



A response to

**Consultation on a proposed Housing
(Anti-Social Behaviour) Bill (Northern
Ireland).**

Department for Social Development

March 2014

Women's Aid Federation Northern Ireland

129 University Street
BELFAST BT7 1HP

Tel: 02890 249041

Fax: 02890 239296

General Email: info@womensaidni.org

Website: www.womensaidni.org

24 Hour Domestic & Sexual Violence Helpline

Call: 0808 802 1414

Email Support: 24hrsupport@dvhelpline.org

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1.0 Response Summary

- Women’s Aid welcomes the opportunity to comment upon the proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) consultation document on behalf of our local groups as part of the public consultation process.
- Women’s Aid wishes to highlight from the outset of our response, our belief that housing is a fundamental human need and the right to safety in the home should be afforded to all. Everyone has the right to quiet enjoyment of their home and where this right is infringed measures should be available to address the situation for the benefit of individuals and the community as a whole. We appreciate the impact that anti-social behaviour has on communities and believe there is a need to address such behaviour. We must however emphasise our belief that the best way to address anti-social behaviour is through addressing its root causes at the earliest possible stages, through early intervention and family support.
- We are concerned that the definition of anti-social behaviour is extremely subjective and as a result we seriously question the rationale of using ASBO’s in relation to housing in Northern Ireland. We believe this will have a dramatic effect, not only on the life of the alleged perpetrator, but also on the lives of his or her family who will be at risk of losing their home and may fail to be eligible for housing assistance in the future. We question how this proposed legislation complies with the UNCRC, in particular the Best Interests principle.
- Additionally we are concerned as to whether or not domestic violence will be included under this term under these proposals. We note with concern, in the Section 75 Policy Screening form it states on page 10 *“Domestic abuse figures have been considered. While the Housing Executive ASB Register classifies domestic violence as ASB, the PSNI definition of domestic abuse includes any threat or incident by any family member and is gathered “regardless of gender”.*
- The categorisation of domestic violence with ‘anti- social’ behaviour is highly inappropriate as the serious harm inflicted upon victims in abusive relationships is not comparable to anti-social behaviour. Domestic violence is not inconsiderate or negligent behaviour; it is persistent, intentional and deliberate abuse of a person, often resulting in serious injury or death. Labelling domestic violence as ‘anti-social’ downplays its seriousness, and plays into the old myths that ‘it’s just a domestic’ as opposed to being a serious form of abuse. This is in stark contrast to the fact that nearly one third of the murders in Northern Ireland last year were domestically motivated.

- We are seriously concerned this proposed bill could adversely impact upon victims of domestic violence (who in the majority of cases are female), leading to situations where victims are evicted from their home as a result of the domestic violence and abuse they have experienced. This is particularly relevant given that the legislation is application to “the tenant or a member of their household”¹.
- Women’s Aid strongly questions what measures are in place within this proposal for protecting the needs and rights of all victims of domestic violence, particularly their rights to secure tenancies. We seek strong reassurance that where there is currently or where there has been a history of domestic violence in the household, the rights to secure tenancies for victims will be fully protected and victims will not be disadvantaged in any way.
- Women’s Aid does not believe short secure tenancies will be appropriate in every case of what is considered to be ‘anti-social’ behaviour. There will be a whole spectrum of behaviours which could fall under this term and there needs to be full consideration of the nature and impact of such behaviour along with full consideration of surrounding circumstances including looking beyond the behaviour at reasons for offending behaviour. We are concerned that through the proposed bill, the DSD would be providing social housing landlords with extensive powers to demote and possibly evict a tenant with minimal litigation. We are concerned this proposed bill could be used to penalise behaviours which are not serious enough to warrant the threat of eviction. The issue of clear guidance and training to landlords will be crucial to making this work and we believe this guidance needs to be produced, following a comprehensive consultation and published prior to the implementation of such proposals to ensure a clear and robust foundation for taking them forward.
- Women’s Aid believes there is a clear need for early intervention and endorses a system based upon supporting families at the earliest stages to reduce the need for such proposals. What can be interpreted as ‘anti-social’ behaviour most often occurs where there are problematic childhoods, stressful life events and/or community disadvantage. Addressing these support needs at an early stage can provide a proactive and preventive approach to addressing criminal behaviour among young people, reducing the need for this proposed Bill.

¹ Proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) A Consultation Document, DSD Housing Division 2013 (page 4)

- Finally, Women’s Aid believes there is a clear need to work in partnership with a wide range of agencies and professionals and this will be crucial to making these proposals work. Any approach to addressing anti-social behaviour requires the combined skills and expertise of a wide range of agencies and professionals, including the voluntary and community sector. Women’s Aid does have concerns in relation to funding reductions across the voluntary sector, which may hinder effective partnership working. These have resulted in heavy waiting lists and reduced capacity to manage referrals and sustain vital support services. Such issues present huge barriers to effective partnership working and we believe funding streams and resources needs to be prioritised and effectively targeted to enable a true partnership approach and to ensure accessibility and continuity of support provision.

2.0 Introduction to Women's Aid

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

Core work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and local Women's Aid groups is to:

- Provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- Manage the 24 Hour Domestic & Sexual Violence Helpline.
- Provide a range of support services to enable women who are affected by domestic and/or sexual to rebuild their lives and the lives of their children.
- Provide a range of support services to children and young people who have experienced domestic violence.
- Equip teachers to deliver preventative education programmes in schools and other settings.
- Educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic and sexual violence.
- Advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- Work in partnership with all relevant agencies to ensure a joined up response to domestic and sexual violence.

Throughout this consultation response, the term "Women's Aid" is used to reflect the overall Women's Aid movement in Northern Ireland, which is made up of our local Women's Aid groups and Women's Aid Federation. All local Women's Aid groups are members of Women's Aid Federation Northern Ireland. Each Women's Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence.

3.0 Women's Aid statistics (2012-2013)

- 880 women and 546 children sought refuge.

- 53 women in refuge were supported during their pregnancies and 14 babies were born to women in refuge.
- 1,517 one to one support sessions were held with children and young people in refuge.
- 3,659 women with 4,469 children accessed the Floating Support service, and a further 811 women accessed other Women's Aid outreach services, enabling women to access support whilst remaining in their own homes and communities.
- 1,591 women participated in a range of group work and personal development programmes including *Journey to Freedom* and *You and Me, Mum*.
- 375 women with 519 children accessed support from a Women's Aid Women's Safety Worker while their partners or ex partners were undertaking the IDAP perpetrators programme provided by Probation Board Northern Ireland.
- The 24 Hour Domestic & Sexual Violence Helpline, open to all women and men affected by domestic & sexual violence, managed 47,597 calls.
- 168 teachers were trained to deliver the Helping Hands programme in primary schools.

N.B. Additional Women's Aid statistical data and statistics regarding domestic violence and violence against women including crime statistics is provided as an appendix.

4.0 Consultation response – overview

- Women's Aid welcomes the opportunity to comment upon the on a proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) on behalf of our local groups as part of the public consultation process.
- The document clearly acknowledges the challenges presented for Housing Providers in addressing anti-social behaviour for the benefit of all affected. The document clearly sets out the range of statutory and non-statutory measures available to tackle anti-social behaviour in chapter 1.
- We understand the proposed Bill would involve the creation of a new type of tenancy in Northern Ireland that will enable social landlords to convert secure tenancies to short secure tenancies in cases where, within the past three years, the tenant or a member of their household has been involved in behaviour (proven in court) that is grounds for possession of a secure tenancy. We also understand that the short secure tenancy will provide a framework for the provision of support services. During the period of the short secure tenancy, the social landlord would be required to offer appropriate support to the tenant and to members of their household. The

short secure tenancy will last for six months and tenants would have the assurance that they would not be evicted during the six-month term. From reading the consultation document, our understanding is that if support is not successful and anti-social behaviour continues, their tenancy would terminate when the term of the short secure tenancy expires.

- While we understand the rationale for introducing a new type of social housing tenancy (the short secure tenancy), which will be specifically for those tenants who have been involved in anti-social behaviour and where the behaviour is posing a threat to others, we do have concerns regarding the implementation of the proposed Bill, specifically the impact it may have on families where domestic violence is present.
- First and foremost we seek clarification as to what defines ‘anti-social’ behaviour. We are concerned that definitions of anti-social behaviour are extremely subjective and as a result we seriously question the rationale of using ASBO’s in relation to housing in Northern Ireland. We believe this legislation will have a dramatic effect, not only on the life of the alleged perpetrator, but also on the lives of his or her family who will be at risk of losing their home and may fail to be eligible for housing assistance in the future.
- We also question where domestic violence fits within the definition of anti-social behaviour in this proposed Bill? We note with concern, in the Section 75 Policy Screening form, it states on page 10 *“Domestic abuse figures have been considered. While the Housing Executive ASB Register classifies domestic violence as ASB, the PSNI definition of domestic abuse includes any threat or incident by any family member and is gathered “regardless of gender”.*
- The draft combined strategy for addressing domestic and sexual violence and abuse, produced by the Department of Health, Social Services and Public Safety and the Department of Justice², which is currently at public consultation stage defines domestic violence as:

Threatening, controlling, coercive behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender or sexual orientation) by a current or former intimate partner or family member.

² Stopping Domestic and Sexual Violence and Abuse in Northern Ireland 2013 – 2020, Public Consultation Document, December 2013

- The categorisation of domestic violence with anti- social behaviour is highly inappropriate as the serious harm inflicted upon victims in abusive relationships is not comparable to anti-social behaviour. Domestic violence is not merely inconsiderate or negligent behaviour; it is persistent, intentional and deliberate abuse of a person, often resulting in serious injury or death. There are also serious ramifications for conflating domestic violence and anti-social behaviour. For instance, there is potential to victim-blame if domestic violence is seen through an anti-social behaviour lens – police call-outs, noise disruption etc. can be consequences of such abuse, but a victim should not be branded as being from an ‘anti-social’ household because of these circumstances beyond their control or because they happen to encroach upon the tranquillity of her neighbourhood.
- Labelling domestic violence as merely ‘anti-social’ downplays its seriousness, and plays into the old myths that ‘it’s just a domestic’ as opposed to being a serious form of abuse. This is in stark contrast to the fact that nearly one third of the murders in Northern Ireland last year were domestically motivated.
- We are concerned that this proposed Bill will not only brand a victim as being from an anti-social household but will may also potentially penalise the victim by threatening their secure tenancy. Women’s Aid strongly questions what measures are in place within this proposal for protecting the needs and rights of all victims of domestic violence, particularly their rights to secure housing.

5.0 Consultation response – comments by question

Do you agree that the proposals in short secure tenancies will provide social housing providers with an appropriate tool to ensure their tenants and others can peacefully enjoy their homes?

- Women’s Aid understands the rationale for having in place, measures to tackle anti-social behaviour for the benefit of tenants, their neighbours and the community. However, we wish to emphasise now at this point and throughout our response that we do not believe the current proposals will address the root causes of anti-social behaviour which are entrenched in a wide range of societal problems which exist. Such problems include high rates of poverty and social disadvantage, domestic violence, poor housing and a lack of play and leisure facilities.

- We do not therefore believe that short secure tenancies will be appropriate in every case of what is considered to be ‘anti-social’ behaviour. There will be a whole spectrum of behaviours which could fall under this term and there needs to be full consideration of the nature and impact of such behaviour along with full consideration of surrounding circumstances including looking beyond the behaviour at reasons for offending behaviour.
- We are concerned that through the proposed bill, the DSD would be providing social housing landlords with extensive powers to demote and possibly evict a tenant with minimal litigation. We are additionally concerned that this proposed bill could be used as ‘a hammer to crack a nut’ by penalising behaviours which are not serious enough to warrant the threat of eviction.
- As previously stated, we do not believe it is appropriate to associate domestic violence with anti-social behaviour and there can be serious ramifications as a result of doing so. If domestic violence is to be considered within this proposed Bill, we are seriously concerned this could lead to situations where a woman and her children are evicted from their home as a result of the domestic and/or sexual violence and abuse they have experienced. This is particularly relevant given that the legislation is applicable to “the tenant or a member of their household”³. The impact on the lives of children who are displaced from their home as a result of someone else’s will be staggering.
- We are seriously concerned that victims of domestic violence could potentially be penalised and have their tenancies threatened as a result of their partner’s (the perpetrator’s) behaviour. We also seek additional clarity in relation to other orders and injunctions which may be included under these proposals e.g. will this include Non-molestation Orders, Occupation Orders and/or Protection from Harassment Order?
- Secure housing, accompanied by provision of tailored support is crucial in helping victims of domestic and sexual violence rebuild their lives and ensure the safety of themselves and their children. We are seriously concerned about the potential social impact this proposed Bill may have on the safety and stability of victims of domestic violence. Examples could include:
 - If disruption to the community resulting from domestic violence is reported by a neighbour to a landlord and the perpetrator of domestic violence has also been convicted for criminal activity, can a social landlord

³ Proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) A Consultation Document, DSD Housing Division 2013 (page 4)

convert the tenancy from a secure tenancy to a secure short term tenancy? If so, what protections are in place to protect the victim of domestic violence (and their children if applicable) and to enable them to sustain their tenancy?

- If a perpetrator of domestic violence is subject to a Non-Molestation Order, Occupation Order or Protection from Harassment Order and breaks this order, causing fear, distress and disruption to a household and the local community, will the victim and their family be penalised by having their secure tenancy threatened under this proposal? Once again, we query what protections are in place to protect the victim of domestic violence (and their children if applicable) and to enable them to sustain their tenancy?
- If a child or young person, as a direct result of domestic violence experienced, engages in what could be considered as 'anti-social' or disruptive behaviour, will all family members who have already undergone a period of disruption and instability be at threat of a short secure tenancy? Once again we seek clarification as to what protections are in place to protect the victim of domestic violence (and their children if applicable) and to enable them to sustain their tenancy?
- The context of domestic violence is complex and multi-faceted and we are seriously concerned that such proposals may serve to further victimise those who have suffered abuse in the home. We seek clear reference to domestic violence in the proposed bill along with clear guidance as to how victims' rights to secure housing will be protected. We seek strong reassurance that where there is currently or where there has been a history of domestic and/or sexual violence in the household, the rights to secure tenancies for victims (including children in that household) will be protected under this proposed Bill and that victims will not be disadvantaged in any way.
- Where the perpetrator of anti-social behaviour is a child or young person, Women's Aid believes all contributing circumstances should be considered. There are many unmet needs and rights of children, which may contribute to the development of offending behaviour. Anti-social behaviour most often occurs where there are problematic childhoods, stressful life events and/or community disadvantage. Links between educational difficulties, poverty, mental health issues and domestic violence and children's likelihood of contact with the criminal justice system are well researched, and these issues must be responded to effectively at the earliest stage if offending behaviour by children and young people is to be successfully addressed. Additionally it is important to recognise that behaviour which may be described as 'anti-

social' can often be part of the transition process from child to adult and in many cases, will disappear with the transition to adulthood.

- There can be a tendency among society to 'demonize' young people, without fully understanding the context of their lives and the level of unmet needs experienced by them. Young people engaging in anti-social and low level criminal behaviour can often be attributed to the lack of youth services and leisure facilities. This has been further exacerbated by funding cuts in areas of education, leisure and play, including the loss of after school and youth club services. The Northern Ireland Commissioner for Children and Young People carried out research into play and leisure facilities in Northern Ireland⁴ and found that most of the children and young people who took part in the research stated that they were not happy with the lack of facilities and the way that they are run. There is not only a need to provide support for families at the earliest stages but also to ensure there are adequate facilities to enable young people to engage in positive play and leisure opportunities, upholding their right to play as stated in the UNCRC, Article 31 :

"1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity."

- Children and young people's experiences of violence in the home can often be at the roots of what can be interpreted as 'anti-social' and risk taking behaviour. Research shows that many children and young people who become involved in the Youth Justice System will be from backgrounds where domestic violence has been prevalent. UNICEF research released in 2006⁵, showing per capita incidence, indicates that there approximately 32,000 children and young people living with domestic violence in Northern Ireland. MARAC (Multi Agency Risk Assessment Conferences) statistics show that between January 2010 and November 2013 a total of 6049 high risk cases of domestic violence involving 8162 children were discussed. Children and young people will experience domestic violence in many ways and every experience will be different. Domestic violence has adverse effects on children and young people and can be traumatic. It can impact upon all areas

⁴ "Children's Rights; Rhetoric or Reality – A Review of Children's Rights in Northern Ireland 2007/08"

Northern Ireland Commissioner for Children and Young People

⁵ UNICEF (2006) Behind Closed Doors, the Impact of Domestic Violence on Children. Body Shop International plc. West Sussex

of life, including, health, education, the development of relationships, recreation and social activities. A wealth of research has identified domestic violence as an underlying theme behind social issues such as, school dropout and exclusion, youth homelessness and young people engaging in risk taking behaviour.

- Women's Aid strongly believes that children and young people who experience domestic violence are vulnerable and in need of support. Addressing these support needs at an early stage can provide a proactive and preventive approach to addressing criminal behaviour among young people. Therefore in addressing 'anti-social' behaviour among children and young people, Women's Aid believes there is a clear need for support provision and intervention at the earliest levels and involving a range of partner agencies and combined expertise.

Do you agree that proposals on short secure tenancies will provide social housing providers with an appropriate tool to help struggling tenants sustain their tenancies.

- Once again, we wish to emphasise that we do not believe the current proposals will address the root causes of anti-social behaviour which are entrenched in a wide range of societal problems which exist. Such problems include, high rates of poverty and social disadvantage, domestic violence, poor housing and a lack of play and leisure facilities.
- We do not believe such proposals will work in all situations and we have stated our reasons for this at pages 9 and 10 of our response. There is a need for clear guidance which ensures a thorough assessment of each situation and the surrounding circumstances.
- We believe that where the perpetrator is a child or young person, all contributory circumstances should be explored when a landlord is making the decision to convert a secure tenancy to a short secure tenancy. We are concerned that a child and their family may be made homeless due to behaviour which is interpreted as 'anti-social' but what is in fact a reaction to life circumstances and which presents a need for support instead of penalty. We consider the proposals, as they currently stand to be in breach of the UNCRRC.
- We have already raised our concerns in relation to situations of domestic violence and abuse and our strong belief that domestic violence needs to be considered separately to anti-social behaviour. We strongly believe that the

rights and needs of victims of domestic violence need to be fully understood and protected under this proposed legislation.

- Women’s Aid welcomes the provision that where a secure tenancy has been converted to a short secure tenancy, the landlord will be required to offer appropriate support to help the tenant to sustain the tenancy. We believe that people need to have support in place to enable them to move them away from criminal or what may be defined or interpreted as ‘anti-social’ behaviour.
- We would welcome further clarification as to the format such support will take and would like to emphasise the need for support for all members of the household in question. We believe there is a serious omission in the proposed Bill and that is the provision of support for those who are affected by the behaviour. We also wish to highlight our strong belief in the need to ensure appropriate resourcing is available to ensure support is accessible and sustainable over the required period.
- We have concerns regarding the fact that the application for possession must be made by the landlord within the six month period of the short secure tenancy. This fails to allow the tenant the full six month period to avail of support to help them address their “anti-social” behaviour. Support is crucial to enable tenants who are struggling to secure their tenancies, however, we do not believe that support should only be available once there is a threat to security of the tenancy. The provision of appropriate and tailored support is crucial to making this work and we would seek more clarification in relation to what resource commitments have been prioritised to ensure quality sustainable support services? Women’s Aid also believes there is a need to target resources at early intervention to sustain people in their own homes and prevent situations where such proposals may be considered necessary.

How can social landlord’s best work in partnership with others in the delivery of support services to those tenants holding short secure tenancies?

- The need to work in partnership with a wide range of agencies and professionals is crucial to making this work. What can be defined as ‘anti-social’ behaviour is often the result of a complex and distressing childhood or traumatic life events and any approach to addressing this requires the combined skills and expertise of a wide range of agencies and professionals, including the voluntary and community sector.
- Women’s Aid strongly recommends a robust interagency approach in all areas of planning and decision making regarding the implementation of this

proposed Bill. We believe it is vital for the Housing Executive and social landlords to develop formal links and effective communication and information sharing with local Domestic Violence Partnerships, Local Child Protection Panels, Police and Community Safety Partnerships, Family Support Hubs, the Safeguarding Board and a wide range of community and voluntary groups. Partnership working with representatives from Education is also important and we would particularly welcome the development of early intervention and preventative approaches to youth crime in schools and youth settings to develop a rights based framework and promote a focus upon citizenship based upon rights and responsibilities. There is also a clear need to work closely with floating support providers across Northern Ireland. The introduction of a network of Women's Aid floating support services in 2002 has been highly significant and successful. The floating support services run by Women's Aid are essential to support victims of domestic violence and effectively contribute to sustaining tenancies and preventing homelessness.

- While we completely endorse the need to work in partnership, we have serious concerns in relation to funding reductions which may present a barrier to effective partnership working. Difficulties are currently experienced across the voluntary sector in relation to sustainability of core services. Reductions in funding have resulted in heavy waiting lists and lowered capacity to sustain vital support services among many voluntary organisations, including Women's Aid. Such issues present huge barriers to effective partnership working in relation to referral processes and capacity to engage in proactive initiatives. Across Women's Aid sustaining the vital services delivered to children and young people in particular, in both refuge and community settings has become increasingly difficult. It is important to note this work has been developed and delivered over the years in the absence of core funding. Sustainability of children's services has increasingly become a major priority for all Women's Aid groups which has become increasingly difficult with the withdrawal of vital funds such as the withdrawal of the children's fund two years ago.
- We believe adequate funding streams and prioritised resources need to be invested to enable a true partnership approach and to ensure accessibility and continuity of support provision.

Are there any additional proposals, including non-statutory actions, which should be considered?

- We wish to reiterate our strong belief that the proposed Bill should not, in any way, be detrimental to the victims of domestic violence and abuse in maintaining their tenancies. Victims of domestic violence and abuse should in no way be penalised for the behaviour of their partners presently or in the

past 3 years. The victim and (where appropriate) their children should be provided with adequate and effective support, to ensure their safety and stability and to enable them to sustain their tenancies.

- Where the perpetrator of anti-social behaviour is a child or young person, Women's Aid believes all contributing circumstances should be considered, including the nature and context of the behaviour, problematic life experiences that may have impacted upon the individual and any unmet needs resulting from this.
- We wish to reiterate our strong belief in the need for early intervention to address issues and behaviours which may be interpreted as 'anti-social'. While we understand the rationale of providing 'a yellow card' to tenants to challenge and address disruptive and inappropriate behaviours, we would urge the development of a more proactive system which focuses upon addressing behaviours and meeting needs at the earliest stage, based upon individual circumstances rather than a system which penalises.
- We wish to highlight, once again, the need to build in support provision for those individuals who may be affected by the behaviour in question. This is not currently reflected anywhere in the consultation documentation. The issue of family and community support is crucial and we strongly believe such behaviour cannot be addressed in isolation but rather a holistic approach to supporting all those impacted upon by the behaviour in question is needed.

Do you have any comments on the proposal to amend the Housing (Northern Ireland) Order 1988 as proposed above, i.e. to provide that a person can be found ineligible for homelessness assistance at any stage before they are allocated a tenancy of social housing? Is there anything additional that should be considered?

- We welcome the recognition on page 22 that homelessness is a highly stressful experience. Additionally we welcome the intention to issue guidance to the Housing Executive, emphasising the need to give due consideration to whether a homeless person's behaviour is a consequence of their homelessness, or is due to the fact that they are unsuitable to be a tenant.
- We feel this guidance will be crucial and we would welcome further clarification on this guidance and how it will be implemented. We would also suggest specific reference to domestic and sexual violence and the need to prioritise victim's needs in this guidance. We also query whether or not training will be provided to support the implementation of the guidance. Women's Aid believes this guidance should be produced as a result of a

comprehensive consultation process. This guidance will be vital in ensuring that decisions taken in relation to an individual or a family will be based upon a thorough consideration of all factors including, domestic violence, mental ill health, disability, addictions etc.

- We additionally believe that such guidance should be produced and available to NIHE prior to the introduction of these proposals as they should provide the foundation for taking them forward.

Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under Section 75 of the Northern Ireland Act 1998?

- We have serious concerns regarding the DSD's screening determination on these policy proposals and we would urge the Department to revisit this. Women's Aid believes there is significant potential for adverse impact as a result of these proposals. The groups most likely to be impacted upon are young people and women.
- We wish to query the results from the Section 75 Policy Screening which states on page 7 under existing evidence:

The DOJ Experience of Crime Survey (2011/12) found that men were about 1/3 more likely to be at risk of violent crime in NI than women.

- PSNI statistics for 2012/13 indicate that there were more recorded crimes with a domestic motivation (11,160) than the combined total of all the following crimes (9,976) – all recorded sexual offences (1,948), shoplifting (5,890) and theft of a motor vehicle (2,138). Additionally, PSNI statistics, MARAC cases and a wealth of research repeatedly shows that women are more likely to experience domestic and sexual violence than men. We therefore seriously question the absence of reference to domestic and sexual violence here.

Additionally we query the statement provided upon page 10:

Domestic abuse figures have been considered. While the Housing Executive ASB Register classifies domestic violence as ASB, the PSNI definition of domestic abuse includes any threat or incident by any family member and is gathered "regardless of gender". The very low number (only 1 incident) of cases recorded on the NIHE Register compared with the far higher (27,190 incidents) number recorded by PSNI may relate to victims perceptions of domestic violence in the context of ASB.

- This highlights serious recording problems and reinforces our point that it is inappropriate to consider domestic violence within the definition of anti-social behaviour. There is a definite need for better recording processes along with staff training and awareness raising to ensure Housing Executive staff are fulfilling their roles as social guardians in cases of domestic violence.
- On page 12 of the Section 75 Policy Screening document it states:

The policy is likely to have an impact on men because it offers assistance to offenders (mostly men) to sustain tenancies and because any resulting reduction in ASB will disproportionately benefit men, the most common victims of ASB.

- Women’s Aid is seriously concerned that the proposed Bill may have an adverse differential impact on women and children, as social tenants, who are victims of domestic violence and abuse and may be at increased risk of homelessness due to their partner’s violent behaviour. This is not currently acknowledged or considered anywhere in the Policy Screening. Women are more likely to experience domestic violence than men and this clearly documented in research and PSNI statistics. Additionally young people who have experienced domestic violence may commit or become victims of ‘anti-social’ behaviour as a result of their experiences within the home. Those who commit and may be convicted of anti-social behaviour may be adversely affected along with all other members of that household.

Do you have any evidence that there is any scope for the proposals within this document for promoting good relations between the equality categories?

We do not feel we have any evidence to comment upon this.

Do you have any evidence to suggest that the proposals within this document would create an adverse differential impact on rural areas?

- We do have some concerns that the proposals within this document could create an adverse differential impact on rural areas. Our experience of moving women on from refuge to independent living has highlighted lengthy waiting times for housing across Northern Ireland. We have often found that in rural areas, waiting lists can be lengthier and there can be a greater lack of access to social housing. This has had consequences for many of women attempting to move on from Women’s Aid refuge accommodation in rural areas. We are concerned that in rural areas, the housing options simply do not exist to “move” perpetrators of ‘anti-social’ behaviour on if a tenancy is terminated.

Do you have any comments on the potential regulatory impact of the proposals?

- The implementation of any new Housing proposal should be welfare-enhancing from the societal viewpoint i.e. the benefits should exceed costs. It is difficult to assess fully the potential impact of the proposals and to assess whether it is likely to achieve the desired objectives. It is likely there will be numerous impacts and these are difficult to foresee without detailed study and consultation with affected parties.
- We are not clear of the extent and breadth of the consultation process but we do believe there is a need to consult directly with communities through community groups and residents associations. These are the individuals who are experiencing these issues on a daily basis and they are best placed to fully understand the potential impact of the proposed Bill.

6.0 Conclusions

- Women's Aid has greatly appreciated the opportunity to respond to this public consultation regarding in Northern Ireland. We have raised our concerns regarding the proposed legislation and we urge the Department to take these on board and to ensure the housing and support needs and rights of victims of domestic and sexual violence and abuse are protected and upheld.
- We wish to emphasise in our conclusion that we believe the current proposals will fail to address the root causes of anti-social behaviour in communities and will simply serve to move those engaging in anti-social behaviour from one community to another without addressing the evident problems within our society which contribute to anti-social behaviour.
- Women's Aid believes there is a clear need for early intervention and endorses a system based upon supporting families at the earliest stages to reduce the need for such proposals. What can be interpreted as 'anti-social' behaviour most often occurs where there are problematic childhoods, stressful life events and/or community disadvantage. Addressing these support needs at an early stage can provide a proactive and preventive approach to addressing criminal behaviour among young people, reducing the need for this proposed Bill.
- We wish to emphasise our commitment to working in partnership in all areas of service delivery and are more than happy to be involved in further consultation regarding the implementation of the proposed Bill.

7.0 Contact details

For further information about this response please contact:

Annie Campbell
Director
Women's Aid Federation Northern Ireland
129 University Street
BELFAST
BT7 1HP
Tel: 028 9024 9041
Email: annie.campbell@womensaidni.org
Website: www.womensaidni.org

24 Hour Domestic & Sexual Violence Helpline

Call: 0808 802 1414

Email Support: 24hrsupport@dvhelpline.org

Text **support** to 07797 805 839

Freephone from all landlines and mobiles. Translation service available.

Open to *all women and men* affected by domestic & sexual violence

Appendix 1

Additional information on domestic and sexual violence including crime statistics

Additional Women's Aid statistical data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 16,425 women and 15,488 children and young people.
- During the last 17 years Women's Aid Federation Northern Ireland managed 374,406 calls to the 24 Hour Domestic & Sexual Violence Helpline.

Statistics: Domestic violence & violence against women

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 72% of adult victims of domestic crimes recorded by the PSNI in 2012/13 were female.⁶
- Over 30% of all domestic violence starts during pregnancy.⁷

Domestic violence: Crime statistics (Source: PSNI Statistics 2012/13)

- Domestic Violence is a crime. PSNI statistics for 2012/13 indicate that there were more recorded crimes with a domestic motivation (11,160) than the combined total of all the following crimes (9,976) – all recorded sexual offences (1,948), shoplifting (5,890) and theft of a motor vehicle (2,138).
- PSNI Statistics for 12/13 indicate that they responded to a domestic incident every 19 minutes of every day of the year.
- The total of 11,160 crimes with a domestic motivation in 12/13 represents an average of approximately 1 domestic crime every 47 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 12/13 total 17. Those classed as having a domestic motivation total 5. Therefore, 29% of all murders in Northern Ireland in 12/13 had a domestic motivation.
- There were 533 rapes (including attempted Rapes) in Northern Ireland in the period 2012/13.

⁶Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2012/13 N.B. “Adult” defined as aged 18 and over

⁷Women's Aid Federation Northern Ireland