

CONSULTATION ON REFORMS TO SOCIAL HOUSING ALLOCATIONS

Helen Bamber Foundation submission

March 2024

The Helen Bamber Foundation (HBF) is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty and believes that all survivors should have safety, freedom and power. Our work alongside survivors shows us that, with early and appropriate care and support, they build the strength to move on with their lives. Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist programmes of therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

Our Housing and Welfare team supports clients who are at risk of homelessness, most commonly after being granted leave to remain and having had their asylum support accommodation discontinued by the Home Office. After staying in temporary accommodation provided by their local authority (usually for many years), a small number of our clients are offered social housing. For this extremely vulnerable and multiply marginalised cohort of people, the chance to have long-term social housing can transform their lives, providing life-long security for them and their families.

This submission looks at the consultation on reforms to social housing allocations, proposed by the Department for Levelling Up, Housing & Communities. It is our position that the implementation of the proposed 'UK connection test' will have a significant adverse, potentially discriminatory, impact on people and their families applying for social housing who are refugees, survivors of trafficking and others with leave to remain who would be excluded under the proposed changes. It is also our position that this proposed change will make no positive difference to the multiple housing crises facing all residents of UK and is in fact likely to have a negative financial impact local authorities and other agencies.

Introduction

Our Housing and Welfare department aims to prevent our clients experiencing destitution, homelessness, or unsuitable accommodation (or the risk of these occurring). On a daily basis, HBF caseworkers advise and support our clients who have been granted leave to remain and must leave the accommodation provided to them by the Home Office while they were waiting for a decision on their asylum claim. The main option available to clients in this situation is to make a homelessness application to their local authority under Part VII of the Housing Act 1996.

For reasons explained below, the absence of other options is stark, and private rented accommodation is mostly not an option, both due to the imminent risk of homelessness and due to the extremely limited amount of affordable private rented accommodation. By affordable, we mean accessible to people who would need to rely on Universal Credit for some or (usually) all of their rent payments. As a result, many of our clients are then housed by their local authority in temporary accommodation, in which they remain for many years (as a result of the lack of other affordable housing options).

A small percentage of our clients have then been offered social housing, usually after many years in temporary accommodation. This has offered them lifelong housing security, after usually years or decades of destitution, homelessness or insecure housing, as well as many other types of deprivation, following their experiences of torture, trafficking or other extreme violence. The opportunity to have secure housing in the social housing sector, for these clients who have been offered it by their local authority, has been life-changing and transformative for them and their families.

Method of submission

Please note we are submitting our response to this consultation via email, rather than via the online survey, as the online survey appears to be designed to limit opposition to the UK connection test, as follows:

- If you answer 'no' to question 2, which asks if you agree with the ten-year UK connection test, the only additional information that is requested is *'If no, please detail length of test'*.
- Similarly, if you answer 'no' to question 9, which asks if you agree with the two-year local connection test, the only additional information that is requested is *'If no, please detail length of test'*.
- As such, questions 2 and 9 assume that there should be both a UK connection and local connection test; the online survey does not allow for responses that object to such tests being introduced at all, nor do they offer the option of explaining why such tests should not be introduced.

Housing and homelessness in the UK

It is clear that there is an urgent need for more social housing (and affordable housing in general) which provides a stable and affordable home for people who cannot afford to rent privately or buy their own home. The current pressures on social housing have been caused by a lack of supply and a severe housing shortage overall, due to a failure to develop at the scale needed over many years. In 2022-23, just 9,561 social rent homes were delivered in England, compared to nearly 40,000 in 2010 (a decrease of 76%).¹ Crisis reported in 2023 that there are almost 1.5 million households on social housing waiting lists across England, Scotland and Wales, with the bulk of this number (1.2) million waiting for a home in England, although research has shown the true scale of need to be considerably higher.² This requires a significant increase in new supply of social rented homes (as well as reforms impacting the private rented sector).

Homelessness is currently at record levels. By the end of the third quarter of 2023, 109,000 households were in temporary accommodation, up 3% from the previous quarter and up 10.3% from the same time in 2022.³ Meanwhile on any given night in 2022, 242,000 people were experiencing the worst forms of homelessness.⁴ This has placed enormous pressures on councils and voluntary sector support agencies delivering support for people experiencing and at risk of homelessness.

Homelessness particularly affects people (including refugees and survivors of trafficking) granted leave to remain after having claimed asylum, as shortly after being granted leave to remain, they must leave the accommodation provided to them by the Home Office. In research conducted by London Councils, 846 homelessness applications were made in October 2023 from refugees and others evicted from Home Office accommodation, representing a 39% increase on September's figure. They found that October saw at least 112 people sleeping rough in London after leaving Home Office accommodation.⁵ A report by the Centre for Homelessness Impact found there was a 223% increase in street homelessness for people leaving asylum support accommodation between June and September 2023.⁶ The Big Issue reports that almost 1,500 refugees were assessed as homeless between August and September 2023, up from 450 in the same period of 2022.⁷ Government statistics show that from October 2022 to September 2023, there were 6,020

¹ National Housing Federation (2023), 'New homeless households outnumber new social homes by six to one', accessed at: <https://www.housing.org.uk/news-and-blogs/news/new-homeless-households-outnumber-new-social-homes-by-six-to-one/>

² Crisis (2023), 'Home is where the start is: The case for ending homelessness with homes', accessed at: https://www.crisis.org.uk/media/249236/home-is-where-the-start-is_crisis_april_2023.pdf

³ DLUHC (2024), 'Statutory homelessness in England: July to September 2023', accessed at: <https://www.gov.uk/government/statistics/statutory-homelessness-in-england-july-to-september-2023/statutory-homelessness-in-england-july-to-september-2023>

⁴ Crisis (2023), 'The Homelessness Monitor: England 2023', accessed at: <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-monitor/england/the-homelessness-monitor-england-2023/#:~:text=Core%20homelessness%20in%20England%20%E2%80%93,the%20worst%20forms%20of%20homelessness>

⁵ London Councils (2023), 'Alarming increase in refugees ending up homeless in London, December 2023', accessed at: <https://www.londoncouncils.gov.uk/node/40974>

⁶ Centre for Homelessness Impact (2024), 'Homelessness, refugees and resettlement', accessed at: https://assets-global.website-files.com/646dd81ef095aa13072c44e0/65b22ebf0f5835d1658c757a_CHI.RefugeesResettlement.paper.pdf

⁷ The Big Issue (2023), 'Number of refugees evicted into homelessness triples in wake of Home Office asylum change', accessed at: <https://www.bigissue.com/news/social-justice/homeless-refugees-rise-home-office-asylum-accommodation/>

households owed a homelessness duty who were identified as former asylum seekers, in comparison to 3,670 for the year prior.⁸

Restricting access to social housing to new migrants will not resolve these issues. Newly arrived migrants make up a small percentage of new social housing lettings. In 2022/2023, just 8.48% of new social lettings in England were occupied by a lead tenant born outside of the UK and who had arrived in the past five years, with just 5.1% occupied by lead tenants from outside of the EU.⁹

Question 2: Do you agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing (if they do not meet the test otherwise or are exempt)?

No: we strongly oppose the introduction of new 'UK connection test' at the eligibility stage of the social housing allocation process.

The test would mean that anyone who is not a British or Irish citizen, or a Commonwealth citizen without right of abode, or EEA or Swiss citizen with equal treatment rights, or someone who arrived in the UK on a 'safe and legal resettlement or relocation scheme' would have to demonstrate that they have recourse to public funds and have been lawfully resident in the UK for a continuous period of ten years, in order to apply for social housing.

Therefore, from our understanding of the proposed reforms, this would exclude people granted refugee status and humanitarian protection, and other non-EEA migrants granted leave of other kinds with recourse to public funds (including confirmed victims of modern slavery/human trafficking), if they have not lived lawfully in the UK for ten continuous years.

The exemption for people who have arrived via a 'safe and legal resettlement or relocation scheme' is completely insufficient given that there are very few 'safe and legal' routes to claim protection in the UK, and every year tens of thousands are still forced to reach the UK by 'irregular' routes to seek asylum.

We do not believe that *any* individual should have to demonstrate a connection to the UK for ten years before being able to apply for social housing. However due to our direct casework experience, our submission primarily focuses on the experiences and needs of survivors of

⁸ DLUCH, MHCLG (2024), 'Statistical data set: Tables on homelessness', accessed at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

⁹ CORE (2023), 'CORE Social housing lettings sub-national data dashboard, 2022-23', accessed at: <https://app.powerbi.com/view?r=eyJrjoiMmVhYjRiYTMtZml4MS00OTNhLWExOWYtZGFjNDE1MjZlMDNmliwidCI6ImMzO2ODEwLTIjN2QrNDNkZS1hODcyLTl0YTJlZjM5OTVhOCJ9>

torture, human trafficking or other human rights abuses, who have been granted refugee status, humanitarian protection or another kind of leave following a claim for asylum.

The risk of homelessness already faced by newly granted refugees, particularly during the move-on period (the discontinuation of asylum support duties owed by the Home Office after being granted some form of leave to remain), has been well evidenced.¹⁰¹¹¹² However, the limited availability of suitable, affordable housing means that refugees are often particularly susceptible to housing insecurity and homelessness, for prolonged periods of time after being granted status.

As above, government statistics show that from October 2022 to September 2023, there were 6,020 households owed a homelessness duty who were identified as former asylum seekers, in comparison to 3,670 in the year prior. More recently, the number of people rough sleeping having left the asylum system has skyrocketed, increasing nearly 1000% between July and December 2023 (DLUHC 2024).

The implementation of the UK-connection test would not make the vulnerabilities and support needs of this group disappear, nor would it disapply the duty to provide those in need with support. Instead, it would shift demand to other areas of the housing system, and further delay move-on into quality, secure, long-term accommodation.

Homeless applicants for whom the local authority has accepted a duty to house under homelessness legislation with the Housing Act 1996 are already very often in temporary accommodation for a prolonged period. In our experience, this can be for a great number of years, particularly for parents with multiple children.

If the proposed reforms were implemented, this would not remove local authorities' duties to house people in emergency/interim/temporary accommodation under the Housing Act 1996. It would instead likely mean that many people are housed in temporary accommodation for longer than is already the case. Local authorities will be prevented from adding them to their housing register if the homeless applicant has not lived in the UK lawfully for ten years.

Temporary accommodation is often exorbitantly expensive, and even more prolonged stays in such accommodation, for likely even higher numbers of people, will be a bill met – in multiple ways – by central and local government.

In October 2023 the government released figures indicating that councils had spent £1.7 billion on temporary accommodation for homeless households from April 2022 to March

¹⁰ NACCOM (2018), 'Mind the Gap', accessed at: https://nacom.org.uk/wp-content/uploads/2018/06/NACCOM-Homelessness-Report-2018-05-20_EMAIL.pdf

¹¹ Brown et al (2024), 'Homelessness, refugees and resettlement', accessed at: https://assets-global.website-files.com/646dd81ef095aa13072c44e0/65b22ebf0f5835d1658c757a_CHI.RefugeesResettlement.paper.pdf

¹² Brown et al (2022), 'Housing and refugees policy briefing', accessed at: https://pure.hud.ac.uk/ws/portalfiles/portal/56457022/Housing_and_Refugees_Policy_Briefing_Dec_2022.pdf

2023.¹³¹⁴ This represents a 9% increase in just one year, and this bill has increased by 62% in the last five years. One third of this total (£565 million) was spent on emergency B&Bs and hostels, which is in our experience they very least suitable accommodation for families with children and people with significant physical and/or mental health conditions.

It is also likely that more families with children would need to be supported under Section 17 of the Children Act 1989, incurring a similarly high cost in rent, which would be met by local authorities.

The number of children housed in temporary accommodation provided under homelessness legislation is at a record high; there are currently 142,490 children housed in such circumstances (up 16,960 – 14% - in on year).¹⁵ The National Housing Federation forecast that this number will rise to 310,000 by 2045 if significant reforms are not made to address the UK's housing crisis.¹⁶ Research clearly shows that children living in temporary accommodation experience health and educational inequalities.¹⁷¹⁸¹⁹ Temporary accommodation is often highly unsuitable for families with children and tends to become even more so over time. It frequently involves poor conditions, inadequate space or facilities, sharing facilities with strangers, frequent moves to different accommodation (including across different parts of the country) disrupting education and access to other services such as CAMHS.²⁰ The proposed reform of the 'UK connection test' will condemn many more children to spend even more of their childhood in temporary accommodation,

In our experience, local authorities struggle to discharge their homelessness duties into the private rented sector, in part as a result of the sheer lack of affordable private rented accommodation, and there are often very few other (suitable) options, in particular for our client and this wider group, who experience significant psychological distress and psychiatric disorders following their experience of torture, human trafficking, or other forms of extreme violence.

¹³ Shelter (2023), 'Homeless accommodation bill hits £1.7bn' (press release), accessed at:

https://england.shelter.org.uk/media/press_release/homeless_accommodation_bill_hits_17bn

¹⁴ DLUHC (2023), 'Local authority revenue and financing England: 2022 to 2023 individual local authority data – outturn', accessed at:

<https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing#2022-to-2023>

¹⁵ Shelter (2024), 'Rough sleeping soars by 27% while number of homeless children in temporary accommodation hits another record high', accessed at:

[https://england.shelter.org.uk/media/press_release/rough_sleeping_soars_by_27_while_number_of_homeless_children_in_temporary_accommodation_hits_another_record_high#:~:text=142%2C490%20children%20were%20recorded%20to,records%20began%20\(june%202004\)](https://england.shelter.org.uk/media/press_release/rough_sleeping_soars_by_27_while_number_of_homeless_children_in_temporary_accommodation_hits_another_record_high#:~:text=142%2C490%20children%20were%20recorded%20to,records%20began%20(june%202004))

¹⁶ National Housing Federation (2023), 'The housing crisis: what will happen if we don't act? Research and analysis to support the case for a long-term plan for housing', accessed at: <https://www.housing.org.uk/globalassets/files/long-term-plan/the-housing-crisis---what-will-happen-if-we-dont-act.pdf>

¹⁷ Barriers to Optimal Health for Under 5s Experiencing Homelessness and Living in Temporary Accommodation in High-Income Countries: A Scoping Review, Annals of Public Health and Research, February 2021 <https://discovery.ucl.ac.uk/id/eprint/10134291/>

¹⁸ "I want us to live like humans again"; Families in temporary accommodation in London, UK, Human Rights Watch, January 2022

<https://www.hrw.org/report/2022/01/17/i-want-us-live-humans-again/families-temporary-accommodation-london-uk>

¹⁹ Bleak houses; tackling the crisis of family homelessness in England, Children's Commissioner, August 2019

<https://assets.childrenscommissioner.gov.uk/wpuploads/2019/08/cco-bleak-houses-report-august-2019.pdf>

²⁰ Shelter (2023), 'Still Living in Limbo: Why the use of temporary accommodation must end', accessed at:

https://downloads.ctfassets.net/6sxvmndnnp0s/2tH1VaV0nD4E1yfkNVgZpd/18a40c539d3d6b8771c55c318f4c0a74/Still_Living_in_Limbo.pdf

The stark absence of housing options outside of temporary accommodation is for manifold reasons, which find no redress within DLUHC's proposed reforms:

- **Lack of affordable private rented accommodation**

Private rented accommodation, even if suitable for social housing applicants, is exceptionally hard to secure, particularly if the prospective tenant is on a low-income, including those in low-paid employment. This is for multiple, overlapping reasons, amongst them:

Stark difference between rent and Local Housing Allowance

Rents have increased consistently and exorbitantly, across the country, and particularly severely in London. Housing costs have increased significantly for lower-income households compared with higher-income households in recent decades.²¹

This situation has only worsened with the Cost-of-Living crisis; we are very frequently contacted by clients whose landlords have increased the rent, stating the Cost-of-Living crisis as the reason for this.

Even before and apart from the Cost-of-Living there has been for some time a very stark gap between the Local Housing Allowance (LHA) rates for a particular area and the actual average rates of private rented accommodation in that area. This means for people who must on Universal Credit or housing benefit for some or all of their rent, any amount of rent above the Local Housing Allowance they must cover themselves. The Local Housing Allowance rates have long been frozen, meanwhile rents have increased exponentially.

Research published by the Institute of Money Advisers in November 2023 shows that across all LHA categories, there were no areas of the country in which the average LHA rate was sufficient to cover the cheapest rent available in that area and calls for the link between LHA and the local rental market to be restored and widened.²² Whilst April 2024 sees an increase in LHA rates, this is long overdue and still does not bring LHA rates with the average cost of private rents across much of the country.

Impact of other welfare reform

Other welfare reform measures, including the benefit cap and the two-child limit, further reduce a person's ability to (even have a chance to) afford average private rented accommodation, even where the rent is 'low' and/or set at LHA rates.

Discrimination by landlords/agencies

Although ruled discriminatory by York County Court in 2020, discrimination towards would-be tenants remains rife in the private rented sector, with the continuation of 'no DSS' and 'no

²¹ Institute for Fiscal Studies (2023), 'Housing costs and income inequality in the UK', accessed at: <https://ifs.org.uk/publications/housing-costs-and-income-inequality-uk>

²² Institute of Money Advisers (2023), 'Unaffordable: the impact of the freeze to Local Housing Allowances', accessed at: <https://www.im-a.org.uk/other-services/social-policy/the-lha-uplift-is-welcome-but-wont-go-far-enough/>

kids' requirements from some agencies and landlords.²³ Whilst this can be escalated via a complaint to the Property Ombudsman, these discriminatory requirements remain commonplace and are yet to be banned by Government.

- **Insecurity of private rented accommodation**

We frequently see people at risk of eviction from private rented accommodation, which they either found themselves to avoid homelessness, or were offered by the local authority choosing to discharge their housing duty to the person in this way, as no-fault (Section 21) eviction notices still remain commonplace, despite government commitments to the contrary. Section 21 eviction notices leave people with very little housing security and completely contingent on the actions of the landlord. For example, valid Section 21 notices enable the legality of retaliatory/'revenge' evictions, when people raise concerns regarding issues in the accommodation they rent, such as the parents of the 1.6 million children living in England living in the private rented sector in cold, damp or mouldy homes.²⁴

- **Inadequacy of current stock of social housing**

The demand for social housing far outstrips supply, and there has been a systemic and longstanding failure to develop social housing at the scale needed in the UK for all its residents. The Government has not taken sufficient action to enable the building or acquiring of more social housing, and local authorities state that they are unable to build more social housing homes because of a lack of funding from central government and difficulties in raising the capital for development.²⁵

Successive legislation has cemented the Right to Buy scheme, which over decades has caused millions of social housing properties to be removed from the portfolio of local authorities and housing associations, reducing the overall stock.

Additionally, when housing developments do take place, low-cost home ownership and "affordable" rented housing are frequently prioritised above social housing as provided by local authorities and housing associations. These developments largely do not benefit the cohort of people applying for social housing, particularly those who satisfy their local authorities' housing need and income tests and are on the lowest of incomes and/or have the highest of needs.

²³ Wilson, Wendy (2023), 'Can private landlords refuse to let to benefit claimants and people with children?', accessed at: <https://commonslibrary.parliament.uk/research-briefings/sn07008/>

²⁴ Citizens Advice (2023), 'Damp, cold and full of mould', accessed at: https://assets.ctfassets.net/mfz4nbgura3g/UYinLQM79sdfwz52aDPkh/a067dd40fe0584e5e6242e50e564726b/Damp_20cold_20and_20full_20of_20mould_20_1_.pdf

²⁵ Local Government Association (2023), 'LGA response to social housing allocations consultation', accessed at: <https://www.local.gov.uk/about/news/lga-response-social-housing-allocations-consultation>

- **Other types of accommodation outside of private rented, social or temporary**

Our Housing and Welfare team frequently tries to refer our clients, at risk of or currently experiencing homelessness, to other housing projects which may be able to provide accommodation. Whilst this is largely accommodation classed as 'supported' or otherwise exempt from LHA rates, enabling it to be (somewhat) affordable for those who would qualify for Housing Benefit, there are various issues affecting the feasibility of this option. These include:

- The overall low number of such projects, and, where such projects exist, the difficulty in accessing them for our client group, including knowledge of such projects, stringent eligibility or referral criteria (e.g. that the prospective tenant have a local connection to a particular borough, be within a specific age range, be referred by a specific often statutory service that may in and of itself be difficult to access, or remain eligible for full Housing Benefit throughout the duration of their stay in supported/exempt accommodation, which disincentivises the few of our clients who are well enough, and want to find employment).
- The lack of supported/exempt accommodation which provides for people who need self-contained accommodation. The initiatives we are aware of mainly provide rooms in shared accommodation, which is often unsuitable for our clients, who – due to their trauma histories and resulting severe mental and/or physical health concerns – need self-contained accommodation (and indeed would qualify for the one-bedroom LHA rate as a result of being over 35 or due to other exemptions).
- The projects we are aware of do not support someone to find suitable accommodation, when it is time for them to 'move on', often after a period of 1-2 years, at which point the process starts again.
- Concern regarding the actual levels and quality of support provided in some types of 'supported accommodation', in a growing and inadequately regulated sector, considering the needs and our duty of care to our clients.²⁶

²⁶ Commonweal, 2021, 'LUHC Committee Inquiry: Exempt accommodation – Commonweal Housing evidence submission', accessed at: <https://www.commonwealhousing.org.uk/static/uploads/2022/03/LUHC-Committee-Inquiry-Commonweal-Housing-Submission.pdf>

Question 39: Do you expect that any of the policies impacting new social housing applicants would have a particular impact on those with a particular protected characteristic?

Yes, we believe the implementation of the 'UK connection test' will have a particular adverse impact (potentially amounting to indirect discrimination) on people with various particular protected characteristics, as outlined below.

Race

The proposed 'UK connection test', if implemented, would have an adverse impact (amounting to indirect discrimination) on people with the particular protected characteristic of race, including colour, nationality, ethnic or national origins, including UK-nationals. The impact would be felt both by people applying for social housing and existing tenants.

Under the 'UK connection test', a person – unless they fit within one of the few suggested exemptions – must have lived in the UK lawfully for at least ten continuous years before becoming eligible to apply for social housing. This appears designed to exclude people of specific national origins. As outlined in the suggested reforms, this would not apply to British, Irish and other nationalities (outlined above), regardless of how long they have continuously lived in the UK, and would therefore only affect people who do not automatically have the right to live in the UK, which is only people who are of the national origins not already exempted. For example, in 2023 the majority of people granted refugee status were from countries with widely recognised human rights violations and specific groups needing protection, such as Afghanistan, Iran, Eritrea, Syria and Sudan (this does not include those resettled from Ukraine following the Russian invasion).²⁷

Sex (single parents and domestic abuse)

The suggested proposal, if implemented, would have an adverse impact (potentially amounting to indirect discrimination) on people with the particular protected characteristics of pregnancy and sex (namely women). The impact would be felt by both people applying for social housing and existing tenants.

When applying for homelessness assistance under Part VII of the Housing Act 1996, people with whom dependent children under the age of 18 reside (and are reasonably considered to be a part of their household), or people who are pregnant, are automatically considered to be in 'priority need', and therefore eligible for interim accommodation, alongside other types of homelessness assistance. This means that local authorities will have no choice but to house families, many of whom (in particular those granted leave to remain having claimed

²⁷ Sturge, Georgina (2024), 'Asylum Statistics', accessed at: <https://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf>

asylum) will not have lived in the UK lawfully for ten continuous years. However, as above, local authorities will be prevented from offering social housing to these families who would not meet the UK connection test under the proposed reforms.

In 2023, almost a quarter of all households owed a prevention duty from July to September 2023 were female single parents.²⁸ In the same period, 60% of the number of households owed a main housing duty were households which included dependent children, many of whom are likely to be female single parents.

Having dependent children is by far the most common reason for which households are found to be owed a main housing duty (which, in many cases, is what may qualify someone to join the housing register or have an increased priority on the housing register meaning that they are more likely to be offered social housing than otherwise).

The proposed changes are likely also to have an adverse impact on survivors of domestic abuse, who are predominantly women. 8% of households owed a main housing duty from July to September 2023 were determined as vulnerable and thus in priority need as a result of domestic abuse (although it should be noted many other people also determined as vulnerable for other reasons, such as mental health or physical health are likely to also to have experienced domestic abuse). The number of households owed a main housing duty as a result of domestic abuse has risen steadily in recent years. For survivors of domestic abuse, who are predominantly women, to be excluded from social housing as a result of their not having lived in the UK lawfully for ten continuous years will have an adverse impact on this group of people's ability to find a secure and safe housing option.

Disability

From July to September 2023, 20% of the number of households owed a main housing duty were found to be in priority need as a result of being vulnerable by virtue of a mental and or physical health condition.²⁹ It is highly likely, particularly given how high local authorities tend to apply the 'priority need' test, that the vast majority of these homeless applicants should be considered disabled under the Equality Act.

The majority of clients supported by the Helen Bamber Foundation, namely survivors of torture, human trafficking and other human rights abuses experiencing psychological distress as a result of this ill-treatment, are disabled within the meaning of the Equality Act 2010.

²⁸ DLUCH, MHCLG (2024), 'Statistical data set: Tables on homelessness', accessed at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

²⁹ DLUCH, MHCLG (2024), 'Statistical data set: Tables on homelessness', accessed at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

When the relevant local authority comes to make a decision (following the end of the relief duty of the Homelessness Reduction Act 2017) regarding if they owe any further housing duties, our clients are very frequently found to be owed a main housing duty, and to be in 'priority need'. For single applicants, this means that they are considered 'more than ordinarily vulnerable'; in our experience, this test is often applied exceptionally, and indeed needlessly, stringently, given the amount of evidence submitted demonstrating clear and acute vulnerability.

This priority need test all but ensures that the single people we support to apply to a local authority and go through the homelessness application process all have significantly high needs, both in terms of their mental and often physical health. We therefore expect the proposed 'UK connection test' to have an adverse impact (potentially amounting to indirect discrimination) on people with the particular protected characteristic of disability. We expect this to impact both people applying for social housing and existing tenants.