

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world including over 2,000 in Scotland.

1. Introduction

1.1 Thank you for the opportunity to respond to your inquiry. For the last two years the Chartered Institute of Housing (CIH) Scotland has been working with Scottish Women's Aid to campaign for better housing outcomes for women and children that are victims of domestic abuse as part of our Make a Stand initiative¹. This campaign seeks to have social landlords improve their response to victims of abuse by

- Having an up to date domestic abuse policy in place.
- Making information about national and local domestic abuse support services available on their website and in other appropriate places so that they are easily accessible for residents and staff.
- Putting in place an HR policy, or amending an existing policy, to support members of staff who may be experiencing domestic abuse and address abusive behaviour among employees.
- Appointing a champion at a senior level to direct activity to support people experiencing domestic abuse.

1.2 As the Committee will be aware the true scale of domestic abuse is difficult to determine as a large proportion of domestic abuse often goes unreported, but studies suggest that many millions of people are affected every year, with domestic abuse being disproportionately experienced by women and perpetrated by men.

1.3 According to the Council of Europe, between one in three and one in five women will experience domestic abuse in the course of her lifetime. It is hard to estimate the scale of the problem, but Police Statistics give some indication of the extent of the issue in Scotland. According to the latest Scottish Government statistics in 2017-18², there were 59,541 incidents of domestic abuse recorded by the police in Scotland. Where gender information was

¹ <http://www.cih.org/makeastand>

² <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2017-18/>

recorded, four out of five incidents of domestic abuse had a female victim and a male perpetrator.

- 1.4 We recognise the focus of this petition is on what steps can be taken to protect tenants from abuse from other residents in the home that do not have tenancy or occupancy rights. However, we would note that where only the victim is named on the tenancy agreement it is possible and practical to have the non-named tenant removed from the home through court action where there is an instance of domestic abuse.
- 1.5 There is of course a need to improve the practice of housing management among landlords and to this effect CIH Scotland along with our partners at Scottish Women's Aid, SFHA, Shelter Scotland and ALACHO produced guidance for social landlords on how to develop a victim centred domestic abuse policy in August 2019³. This provides clear instruction for social landlords on how they can improve outcomes for tenants within the current policy and legal framework.
- 1.6 However, one of the main challenges facing social landlords is how to manage situations where both a victim and preparator are named on the tenancy agreement, as it is not possible to end the joint tenancy without making both the perpetrator and victim homeless. We would recommend to the Committee that as part of its deliberations it considers what legislative steps are needed to fairly end joint tenancies in this situation, as well as how practice can be improved among landlords within the current powers.

2. Response to questions

- 2.1 Many housing associations and local authorities are doing excellent work supporting victims of abuse. For example, Fife Council, as part of a comprehensive improvement plan for responding to domestic abuse, is reviewing how it can use current tenancy agreements as a means of removing perpetrators, rather than victims, from the family home. This could mean that anyone convicted of domestic abuse in a council house would be in breach of their tenancy agreement.
- 2.2 However, across the sector practice has at times failed to adapt to the reality of domestic abuse. The 2015 report Change, Justice, Fairness⁴ catalogues the performance of domestic abuse services across Fife with regards to housing and noted the lack of skills that staff had to appropriately support victims of domestic abuse. While Fife has now put in place an improvement plan (as noted above) not enough housing organisations have a policy framework which recognises domestic abuse and provides appropriate training and support for staff. Indeed, some experiencing domestic abuse may at times be made homeless by the services that are meant to help them, forced to leave their family home and have to move home multiple times.

³ http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Scotland/Domestic_abuse_a_good_practice_guide_for_social_landlords

⁴ <https://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

- 2.3 As mentioned above, CIH Scotland, alongside our partners at Scottish Women’s Aid, ALACHO, Shelter Scotland and SFHA has written new national guidance to give social landlords clear instruction on how they strengthen a victim’s right to stay in their home and preventing them from declaring as homeless whenever possible.
- 2.4 This guidance is of course voluntary and as it is new we are yet to assess its impact in changing practice but it provides clear support and advice for all social landlords that wish to develop a proactive domestic abuse policy to support their tenants.
- 2.5 However we are clear that a voluntary approach will not be sufficient to improve the response of housing to domestic abuse. While local authorities and housing associations remain stretched financially, statutory services and obligations will take priority over voluntary guidance. To ensure that all social landlords improve their practice, the approach to domestic abuse needs to be made statutory.
- 2.6 Encouragingly, the Scottish Government is planning to legislate in this Parliament to provide protection for victims of abuse by placing conditions on perpetrators, including removing them from households for a limited period of time to prevent further harassment or abuse.
- 2.7 This is welcome, but we believe that further legislative steps are required. We want to ensure that the experience of abuse does not lead to someone losing their tenancy. Currently the law does not allow a social landlord to end a joint tenancy and transfer the property seamlessly to the victim so that they do not lose their home. Consequently, many landlords focus on moving the victim from their home rather than supporting them to stay in their own home if that is what they wish to do.
- 2.8 One of the 2018 Homeless and Rough Sleeping Action Group (HARSAG) report recommendations called for,
- “All social landlords to have clear policies on domestic abuse, and ensuring that experience of abuse or violence does not lead to someone losing their tenancy – for example, arrangements should be put in place so that tenancies can transfer seamlessly to the person who has experienced abuse, and reciprocal arrangements should be put in place to ensure people who experience domestic abuse can move to a safer place and have continuity of tenancy.”*
- 2.9 This in turn links to the Equally Safe Delivery Plan priority action on housing which states that,
- “It is vital that those in housing services coming into contact with those who have experienced gender-based violence can offer an appropriate, safe and consistent response.”*

- 2.10 Last year the Scottish Government asked CIH Scotland and Scottish Women's Aid to chair a working group on how to improve housing outcomes for women and children at risk of domestic abuse. This group will provide recommendations on necessary policy and/or legislative changes required at a national level later this year. Without getting ahead of the work of the group I am hopeful that it will identify clear policy solution to protect victims of domestic abuse and safeguard their rights, including what national policy changes that are required to allow victims of abuse to stay in their own home, if they so wish.