</b>	<b>1,144</b>

The three women's refuges in the eastern region provided the following breakdown of occupants for the 2003 survey (NNWRSS & Sonas, 2003).

**Table 2: Women accommodated in refuges in the eastern region in 2003**

Service	Settled alone	Settled with children	Traveller alone	Traveller with children	Non-national alone	Non-national with children	Disabled alone	Disabled with children
Rathmines	34	61	8	132	5	29	NR	NR
Aoibhneas	14	55	10	141	6	20	NR	NR
Bray	30	33	9	57	2	3	0	0

Between them, the three Women's Refuges accommodated 649 women in 2003. The over representation of Traveller women in Women's Refuges poses a serious challenge to all those responding to violence against women and highlights the need as outlined in other reports for an in-depth exploration of Traveller women's needs and experiences (NNWRSS & Sonas, 2003).

**Table 3 : Where women went after refuge stay**

<b>Where women went</b>	<b>Settled women</b>	<b>Traveller women</b>	<b>Foreign-national women</b>
Home to partner	215	378	36
Home without partner	75	47	11
Home with court order	59	26	12
Supported housing	5	1	3
Local authority housing	1	1	-
Housing association	3	-	-
Private housing	89	13	9
Family and friends	89	82	14
Other refuge	24	38	3
Hostel or B&B	25	4	1
Other	21	8	5
Unknown	87	74	5
<b>Total</b>	<b>693</b>	<b>672</b>	<b>99</b>

Of 1,464 cases, 629 women went back to their partner or husband, 133 went home without partners or husbands and 97 went home with a court order. Of the remaining women the majority went to private housing (111), family or friends (185) or the location was unknown (166). Only two women accessed permanent accommodation in local authority housing straight from refuge in 2003 (NNWRSS & Sonas, 2003).

### **1.2.8 Transitional supported housing**

Sonas Housing Association provides supported housing to women subjected to violence who have left crisis accommodation and have ongoing support needs as well as a need for safe, secure accommodation. Sonas has six sites in Dublin comprising 63 housing units, twenty-two of which are permanent and provide 133 transitional bed spaces. They are located in the Dublin City and South Dublin County Council areas.

## **1.3. Policy context**

### **1.3.1 Violence against women**

There have been a number of legislative and policy developments in Ireland in recent years that impact on the delivery of responses to violence against women. The most significant development was the setting up of the Task Force on Violence against Women and the production of the Task Force Report in 1997 (Office of the Tanaiste, 1997) in which a comprehensive set of recommendations were proposed. The subsequent establishment of the National Steering Committee on Violence against Women and eight regional planning committees saw a national structure for the first time in relation to responding to violence against women. The remit of the National Steering Committee is to have a national overview of the development of responses to domestic violence, rape and sexual assault. The Regional Planning Committees have a strategic overview of their region and bring together key non governmental and statutory agencies and organisations to work towards ensuring that a range of comprehensive services are in place.

### **1.3.2 Housing**

Local Authorities have the responsibility for the provision of housing for households who are unable to provide accommodation from their own resources, including victims of domestic violence. The provision of Local Authority housing is financed under the Public Capital Programme through the Department of the Environment and Local Government. Local Authorities may regard persons who are unable to occupy, or remain in occupation of, otherwise suitable accommodation due to violence as being homeless for the purposes of the Housing Act, 1988. Victims of violence may have their housing needs assessed under the Act and be allocated suitable housing subject to availability. The Task Force Report on Violence against Women recommends that Local Authorities should make special provision in their scheme of lettings for women homeless due to violence.

### **1.3.3 Homelessness**

The Housing Act 1988 provides the definition of homelessness. It states that “if a person may not reasonably continue to occupy” their home, that person should be considered as coming under the definition by their local housing authority as homeless. Local Authorities have been engaged in the development of an integrated strategy to tackle homelessness since 2000. This has resulted in many initiatives on services to homeless people and inter-agency fora to deliver an effective cohesive partnership between the statutory and voluntary agencies. Local Authorities are required by Government to develop and implement in agreement with relevant voluntary and statutory bodies, three-year action plans on homelessness with the ultimate goal of eliminating homelessness by 2010.

The Homeless Agency in Dublin was established as part of Government strategy on homelessness. It works as part of a partnership structure bringing together voluntary and statutory agencies with responsibility for planning, funding and developing services to people who are homeless. The second three-year plan “Making it Home” (Homeless Agency, 2004) was launched in July 2004. This covers the period 2004 – 2006. The focus of this plan is on the prevention of homelessness. Key strategic

aims include reducing the number of households that become homeless, increasing housing supply for single people, reducing the duration that people are homeless and ensuring that quality standards are operated in all homeless services. The main focus of the plan is on single people and as a result, the specific circumstances, experiences and needs of women and children out of home because of domestic violence are not addressed to any great degree. The plan states that good quality social housing is the key to solving homelessness but also acknowledges that housing provision will not, by itself, prevent or solve it. It recognises that there are a significant number of people who are homeless or at risk of homelessness who require ongoing or periodic support to enable them to sustain tenancies and avail of services. The draft report on preventing homelessness identifies domestic violence as a causal factor in making women and children homeless and a key area for action over the next 5 years (Pillinger, J., 2005).

## **1.4 Critical issues in relation to women and children out of home because of violence and abuse**

### **1.4.1 The use of bed and breakfasts as emergency accommodation**

#### ***The experience of women and children in bed and breakfast accommodation***

A number of studies have been carried out on the experience of women and children who are homeless. In the majority of cases, the respondents were living in bed and breakfast (B & B) accommodation (Halpenny et al 2002, Smith and McGee et al 2001, Halpenny et al 2001). A study carried out by Focus Point (Houghton and Hickey, 2000) and one carried out by Bergin (2002) on behalf of the homeless agency focused specifically on B & B usage as emergency accommodation for people out of home. These studies concluded that the use of B & B's and the increasing length of time that people are living in them, is unacceptable. The studies found that living in a B & B typically meant living in grossly inadequate and overcrowded conditions. These conclusions have been re-iterated in a recent report commissioned by the Homeless Agency on access to services for children living in private emergency accommodation in Dublin (Flynn & Chaloner, 2006).

In Halpenny et al's study on children in families living in B & Bs carried out in 2002, over 70% of the families had only one bedroom for the whole family and 45% of the families had to share toilet facilities. In all of the reports, women reported a lack of privacy and overcrowding; a disruption to any kind of routine, which made parenting more difficult; a lack of dignity and isolation from family and friends. In a recent review of emergency accommodation in Dublin for the Homeless Agency it is noted that

*“In England legislation was introduced to prevent homeless families and pregnant women being placed in B & B accommodation with any shared facilities (toilet washing, cooking) for more than 6 weeks.”* (Courtney, 2006).

Children had little or no play space and often had to stay in the family bedroom for hours at a time whilst older children would be trying to do homework. Older teenage children of both sexes had to share bedrooms. Children reported feelings of isolation and loneliness as most of them are accommodated in areas away from family and

friends. In some B & Bs, families are required to leave the premises during the day which results in them being on the streets all day.

A recent review of Sonas Housing Association (O'Connor, M and Wilson, N., 2004) highlights the serious shortage of refuge space for women and children where they could access safety and avail of the expert support and advocacy provided by frontline specialist services on violence against women.

It further demonstrates that many women and children are accommodated in unsafe and unsuitable emergency accommodation. Whilst they were at an increased risk of threats, intimidation and violence from ex-partners and husbands, women were at the same time experiencing a lack of security and safety because of the locations and conditions in which they were forced to live. Interviews with women and those working with them, reflect the same evidence from international research that the time of attempting to leave can be the most dangerous time for women of increased risk of serious violence and homicide (Campbell, J.,1995., Zorza, J., 1994).

Returning to the primary family home often resulted in both the woman and her family being threatened and at risk. Homeless hostels, whilst they provided some form of physical protection for women and children, were not equipped to respond to the risk and trauma that women and children experienced. The Sonas report also indicates that women and children can be in many different unsuitable locations over long periods of time resulting in insecurity, fear and depression.

### ***The operation and cost of the bed & breakfast system***

Bergin studied the operation of the B & B system as emergency accommodation on behalf of the Homeless Agency (Bergin, 2002). Everyone homeless in Dublin is referred to the Homeless Persons Unit which is run by the HSE. B & B accommodation is funded by the Dublin City Council (DCC) but administered by the Homeless Persons Unit (HPU). DCC has a set of criteria and standards but Bergin found that in practice only some of the B & Bs are compliant. He found that this resulted in the absence of clear written house rules for residents and staff, a lack of complaints procedures for residents and rooms are not made available for visiting staff such as doctors, nurses or social workers as required in the criteria. There is a failure to cross check with the Gardai in relation to clearance forms for employees and Bergin concluded that this exposes residents and children to unacceptable risks. There were no sanctions for non-compliance and no written contract between landlords and the State. At present there are 1,354 beds in 52 properties. The Dublin Homeless Policy Unit states that Dublin City Council has negotiated and entered into new style arrangements with existing landlords, that all properties used have agreements in place and that Homeless Service inspectors inspect all premises on average every 8 weeks to ensure compliance with the agreement.

Women's accounts in the Sonas (O'Connor and Wilson, 2004) study clearly illustrate that the use of B & B accommodation, over prolonged periods of time, not only greatly increased the risk to women and children, but also compounded the impacts of violence and abuse that they were struggling to overcome. A key factor that contributed to this overwhelmingly negative experience was that B & B's are privately run by landlords, managers and security staff who are predominantly male and have control over and access to vulnerable women and children in crisis. The findings reflect all other studies which have examined B & B usage which show that families are being forced to live in severely overcrowded accommodation lacking in any adequate facilities. Women and children are often moved from one location to

another and living in B & B's denies them any form of stable, safe and normal family life.

In 1990 the cost of B & B placement within the Dublin City Area was £540. This rose to £4.7 million in 1999 and an estimated cost of 18 million euro by 2002 (Houghton and Hickey, 2000). In 2005 DCC provided a budget of €14.5m to pay for private sector accommodation to be used as emergency accommodation for persons who were homeless. Houghton and Hickey state that the huge cost is not just attributable to the growth of numbers in households being placed, but also to the increased length of time that people are living in B & B's.

Bergin (2002) found in a study of B & B's used by the HPU that profit margins for landlords are greater than 50%. Half of the landlords receive an annual payment from the Government, which is greater than 400,000 euro. The net profit of one landlord was estimated to be approximately three-quarters of a million euro per year.

#### **1.4.2 Critical issues and gaps specific to refuges in the eastern region**

The development of Women's Refuges was the first response of the women's movement to the prevalence of male violence against women within intimate relationships. The first refuges started in the U.K., the U.S.A. and Ireland in the early 1970's (Dobash and Dobash, 1992). Research in these areas consistently demonstrates a high level of satisfaction and effectiveness of the safety, advocacy and support women's refuges/shelters provide for women and children at risk (Levinson & Kenny, 2002, Prizeman, 2000).

In a study of responses to violence against women in the eastern region carried out by Kelleher in 2001, the following issues in relation to refuges were identified (Kelleher Associates, 2001):

- The majority of women refused accommodation in refuges were refused because the refuges were full
- Other reasons refuges refused women accommodation was because of active drug and alcohol addictions, children with extreme behavioural problems and in some cases where women's partners were extremely violent and the refuge in question had not sufficient security to protect women, children and staff
- The report concluded that women using drugs or who were stabilising drug use through methadone use had no access to the specialised support, information and advocacy services of frontline domestic violence services

A study by Prizeman (2000) on the operation and needs of women's refuges in the eastern region also highlighted a number of key issues including the need to set a standard and quality of service that should be adopted by all refuges in the eastern region.

The National Network of Women's Refuges and Support Services (NNWRSS) carried out a study of the issues and challenges for women's domestic violence services in Ireland (Morton, 2003). The report concluded that key challenges and issues for this sector to consider and address included:

- The need to evaluate the effectiveness of the services that they deliver and to thus further develop models of good practice and standardise this across the country

- Ensuring that organisations as a whole develop and share an ethos and understanding on the issue of violence against women that is knowledge and evidence based and that they are actively engaged in social change
- The need to develop responses and strategies to ensure that services are accessible to a diversity of women and that are appropriate for those women who have particular needs
- The need to develop an effective response to sexual violence
- The need to develop a wider range of interventions with children
- The provision of training specifically suited to workers and volunteers in the sector

### **1.4.3 The diversity of women's experience of violence**

Women have many different life experiences, identities and positions in society that impact on their experiences of violence and on the response they get when seeking support and protection. There is statistical evidence which indicates that disabled women are more likely to experience sexual violence both as children and adults. For example, the increased vulnerability of some women with disabilities is exploited by perpetrators of violence and abuse who may also be the woman's main carer (Brown et al, 1995).

Traveller women face the additional discrimination of racism in trying to negotiate their rights and access options (Fay, 2001). If their abuser is a member of their own community, they face isolation from their community if they seek to get away from or take legal action against their abuser. Whilst this can be a risk for all women, it can be a greater deterrent if a woman's community is the main source of support in a society in which she may experience forms of discrimination such as racism (McGee et al 2002). A recent report on the experiences of immigrants in Ireland highlights the additional barriers that immigrant women face when coming to live in Ireland (Kelleher Associates, 2004).

A recent report commissioned by the Immigrant Council of Ireland (Kelleher Associates, 2004) highlights the particular experience of immigrant women in relation to domestic violence. A number of factors including not being able to work, economic dependence, isolation from support systems of family and community and her legal status being dependent on the abuser were identified as increasing immigrant women's vulnerability to abuse and entrapment in the violent situation. The report recommends that a woman who experiences domestic violence and who enters the country as a dependent spouse should not be deported and once in Ireland should have her status recognised independently of the spouse. It also recommends that the state support services available to immigrant women need to be clarified.

Research on homeless women and women involved in prostitution consistently demonstrate very high prevalence rates of physical and sexual violence. They also experience additional discrimination and are likely to be at increased risk of isolation and lack of access to resources including safe accommodation (O'Connor & Wilson, 2005).

## **1.5 Conclusions and recommendations in relation to appropriate responses to women and children out of home**

### **1.5.1 Emergency accommodation**

Reports on bed and breakfast usage and women and children's experiences of them consistently recommend the phasing out of bed and breakfast as emergency accommodation and propose that concrete targets be set. The Government's Integrated Strategy on Homelessness, (DOE&LG, 2000) set a target of no longer than one month as being the maximum time for a family to be in B & B. Smith and McGee et al (2001) stress that the provision of emergency accommodation, through ad hoc arrangements in the private sector is unsatisfactory and state that the private sector does not have a remit to provide the type of support needed by this distressed and vulnerable group. The report highlights the very high levels of physical and psychological conditions amongst these homeless women as a cause for concern, not only because of the impact on the lives of the women themselves but also because of the effect on the lives of the children in their care. A recent report on access to services for children in private emergency accommodation in Dublin recommends that newly homeless families spend no longer than 3 months in B & B accommodation (O'Flynn & Chaloner, 2006).

Researchers have demonstrated that the factors leading to homelessness are multiple and complex and they argue that so too should be the responses (Houghton and Hickey, 2000 Bergin, 2002, Halpenny et al, 2002, Smith and McGee et al, 2001). They call for a holistic approach to families out of home tailored to the individual circumstances and realities of a given family. Initiatives should be designed to seamlessly address housing and support needs. In the report on the 2002 Local Authority Assessment of Social Housing Need (DOE & LG, 2002) it is recognised that ideally accommodation should be provided in the community of origin. However, the report acknowledges that this is often not suitable for women out of home because of violence. Although most women want long-term secure accommodation the report states that:

"There is a serious need for women who have experienced violence for safe emergency, transitional and long term accommodation. Supports are needed rather than a mere "bricks and mortar" approach" (DOE&LG, 2002).

Houghton and Hickey (2000) call for interventions based on individual needs assessment and state that the use of best practice models are essential to improve health and social conditions amongst this disadvantaged group. Bergin (2002) states that when referred into B & B's, households should be assessed in greater detail as to their support needs and the circumstances of their becoming homeless.

The need to be aware of the support needs of some families to get back into mainstream housing is addressed also and Halpenny et al (2002) recommend:

"...a more extended period of planned and supported preparation before they (families) can successfully make the transition back to mainstream housing. For families with extra needs beyond housing alone, intensive tailored programmes of support may be needed to address health, addiction, domestic violence and other such issues".

Recommendations in Houghton and Hickey (2000) state that the money currently being used to temporarily house people in B & B's, should be used instead to provide good quality emergency/temporary accommodation, purpose built to meet the needs of the heterogeneous homeless population. A greater variety of emergency and/or temporary accommodation should be provided and the level of low -, medium-, and, high- support housing units must be increased to meet the needs of the different sub populations within the homelessness population.

The Sonas study (2004) reaffirms that women's refuges are critically important as the first frontline response to women's entry into homelessness because of domestic violence. The study clearly highlights that refuges provide a focus on women and children's safety, based on their knowledge that the point of attempting to leave and post separation are the most dangerous times for women, often resulting in escalated violence, sexual assault and homicide. Access to workers with expert knowledge on risk assessment, safety planning, the trauma of violence and the complexity of women's struggle to leave a violent relationship enabled women to make informed decisions for the safety of themselves and their children.

The Sonas report examined existing recommendations and incorporated them into a set of recommendations in relation to refuge provision in Ireland (O'Connor and Wilson, 2004):

- An assessment of need of refuge provision agreed by policy makers in the U.K. is 1.7 refuge spaces per 10,000 populations (Home Office, 1991) and this same figure has been identified as a target in the U.S.A. (Coleman, 2004). A target to achieve this in the eastern region should be set with an agreed minimum standard of accommodation for women and children at risk. Homeless Fora established in all counties should ensure that such provision is part of their local area plans.
- Additional resources must be provided to existing refuges to upgrade their conditions and to meet basic minimum standards of accommodation (Prizeman, 2000). The recommendations contained in a Report for the Future Blueprint and Structure of Women's Refuges in the eastern region (Northern Area Health Board, Aoibhneas Women's Refuge, Rathmines Women's Refuge and Bray Women's refuge, 2004) should be resourced and implemented.
- An expert working group should be convened by the National Steering Committee on Violence against Women to look at refuge provision and occupancy. This expert group should comprise the National Network of Women's Refuges and Support Services, refuge managers and members of the Traveller organisations. This would enable the development of consistent policy and practice in relation to the optimum use of refuge spaces. It would also lead to delivery of outcomes of increased level of safety for women, a minimum period of time in homelessness and enhance the possibility for women to leave violent partners.
- A high dependency unit for women with drug and alcohol issues should be established in Dublin and additional resources should be provided to all refuges to enable them to further examine and develop responses to this vulnerable group of women. The research and experience as developed by the Saol Project in Dublin should inform these responses (Saol and Kelleher Associates, forthcoming).

The Sonas report (2004) also has a series of recommendations specifically addressing the situation of women and children in B & B accommodation and is summarised below:

- Discontinue the use of bed and breakfasts for women forced to leave their home because of violence.
- The situation of women and children currently in B & B's needs to be urgently addressed with immediate safety planning and risk assessment of each family.
- Minimum standards should be set and monitored in relation to the conditions of the accommodation and should include:
  - *Risk assessment and safety plan protocols to be developed and agreed for use by all practitioners and agencies with which women encounter when they leave home;*
  - *Documenting and data recording to provide an accurate assessment of need;*
  - *Assessment, recording, appropriate placement of offenders with a safety audit of all locations to protect vulnerable women and children.*

The Review of Implementation of Homeless Strategies, (Fitzpatrick Associates, 2006), recommends that:

*“Victims of domestic violence should be recognised as an at-risk target group and in this regard the National Steering Committee should consider an expert working group to examine Refuge provision and occupancy around the country”*

### **1.5.2 Transitional Housing**

The Sonas research (2004) demonstrates and reflects findings in other studies that shelter and accommodation is only one aspect of meeting the needs of women and children homeless because of violence and abuse. Such is the nature of men's violence to women that by the time women have the courage to leave in crisis they will have experienced many years of systematic cruelty at the hands of their husbands and partners. Many children will also be experiencing deep trauma as a result of witnessing and being subjected to violence and abuse and services must incorporate specific responses to them.

The findings of this study reflect evidence and knowledge, which show that without this integrated response of crisis refuge and transitional housing that many women's chances of escaping from violence and abuse are greatly reduced. Furthermore, the risk of incidences of repeat and prolonged periods of homelessness is greatly increased. This study recognises that a critical time for support for women is the first six months or year when they are housed and that without this many women go back to violent partners and reappear as homeless following a further incidence of violence. The draft action plan of the homeless agency also states that while housing is the key to solving homelessness, a significant number who are homeless or at risk of homelessness require ongoing or periodic support to enable them to sustain tenancies.

Women's stories and the outcomes for women and children outlined in the Sonas report (2004) clearly illustrate the effectiveness of the Sonas model of work. The key

factors are high quality safe secure homes, a trusting and healing relationship with workers over a long period of time, specialised children's work and the ability to understand and respond to the complexity of the impacts of violence and abuse on women.

The Sonas report (2004) recommends that specialist refuge accommodation is the most appropriate emergency response to women and children out of home because of violence.

It outlines an integrated framework which:

- Minimises the number of women and children having to leave home by effective intervention by the civil and criminal justice system
- Maximises women's option to return home with protection
- Adequate provision of crisis refuge for women forced to leave where that fails
- Transitional supported housing for women who need additional support
- Enhanced provision of long term housing options

Recommendations in relation to Local Authorities and transitional housing contained in "*Safe Home*" (O'Connor and Wilson, 2004) include:

- Local Authorities should set a target in each area for a number of Sonas developments
- The Sonas model of supported transitional housing should be resourced to develop and expand
- Each Local Authority should co-operate with Sonas Housing and Women's Refuges to ascertain the level of need in their area and to take steps to resource adequate provision of transitional supported housing

### **1.5.3 Social and affordable housing**

It is not within the scope of this study to draw on the many reported recommendations in relation to the provision of social and affordable housing. However, it is self evident that responding to the emergency and transitional accommodation needs of women and children out of home because of violence demand that there is an adequate supply of long term housing stock. Two recent reports "*Housing in Ireland: Performance and Policy*" (National Economic and Social Council, 2005) and "*Housing Policy Review*", 1990-2002 (Norris & Winston, 2005) contain comprehensive analysis of housing in Ireland and the continuing lack of focus and inadequate level of resources for social and affordable housing provision.

## **Section 2: The findings of a survey of the six Local Authorities in the eastern region**

### **2.1 Background**

The Refuges & Housing Sub-Committee of the Eastern Regional Planning Committee on Violence against Women was formed in 2001 with the specific remit of tackling the difficulties experienced by women in relation to refuge accommodation and housing. The sub-committee comprises members from the six Local Authorities and specialist women's services on domestic violence in the region (See Acknowledgements). Members of the sub-committee agreed that there was a need to clarify the policies and practices of Local Authorities towards women and children who had experienced violence and homelessness. It was decided that a survey of the six Councils would be carried out.

The aims of the survey were to:

- Determine if there are official policies within Local Authorities on the issue of domestic violence
- Elicit responses on specific practices/policies relating to domestic violence and homelessness/housing
- Look at how practice is either shared or differs across the six administrative areas in the eastern region

### **2.2. Methodology**

The questionnaire was designed and developed by the sub-committee. The questionnaire was circulated for comment in October 2002 and administered to Dublin City Council, (DCC), South Dublin County Council, (SDCC) Fingal County Council, (FCC), Dun Laoghaire/Rathdown County Council, (DLR), Wicklow County Council, (WCC) and Kildare County Council, (KCC) in January 2003. Six questionnaires were returned. Clarification was sought where necessary and results were finalised in March 2004. The survey was signed off by City and County Housing Directors in each of the Local Authorities.

### **2.3 Findings**

#### **2.3.1 Policy and practice**

No Council has a formal definition or an official policy on Domestic Violence. This is not surprising as domestic violence is not named specifically under the Housing Legislation. However, some Councils have developed specific practices in relation to their response to women experiencing violence and in need of housing. DLR replied that the housing officers are assigned to investigate the situation and consider the offer of a temporary letting whereas DCC state that they give women in refuges priority and women who are not considered homeless may be awarded extra points on compassionate grounds.

### 2.3.2 Dedicated staff

No Council has staff employed specifically to work with women and children subjected to violence. However, it is clear that the staff in all Council areas, are expected to and do respond in a variety of ways to individual cases in the absence of specific policies or practice guidelines.

Councils were asked if they employ anyone to specifically work with women and children from the Traveller community or those from other ethnic minorities experiencing violence. All stated that they employ social workers with professional qualifications to work with women and children from the Traveller community but there is very little specific training or expertise expected or offered in relation to the area of domestic violence.

### 2.3.3 Lettings policy in relation to homelessness because of violence

The majority of Councils clearly consider a woman who is out of home because of domestic violence and in emergency accommodation, homeless under Section 2 of the Housing Act 1988. However, as those staying with others are not considered homeless even though they cannot return because of violence, they are not considered under the scheme of lettings except by Dun Laoghaire Rathdown.

**Table 1: Policies in relation to applying the term homeless under any or all of the following circumstances**

	<b>Women's Refuge</b>	<b>Hostel</b>	<b>B &amp; B</b>	<b>Staying with others &amp; unable to return</b>
<b>Dublin City Council</b>	√	√	√	NO
<b>South Dublin County Council</b>	√	√	√	NO
<b>Fingal County Council</b>	√	√	√	NO
<b>Dun Laoghaire Rathdown County Council</b>	√	√	√	
<b>Wicklow County Council</b>	No policy on homelessness in lettings policy			NO
<b>Kildare County Council</b>	√	√	√	√

### 2.3.4 Tenancy

Councils were asked to consider whether they would consider a woman as homeless who cannot return to her home because of a real threat of violence when she is a joint tenant, regardless of whether it was Council property, privately owned or a rented property. The situation described is of a woman who has either taken the legal route and was not successful or is in the process of doing so and it is taking a protracted period of time. Once again there was no uniformity of approach with Councils giving very varied responses.

DCC, WCC, KCC said yes on condition that she was in emergency accommodation although Wicklow would encourage the securing of private rented accommodation until they were in a position to offer housing. DLR would offer a temporary letting on

surrender of the tenancy. SDCC and FCC answered in the negative although FCC also stated that they are sometimes flexible in relation to specific cases.

The Councils were also asked to consider whether a woman would be regarded as homeless or on the housing list or both given four different scenarios of a woman and her children out of home because of violence and the threat of violence and living under any of the circumstances stated above.

*Scenario (a) A sole tenant of the Council and has been living with a man who is not a Council tenant. She cannot avail of a Barring Order because the Domestic Violence Act 1996 does not cover her circumstances – she has not been living with him for 6 of the last 9 months but cannot go back as he has been consistently violent and has threatened to kill her.*

DCC and DLR consider the woman homeless but whilst DCC say an applicant can be on only one list DLR differ and will also place her on the Housing list. WCC consider her temporarily homeless until the Council, in conjunction with the tenancy, can secure eviction and not on the Housing List unless she surrenders her tenancy. SDCC will put her on the Housing List and advise her to seek the assistance of the Community Welfare Officer in getting private rented accommodation. FCC does not consider her homeless or eligible for housing. The issue of evicting the violent partner was raised by DLR, Kildare and Fingal as options they would consider.

*Scenario (b) A joint tenant of the Council and has been living with a man against whom a Barring Order was made 2 years ago. He broke the order twice. On the first occasion she reported it to the Gardai, but they were unable to track him down. On the second occasion she called the Gardai who arrested but did not charge him. The Barring Order has lapsed. He continues to subject her to severe mental abuse which includes threats to kill her. She has been advised by her doctor and social worker to apply to the Courts for a renewal of the Barring Order but the judge has held that there is not sufficient evidence to grant an order. Her health is suffering and her children are under attention from a HSE social work team. She is advised to seek the protection of a Women's Refuge. She leaves her home with her children.*

There was agreement from five of six Councils that she is homeless. FCC did not consider her so but would put her on the Housing List if she surrenders her tenancy. KCC said however that their attitude would be coloured by the Judge's decision.

*Scenario (c) A woman is a tenant of a private landlord with her partner and her children. They are on a housing list as a couple. His behaviour has become increasingly violent and the woman wishes to withdraw her application for a joint tenancy and apply to the Council as a sole tenant. Her partner's behaviour has forced her to leave and she has been accommodated in a B & B in your area.*

There was agreement from all six Councils that this woman would be considered homeless and DLR, WCC & KCC would also include her on the housing list.

*Scenario (d) A woman and her husband have bought a house previously owned by the Council. She has experienced violent and abusive behaviour and unable to convince him that they should separate and sell the property and each go their own ways, he refuses and she is hospitalized for mental health reasons, and as a result she loses her job. She is unable to return home and cannot afford private rented*

accommodation and has to share accommodation with her sister and four children in their three bed-roomed house. She starts proceedings for a legal separation.

DCC, WCC & KCC consider her homeless. DLR do not but would offer her a temporary letting. FCC and SDCC do not consider her homeless. In relation to the housing list no Council indicates a right to be on the list but SDCC state that if she obtained a legal separation or was in comparable circumstances she would be considered at the discretion of the Housing Manager. KCC would consider her for both lists if they got 50% of the proceeds of her separation order.

### 2.3.5 Policy on accepting nominations from women in emergency accommodation

As all three Women's Refuges in the eastern region are in two County areas only, Dublin City Council and Wicklow County Council, the Council were asked about their policy in accepting nominations for housing from women and their children coming from these Women's Refuges and not originally resident in the County area.

Councils differed greatly in their policies regarding accepting referrals from the Women's Refuges to their Homeless Section as Table 2 indicates:

**Table 2: Policies regarding accepting referrals from the Women's Refuges to their Homeless Section by Council**

	<b>NAHB Refuge Rathmines</b>	<b>Aoibhneas Refuge Coolock</b>	<b>Bray Refuge</b>	<b>Other Women's Refuges</b>
<b>Dublin City Council</b>	√	√	√	√
<b>South Dublin County Council</b>	If from SDCC area	If from SDCC area	If from SDCC area	If from SDCC area
<b>Fingal County Council</b>	If from Fingal	If from Fingal	If from Fingal	If from Fingal
<b>Dun Laoghaire Rathdown County Council</b>	√	√	√	√
<b>Wicklow County Council</b>	NO	NO	YES	NO
<b>Kildare County Council</b>	NO	NO	NO	NO

DLR also stated that they would only accept nominations from women and their children coming from these Women's Refuges who are not originally resident in the County area if there were reciprocal arrangements. All Councils are obliged to accept housing applications from other areas.

### 2.3.6 Development of new women's refuges

SDCC, FCC, DLR, WCC and KCC are all involved with the HSE and other agencies in the development of Women's Refuge accommodation in their administrative area. DCC are not.

**Table 3: Timeframes and partner organisations stated by councils**

<b>Council</b>	<b>Timeframe</b>	<b>Partner organisation</b>
<b>South Dublin County Council</b>	Planning to be operational by 2006	SAOIRSE
<b>Fingal County Council</b>	By end of 2007	SONAS & BLANCHARDSTOWN REFUGE Ltd.
<b>Dun Loaghaire Rathdown County Council</b>	By end of 2008	
<b>Wicklow County Council</b>	NA	SUAIMHNEAS
<b>Kildare County Council</b>	3 YEARS	Teach Tearmainn

However, despite these stated timeframes only FCC has drawings/plans available for a refuge. It would also seem that in some cases both capital funding and running costs remain uncertain.

### 2.3.7 Transitional Supported Housing

Some Councils were aware of units of supported transitional housing in their area. Others such as FCC, DLR and KCC are in the process of developing different numbers of units of transitional accommodation in partnership with other agencies. However, they did not distinguish between the specialized supported housing for abused women provided by Sonas Housing association and other forms of transitional housing such as Hail or Simon.

In relation to having a policy on accepting nominations from the transitional housing providers for long term accommodation Councils differ once again in both policy and practice. Both DCC and SDCC, although they could not be called formal policies, have negotiated practice agreements with organizations including Sonas in relation to a certain number of "move ons" to permanent housing from transitional units. DLR will consider each nomination and others state no policy or practice.

Regarding a policy of offering accommodation of a similar quality to that being vacated from the transitional housing the general view is that as with all offers they would be attempting to provide suitable accommodation.

Even though all supported transitional housing are in two of the six County Council areas, Dublin City Council and South Dublin County Council all Councils have a policy of accepting nominations for housing from women and their children coming from these transitional units and not originally resident in the County area.

There were, however, different views on the need for a certain percentage of “cross boundary” nominations of families for permanent housing in the interests of safety. DCC and SDCC stated their clear agreement, DLR on a reciprocal basis. FCC agreed but not on a percentage basis. WCC and KCC were not in favour and KCC considered reciprocal arrangements unworkable.

### **2.3.8 Tenancy and transfer issues on the basis of safety**

Councils were asked to consider tenancy and transfer issues on the basis of safety. Five Councils agreed that if a woman experiencing violence is a joint tenant in a Council property and needs for reasons of safety to leave the house she could surrender her tenancy. However, SDCC stated that generally a tenant wishing to surrender a tenancy must satisfy the Council that alternative accommodation is available. Tenants would also be advised to seek legal advice prior to surrendering their right. In this situation no Council would give her priority on their Housing List. They would consider her homeless but there is no definitive priority on the Homeless List.

### **2.3.9 Legal considerations**

Councils were asked to consider their legal rights and responsibilities in relation to the Domestic Violence Act 1996 and the Housing Act 1997.

#### *Domestic Violence Act*

*Where the Family Law court awards a Barring Order for a period of years against one of their tenants on the grounds of violence, Councils were asked whether they would consider this a breach of letting conditions and sever the joint tenancy.*

- DLR said that they had undertaken several successful cases by means of a technical eviction.
- SDCC and FCC and WCC stated that a tenancy must be severed voluntarily.
- KCC and WCC also stated that they would evict if legally possible.
- DCC said that they would refer the application for sole tenancy to their welfare department who make a recommendation. If the sole tenancy is awarded to the remaining spouse district court proceedings are initiated to determine the tenancy.

#### *The Housing Act 1997*

The 1997 Housing Act, miscellaneous provisions article S.1 (1), defines anti-social behaviour of tenants in Local Authorities and other social housing providers and gives grounds to Local Authorities for exclusion and eviction of the perpetrator.

*Councils were asked about their interpretation of the Act in covering domestic violence as grounds for an exclusion order.*

- DCC clearly state that the Act does not define domestic violence in the home therefore, they have no authority to remove anyone from a tenancy. Even where an exclusion order is issued they do not consider the tenancy severed. They go on to state that exclusion orders are not taken out on the joint tenant under the Act but normally on a member of the family such as a son or a daughter.
- SDCC and FCC say they do interpret the Act as including domestic violence. However, SDCC consider this severs the tenancy whilst FCC does not.
- DLR mentions the 1996 Domestic Violence Act as the appropriate legislation and that as exclusion orders are temporary their existence does not sever the tenancy.
- WCC state that where it is legally possible they may take action.
- FCC, DLR and WCC say they would consider the tenancy severed for the period of the exclusion order granted but SDCC and DCC would not.

*Councils were asked what action they could take against offenders if domestic violence is considered anti-social.*

- In this case SDCC, DLR and WCC cite the 1997 Housing Act.
- SDCC elaborate on this to say they would take action ranging from dialogue to exclusion to eviction.
- DCC consistently state that domestic violence is not defined under the Miscellaneous Provisions Act and therefore the Council cannot take action.
- FCC state that they would be reluctant to take action.
- KCC would refer to a Tenancy Liaison Officer for assessment and possible Court proceedings.

*Councils were asked about their policy on re-housing in relation to a woman who was evicted on foot of the anti-social legislation but it was considered that the offending behaviour was attributable to her partner. Councils had very different practice.*

- DCC state that if a family is evicted for anti-social behaviour they review their case after 2 years have elapsed.
- SDCC state that they would consider an application for re-housing depending on the circumstances.
- FDCC would request that the person get a Barring Order against the offending partner.
- DLR say she would be eligible for re-housing.
- KDCC and WCC say that each case is judged on its own merits.

*When asked if there are any circumstances where the Council can sever a joint tenancy:*

- DCC and FCC said no.
- SDCC said they would for non-compliance with a tenancy agreement or for anti-social behaviour.
- DLR would by means of a technical eviction.
- WCC would under the 1997 Act where an exclusion order had been granted by the Courts otherwise it must be voluntarily severed.
- KDCC said yes.

### **2.3.10 Policy and practice in relation to home ownership and domestic violence**

Councils were asked about their policy and practice in relation to home ownership and domestic violence.

In the situation where a woman is a joint home owner but it is unable to remain safely in that home because of violence, Councils were asked if they would offer her a “temporary letting” until property adjustment orders have been made by the Court and legal proceedings are finalised. DCC said they would and KCC said each case would be judged on its own merits. SDCC, FCC, DLR and WCC said no.

Councils were asked if they had a policy that required the woman to give them a percentage of the proceeds of the sale of that home before she could be offered a permanent tenancy. FCC and KCC both said they had. DCC said they looked at each case individually. DCC and FCC requested 33% of the proceeds normally and Kildare stated that it depends on the circumstances but could be 50%. DLR, SDCC and WCC were not aware of such a practice.

### **2.3.11 Rents and Arrears**

When a woman is a joint tenant of a house and is in a Women’s Refuge there were different views and practices in relation her being liable for her portion of the rent while there.

Dublin City Council stated that she was liable unless she surrenders her interest in the tenancy. SDCC have a policy that differential rent is only assessed on persons actually living in the rented accommodation and in receipt of an income. The Council should be notified to remove her from assessment. DLR state that she should be entitled to a credit for this time as do WCC if she informs the council of her circumstances.

KCC state that it would be decided in consultation with housing and administration sections. And FCC does not get involved with division of rent arrears. There was general agreement that all arrears must be discharged before an applicant is considered for re-housing.

Regarding the assessment for rent of other adult occupants of Council housing who are not Council tenants, all Councils have a policy of assessing earners/household income for calculating rent. DCC also state that a tenant must apply for the right to reside for additional adult and then this application goes to both rent and estate management sections for approval.

In relation to the rights of such an occupant Councils differed. KCC and FCC consider that the occupant has right of residency in the family home or permission to reside (not the same rights as tenants). They agree that depending on circumstances the occupant could succeed or be allocated the tenancy on the death of the tenant. SDCC, DLR, KCC and WCC do not consider that occupancy and inclusion in rent assessment confers any tenancy or succession rights.

## Section 3. Conclusions

It is evident that in almost every area considered in the survey there is a wide variety of views and interpretations regarding the responsibilities of Councils and their response to women out of home because of violence. Because domestic violence is not specifically defined within Housing Legislation and there is no overall code of guidance, Councils are forced to develop custom and practice which evolves over time rather than clear policies defined and regulated according to rights and needs. Clearly custom and practice in any agency is both influenced by and dependent on key personnel and practitioners rather than a uniformly and consistently applied practice across sections and areas.

Despite the absence of policy and guidelines it is apparent that some of the Councils have developed good practices and partnerships with women's services. Many individual housing and welfare officers are operating with flexibility and the broadest interpretation of housing legislation and policy in order to respond to the needs of women and children. However, the information gained from this research identifies the many obstacles faced by women who are out of home because of domestic violence in being categorised as homeless or being placed on a housing list and the inconsistency of practice from area to area.

The fact that women have to be in emergency accommodation to be considered homeless and are not so if they have found accommodation with family or friends implies that in order to get housed many women and children would be forced to leave their family and use emergency accommodation, regardless of how unsuitable or unsafe that might be. Furthermore, because of a serious shortage of refuge spaces the vast majority of women and children will be offered temporary accommodation in B & Bs. Refuges provide a vital first response with an appropriate level of safety, support and assessment of options which are not available in privately run accommodation. Also, given the numerous studies cited in the literature review which describe the unacceptable conditions of B & B's and recommending that the use of B & Bs be urgently phased out for families, the failure of the State to provide adequate crisis, transitional and temporary accommodation has serious implications for women and children.

We know from extensive research and evidence that the time of attempting to leave and accessing the legal system is the most dangerous time of escalated physical violence and homicide for women. Study after study also demonstrates the failure of the civil and criminal justice systems to provide immediate and effective protection for victims of domestic violence. Combined with the protracted nature of legal proceedings, the fact that in many of the legal scenarios described women were not considered homeless and Councils were not in a position to offer temporary lettings in those circumstances clearly places women and children at increased risk.

Women could be engaged in civil and criminal legal proceedings for up to two years struggling with protective orders, breaches of orders and legal separation without any form of stable safe home for themselves and their children. If they are forced to live in unsuitable emergency accommodation or even in overcrowded family conditions that are unsafe and accessible to the perpetrator at this critical time the chances for many women of being able to escape are minimal.

The survey indicates that there has been on going work with women's services and an increased recognition of the need for more refuge spaces with most of the

Councils demonstrating a commitment to develop women's refuges in the areas that have none. The absence of guaranteed capital funding and running costs to the councils is, however, a serious barrier to the successful completion and availability of much needed crisis refuge spaces in the immediate future.

Regarding transitional housing the Sonas Housing Association, alongside other social housing providers, have developed practice arrangements with two Councils which ensure both suitable offers and "move ons" for some of their tenants. There is however, no systemic planned approach to the development of more transitional housing in each area or a designated number of units and "move ons" based on demonstrated need. There also needs to be discussion and clarification between Councils on the viability of cross boundary nominations.

The review of the Sonas model of supported housing clearly demonstrates that for some women the need for safety, protection and support combined with safe accommodation is essential to escape from violent ex partners. Women and support workers consistently describe the severe levels of threats, violence and intimidation that women experienced for years after the separation. They also describe the long term traumatic impacts of systematic physical and sexual violence on women and their children. Without the form of in-depth one to one support in conjunction with safe housing that Sonas offers it is clear that many women would have been re victimised and in some cases at risk of homicide.

The legal implications of the issuing of protective orders to victims of domestic violence under the 1996 Act who are tenants of Local Authorities had obviously arisen and been considered by all Councils. Whilst three replied that tenancies must be severed voluntarily, one Council had already sought evictions on the grounds that a Barring Order breached the letting conditions.

The fact that domestic violence is not specifically named within the 1997 Housing Act, miscellaneous provisions article S.1 (1), which defines anti-social behaviour has once again created a situation where it is a matter of individual interpretation. Some Councils believe that domestic violence is anti-social, therefore giving them the grounds for an exclusion order and eviction of the perpetrator, whilst others do not. At the present time it is possible that victims of domestic violence may be further penalised if the behaviour of an abusive partner gives the Local Authority grounds for eviction and she is also made homeless.

For many victims of violence they are joint owners of a family home. Because of lengthy civil proceedings for separation or inadequate settlement from the sale of the home they can find themselves in need of Local Authority housing on a temporary or long term basis. Once again the policy differs from area to area with some of the Councils offering women in this situation a temporary letting and others not doing so. The practice of demanding a percentage of her settlement in order for her to be considered for a permanent tenancy would seem to be very discretionary and unregulated with some of the Councils having no knowledge of such a practice and some asking for 33% or 50% of the proceeds. The same inconsistency is evident regarding liability for rent and rent arrears while in a refuge, applications for re-housing and rent assessment of other occupants.

What this small survey clearly demonstrates is that in the absence of legislation and policy specific to domestic violence practice will vary widely. It is unacceptable that women who have experienced violence and their advocates are struggling with unwritten policies and different practices from area to area. They are often dependent on the goodwill and compassion of individuals rather than being able to ensure rights

and entitlements that are enshrined in legislation and policy. Furthermore it leaves individual practitioners such as housing officers and social workers within the Local Authorities operating within a vague, unclear situation when attempting to deliver a best practice response to women and children.

Despite major initiatives and strategies to eliminate homelessness this survey once again highlights that there has been very little specific focus on domestic violence as a key factor in women's homelessness. The knowledge and evidence we have on male violence against women is significantly absent from much of the literature and research on homelessness and is omitted from housing policy and legislation. This has resulted in a failure to recognise the particular trauma and address the specific needs of women and children out of home because of violence. There has therefore, been no development of an integrated framework by Local Authorities and health boards encompassing crisis refuge, supported housing and long term housing needs.

The overall reality, of course, for Local Authorities is that they continue to struggle with a major gap between the housing needs of applicants and the unacceptable lack of housing units. Therefore the most marginalised people are competing against each other for the most basic of rights. Inevitably, effective responses to the emergency and transitional and long term housing needs of women and children who have experienced violence demand state commitment to an adequate supply of social and affordable housing.

## **Section 4. Recommendations**

Domestic violence must be recognised as a key factor in precipitating homelessness among women and children. There are numerous recommendations already cited in the literature review pertaining to women and homelessness. Resources need to be made available as a matter of urgency for these to be implemented. The following recommendations relate to housing legislation and the policy, practice and provision within Local Authorities that can only be effective within the wider context of both specific action on crisis and transitional accommodation for families and on social housing in general.

### **4.1 Legislation**

#### ***The Housing Act, 1988***

This survey demonstrates that there is scope in existing legislation for Local Authorities to assume responsibility and take action in order to respond to women and children who are out of home because of violence. However, housing legislation should be amended to specifically name domestic violence.

The 1988 Housing Act provides that where someone cannot “reasonably occupy or remain in occupation” of a home they can be considered homeless.

This Act could be further strengthened by a provision such as is contained in the U.K. Housing Act 1996, which further explains the meaning of whether it is reasonable to continue to occupy by stating that:

*“it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence against them.”*

#### ***Anti-social behaviour***

The 1997 miscellaneous provisions article S.1 (1) of the Housing Act covers anti-social behaviour of tenants in Local Authorities and other social housing providers. The definition of anti-social behaviour in the Act can and is being interpreted by some Councils in such a way that violent behaviour includes violence against a person on the tenancy and therefore gives grounds to Local Authorities for exclusion and eviction of the perpetrator.

However, the legislation should be amended to specifically name domestic violence as anti-social behaviour. The U.K. Act, 1996 provides for the repossession of Council property in the event of domestic violence. This is a strong measure but one which takes the onus off victims to remove the offender from the home.

The Act states that a Council may repossess a property on the grounds that :

Ground 24 (b) one partner has left because of violence or threats of violence by the other towards (i) that partner or (ii) a member of the family of that partner who was residing with that partner immediately before the partner left and (c) the court is satisfied that the partner who has left is unlikely to return.

In the interim the practice of some Councils in interpreting the Act as affording them the powers to evict on the grounds of domestic violence should be adopted by all Councils.

## **4.2 Tenancy agreements**

All tenants should be informed in their tenancy agreements, as in the U.K., that domestic violence is grounds for eviction. A Local Authority could have a clause inserted in its conditions that where evidence of current court orders such as a Barring Order from the Family Law Courts or criminal charges of a domestic violence assault exists, it is grounds for terminating a tenancy. A joint tenancy severed in such a manner could then revert to a sole tenancy to the remaining partner. The offender would have to apply for another tenancy as a single person and housing stock would be better utilised for families. This would also deliver a clear message that the crime of domestic violence is being treated seriously.

## **4.3 Policy Guidelines**

The issue of male violence against women is a critical, social, and political issue and the needs of abused women cannot be addressed by any one sector. Women and children must be afforded the maximum opportunity to remain in their own homes with the protection of the civil and criminal justice systems. However, Local Authorities have an important role in the lives of women who are unable to return to their own homes or provide accommodation from their own resources. In order to ensure that their role is used to maximise women and children's safety and is applied equally across all areas it is recommended that in conjunction with the health boards, policy guidelines be developed. These could be modelled on the Homelessness Code of Guidelines for Local Authorities in the U.K.

A centrally devised and agreed set of guidelines would ensure that women presenting to Local Authorities / Health Services in any part of the country should expect a similar approach to be taken to her circumstances. It would also ensure that the particular trauma and risk experienced by women victimised by violence will be recognised alongside her homelessness. While resources vary, the principles underlying the attitudes adopted by personnel to the issue of homelessness because of domestic violence would be informed by common guidelines, definitions of domestic violence and clarity on the role and responsibilities of Local Authorities. A code of guidance should include:

### ***Initial interview and assessment***

- Risk assessment and safety plan protocols should be developed and agreed for use by all practitioners and agencies women encounter when they leave home.
- Safe appropriate referral mechanisms need to be developed with women's services, Health Services and the Gardai.
- Documenting and data recording systems should be put in place to provide an accurate assessment of need.

### ***Training and support for staff***

- All frontline staff should be trained in sensitive and safe interview methods.
- A system of support and supervision should be in place for all staff responding to domestic violence.

### ***Assessment as homeless***

- There should be a stated policy that all women out of home because of violence regardless of whether they are living with friends and family or in emergency accommodation should be considered homeless.
- Councils should develop reciprocal arrangements in relation to referrals from all refuges regardless of the woman's home of origin.
- The practice of some Councils to not consider women liable for rent when in emergency accommodation, should be applied by all Councils.
- Notice should be sent to all emergency accommodation services and providers regarding the above policy.

### ***Housing Nominations***

- The safety of women and children needs to be central in considering the long term housing needs of women who have been subjected to violence and continue to be at risk.
- Temporary lettings should be offered where a woman is in a protracted legal situation and cannot return to her family home.
- The legal base on which Local Authorities can request a portion of the money received by a woman from legal proceedings should be stated. A directive should also be issued in relation to this practice.

## **4.4 Refuge provision and transitional supported housing**

- Clear targets, timeframes and budgets need to be put in place for the development of new refuges and transitional units.
- Where a refuge has been agreed and stated in the Local Area Development Plan, the HSE services plan or the Action Plan of the Homeless Agency a budget headline for 100% capital and revenue funding should be clearly defined.
- The recommendations in relation to standards and refuge provision outlined in the literature review urgently need to be resourced and implemented.

## **4.5 Transitional Housing**

- Practice agreements developed by some Councils in relation to nominations from Sonas housing should be considered as a model for the development of formalised policies by all Councils.
- Negotiated targets should be agreed between transitional housing providers and every Council.

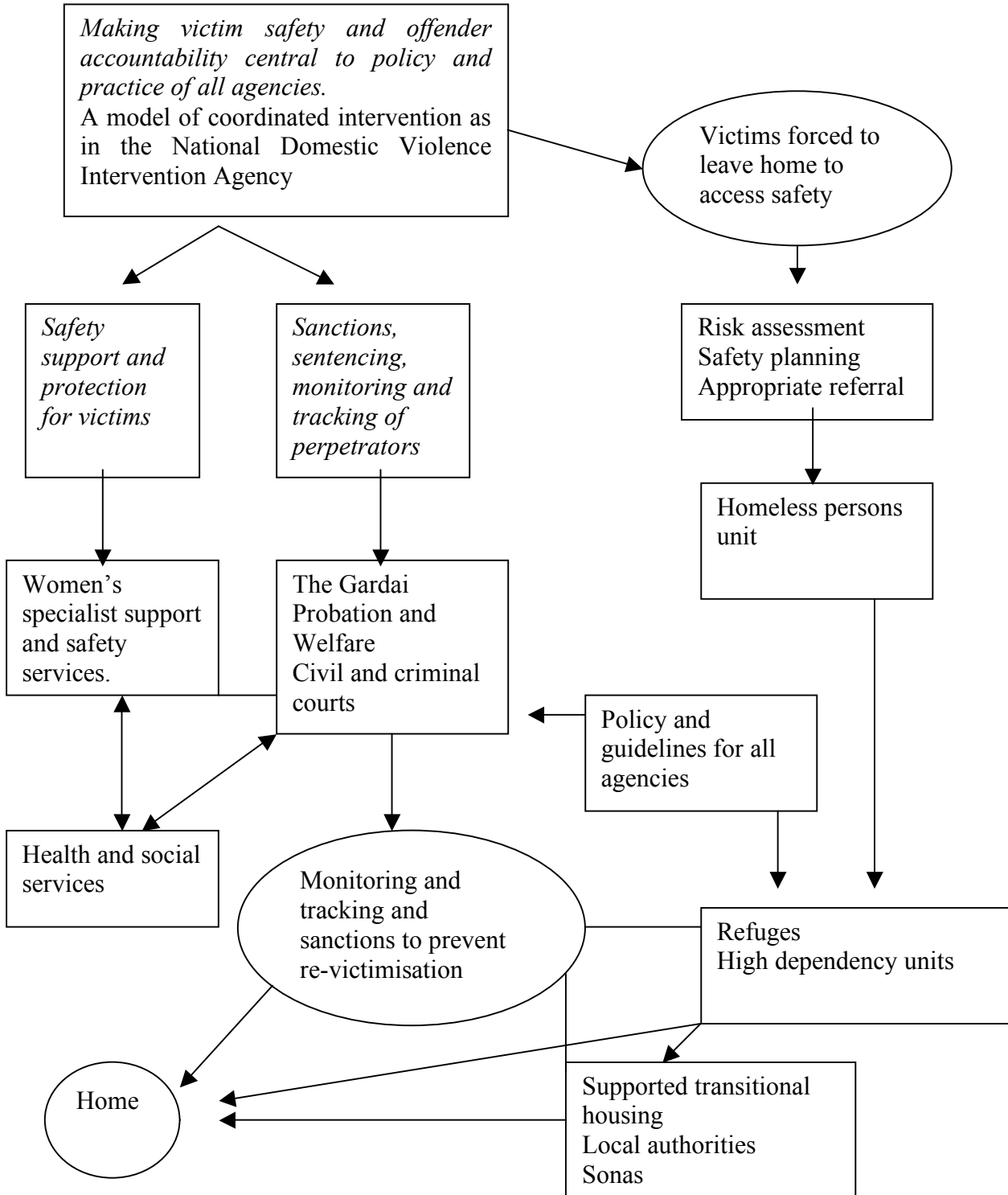
#### **4.6 Integrated and co-ordinated responses to women out of home because of violence**

A coordinated approach involving Local Authorities, other statutory agencies and the voluntary sector which has been demonstrated as the most successful strategy in the U.K. ODPM report (Levinson, 2003), should be adopted. Responses by the housing and homelessness sectors should be informed by the body of knowledge and research on violence against women nationally and internationally. Maximum effort should be made to incorporate and integrate the recommendations above into other initiatives currently being progressed.

#### **4.7 Development of a pilot project**

A pilot project with the framework proposed in the Sonas report should be piloted which would implement the recommendations in one area. Many initiatives on homelessness have been taken by the DLR Council and the National Domestic Violence Agency is piloting an integrated model of victim safety in the Dun Laoghaire/Bray district. It would seem therefore to be an appropriate place to pilot, evaluate and replicate. A strategic plan for the project could be developed and overseen by the refuges and housing sub-committee. Funding for a development worker to implement the plan should be provided by the Council.

## Framework for responding to women experiencing domestic violence<sup>2</sup>



<sup>2</sup> Adapted from a Framework developed for Sonas Housing Association by O'Connor Wilson Associates in Safe Home, Sonas Housing Association Model of Transitional Supported Housing, 2004

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