Sexual violence and housing
A guide for survivors of sexual abuse who are experiencing difficulties with housing
We're Solace

For more than 40 years we've supported women and children in London to build safe and strong lives. Futures free from violence and abuse.

Whatever form violence comes in, from rape and trafficking to relationships based on psychological or financial control, we know escaping its effects can be the hardest thing to do. That's why it's so important we're here.

We find creative and innovative ways to support thousands of women and children each year. Stand with us to end violence and abuse now.

“I feel relieved because now I can be myself, now I have a place I can call home. Thank you for your help and support during this process, I couldn't have achieved this freedom without Solace.”
This self-help guide is for survivors of sexual abuse who are experiencing difficulties with housing, or who would like to know more about the options available to them.

Look through the contents to see which of the headings best describes your situation, then follow the link to find information about your rights, the options available to you, and where you can access further support and advice.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I live in a privately owned home</td>
<td>6</td>
</tr>
<tr>
<td>What to do if your partner is the perpetrator – your rights in cases of sole and joint property ownership</td>
<td></td>
</tr>
<tr>
<td>I live in privately rented accommodation</td>
<td>10</td>
</tr>
<tr>
<td>What to do if your partner, landlord, housemate or neighbour is the perpetrator</td>
<td></td>
</tr>
<tr>
<td>What to do if you are in student accommodation</td>
<td>14</td>
</tr>
<tr>
<td>What to do if you feel unsafe in your home and you want to leave, or access extra security measures</td>
<td>14</td>
</tr>
<tr>
<td>Further resources</td>
<td>15</td>
</tr>
<tr>
<td>I am a council or housing association tenant</td>
<td>16</td>
</tr>
<tr>
<td>What to do if the perpetrator is also a council or housing association tenant, or a member of staff</td>
<td></td>
</tr>
<tr>
<td>Your rights with regards to retaining your secure tenancy and your council or housing association's duties</td>
<td>18</td>
</tr>
<tr>
<td>I am not a UK national</td>
<td>20</td>
</tr>
<tr>
<td>What to do if you are seeking asylum or have insecure immigration status</td>
<td></td>
</tr>
<tr>
<td>Useful resources for support around immigration</td>
<td>21</td>
</tr>
<tr>
<td>I want to present to the local authority to access housing support</td>
<td>24</td>
</tr>
<tr>
<td>An overview of eligibility criteria for accessing housing and what to expect when you present to housing</td>
<td></td>
</tr>
</tbody>
</table>
I am a survivor of sexual abuse, I live in a privately owned home and my partner is the perpetrator

If you jointly own a property together, and feel at risk from the perpetrator, then you can apply to the Family Court for an Occupation Order. A Family Court judge will determine who can live at the property, and who is responsible for covering the costs, for a set period of time.

If either you or your partner has sole ownership of the property, see below:

- **Either I or my partner has sole ownership of the property**
  - **We are married or in a civil partnership**
    - You both have ‘home rights’ to remain in the property whilst the marriage continues, regardless of ownership
  - **I own the property:**
    - You can apply to the family court to either:
      - Divide the marital assets
      - Apply for an occupation order – the court will determine who stays in the property, and who is responsible for covering costs for a set period of time.
  - **My partner owns the property:**
    - If you decide to separate, a family court will divide the marital assets during divorce proceedings. This will decide what right, if any, you have to the home. This decision might depend on factors like:
      - How long you have been married
      - The contributions made by either person to the property
      - If any children live with you.

- **We are not married or in a civil partnership**
  - **I own the property:**
    - You can ask your partner to leave and the police will have to enforce the decision.
    - If you are fearful that they will return, you can apply to the Family Court for a Non Molestation Order to prevent them from contacting you or attending the address. You do not need a criminal conviction to do this.
  - **My partner owns the property:**
    - Your partner can ask you to leave at any time and you would need to find alternative accommodation.
    - In this case you may be eligible for support from the Local Authority. You can present to the housing office to discuss your options with them.
    - You should not be pressured to disclose details of your experiences of sexual abuse or any criminal justice processes to the local authority.
Find out more:

For information on family law, access to legal aid and options for those unable to afford legal aid:

- Check if you are eligible for legal aid
- Resolution: Family law advice and information and support for accessing legal aid
- Shelter: Advice related to housing, including legal options
- Citizens Advice: Offers advice on a range of issues, including legal support through local surgeries
- LawWorks: Charity connecting individuals who are not eligible for legal aid with volunteer lawyers

Specialist services

- Rights of Women: Legal advice and support for women in London and across the UK
- Solace Housing Surgery: Pro-bono legal advice for women related to housing. Accessed through the advice line - 0808 802 5565; advice@solacewomensaid.org
- Stonewall Housing: Advice and support related to housing for people who identify as LGBTQ+ - 020 7359 5767; info@stonewallhousing.org
I am a survivor of sexual abuse and I live in a privately rented property

My partner is the perpetrator and:

We have a joint tenancy

I don't feel safe staying in the property
You can apply to the Family Court for an Occupation Order.
The Family Court will decide:
• Who can stay at the property
• Who is responsible for covering costs
This will apply for a set period of time.

I want to stay in the property
You can apply to the Family Court for an Occupation Order.
The Family Court will decide:
• Who can stay at the property
• Who is responsible for covering costs
This will apply for a set period of time.

We are married or in a civil partnership
Your spouse will have ‘home rights’ to any property that you rent for as long as you are married.
If you are the sole tenant on the tenancy agreement, you remain liable for the full rent.

We are married or in a civil partnership
You can ask your partner to leave at any time and the police will have to enforce this.
If you are afraid of violence, or threats of violence, you can apply to the Family Court for a Non Molestation Order.
This means the perpetrator cannot contact you or come to the address. You do not need a criminal conviction to do this.
You may still feel unsafe staying at the property, in which case you can approach the local authority to discuss your options.
If you want to leave the property, you will need to notify your landlord as per the terms in your contract.

We are not married or in a civil partnership
You will have ‘home rights’ to any property that you rent for as long as you are married.
You will also be eligible to present to the local authority for assistance and may wish to do so if you feel unsafe.

We are not married or in a civil partnership
Your partner can ask you to leave at any time and the police will have to enforce this.
You will be eligible to present to the Local Authority for assistance and may wish to do so if you feel unsafe.
If your name is not on the contract and you want to leave the property, you will not be liable for the rent.

I have a sole tenancy and my partner lives with me

We are married or in a civil partnership
Your spouse will have ‘home rights’ to any property that you rent for as long as you are married.
If you are the sole tenant on the tenancy agreement, you remain liable for the full rent.

We are not married or in a civil partnership
Your partner can ask you to leave at any time and the police will have to enforce this.
If you are afraid of violence, or threats of violence, you can apply to the Family Court for a Non Molestation Order.
This means the perpetrator cannot contact you or come to the address. You do not need a criminal conviction to do this.
You may still feel unsafe staying at the property, in which case you can approach the local authority to discuss your options.
If you want to leave the property, you will need to notify your landlord as per the terms in your contract.

At no point should you be pressured to disclose details of the sexual abuse you have experienced or any criminal justice processes to your landlord, or to the local authority.

We have a joint tenancy

I don't feel safe staying in the property
You can apply to the Family Court for an Occupation Order.
The Family Court will decide:
• Who can stay at the property
• Who is responsible for covering costs
This will apply for a set period of time.

I want to stay in the property
You can apply to the Family Court for an Occupation Order.
The Family Court will decide:
• Who can stay at the property
• Who is responsible for covering costs
This will apply for a set period of time.

We are married or in a civil partnership
Your spouse will have ‘home rights’ to any property that you rent for as long as you are married.
If you are the sole tenant on the tenancy agreement, you remain liable for the full rent.

We are married or in a civil partnership
You can ask your partner to leave at any time and the police will have to enforce this.
If you are afraid of violence, or threats of violence, you can apply to the Family Court for a Non Molestation Order.
This means the perpetrator cannot contact you or come to the address. You do not need a criminal conviction to do this.
You may still feel unsafe staying at the property, in which case you can approach the local authority to discuss your options.
If you want to leave the property, you will need to notify your landlord as per the terms in your contract.
I want to report my landlord

Many councils keep a list of unsuitable and unsafe landlords. You can report your landlord to the Local Authority, if you feel able and safe to do so. Find out how to make a complaint against your landlord from Citizen's Advice.

I want to claim back rent

If your landlord has committed an offence against you while you were a tenant, you can apply for a Rent Repayment Order (RRO). Your landlord could be court ordered to repay up to 12 months' rent if an RRO is granted. There does not need to be a criminal conviction for this to take place. You would usually need to attend a tribunal. Find out more from Shelter Housing Advice Line.

We have individual tenancy agreements

You can inform your landlord or estate agent that you no longer feel able to live with the perpetrator. Most private sector tenancies include an agreement not to act in an "illegal or immoral manner" at the property. As the perpetrator has breached their tenancy and the landlord has the power to terminate it. This is at their discretion, they are not legally obligated to do so.

We have a shared tenancy agreement

If you or the perpetrator are going to leave the home, the landlord will need to end everyone's tenancy. You can request they issue a new agreement for you and the other tenants without the perpetrator. They may request that you find a replacement tenant for the perpetrator.

If you need to flee your home, it is important to let your landlord know as soon as possible. They have the power to end the tenancy for all tenants.

I feel unsafe and want to leave

If you need to flee your property, you should let the landlord know as soon as possible. They may request that you or remaining housemates find someone to replace you. If you have a shared tenancy, this may bring the tenancy to an end for all tenants.

I want to stay in my home

If you choose not to report to the police, you can consider taking out an injunction against the perpetrator. A solicitor can help you with this. See below for more options on accessing legal support.

In all cases, if you wish to move, you are eligible for assistance from the local authority.
Every university is required to offer welfare provision to students, both those residing in university accommodation, and those in their own accommodation. Each university will have its own procedure around sexual violence and how to safeguard people who have experienced, or are at risk of experiencing, sexual violence.

Your Students’ Union will likely have designated welfare officers, sexual violence liaison officers (SVLO) or an advice team who you may be able to speak to.

In addition, university accommodation services have a duty to safeguard residents within their premises. If you do not feel able to reside in your accommodation anymore, contact accommodation services to explore being reallocated alternative accommodation.

If you are unable to live at your home because it is causing you harm, whether that harm is physical or psychological, you may be considered homeless by your Local Authority.

The council determine who is and isn't homeless by using a piece of legislation called Part VII of The Housing Act 1996. In this document, it states “a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.”

If you are likely to come to harm in your property, then it is not reasonable for you to occupy it any longer. This applies no matter who the perpetrator is.

Additional security measures for your home are available through Victim Support or a local Sanctuary Scheme.

The level of security offered will vary from borough to borough; you can usually expect support with door and window alarms, dummy CCTV equipment, and some teams may be able to assist with changing locks.

National standards indicate that you do not have to report to the police to access this service.

You can call Victim Support’s London Hub on 0808 168 9291, and a member of the team will direct you to your local service, or check your local authority website for information on Sanctuary Schemes in individual boroughs.

You should seek permission from your landlord prior to making any changes to the property.

Find out more:

For information on family law, access to legal aid and options for those unable to afford legal aid:

- Check if you are eligible for legal aid
- Resolution: Family law advice and information and support for accessing legal aid
- Shelter: Advice related to housing, including legal options
- Citizens Advice: Offers advice on a range of issues, including legal support through local surgeries
- LawWorks: Charity connecting individuals who are not eligible for legal aid with volunteer lawyers

Specialist services

- Rights of Women: Legal advice and support for women in London and across the UK
- Solace Housing Surgery: Pro-bono legal advice for women related to housing. Accessed through the advice line - 0808 802 5565; advice@solacewomensaid.org
- Stonewall Housing: Advice and support related to housing for people who identify as LGBTQ+ - 020 7359 5767; info@stonewallhousing.org
Behaving in a way that causes harm or distress to other tenants, is known as Anti-Social Behaviour (ASB).

Housing providers often have a dedicated Anti-Social Behaviour Team. Threats, harassment, and intimidation are all types of anti-social behaviour. There does not need to be a physical incident for ASB teams to intervene.

Most housing providers will also have an ASB policy. It will likely be available online or you can request it.

Housing providers are allowed to set their own ASB and Safeguarding policies, and it is not governed by housing law.

However, they must adhere to the policies that they set out, and many ASB policies state that enforcement action will be taken against perpetrators of ASB.

At no point should you be pressured to disclose details of the sexual abuse you have experienced or any criminal justice processes to your landlord, housing association, or the local authority.

I am a survivor of sexual abuse and I am a council or housing association tenant

The perpetrator also has a council or housing association tenancy

The perpetrator works for the council or housing association

The perpetrator is a stranger, or someone not connected to the council or housing association, but I feel unsafe in the area where I live

The Pan-London Housing Reciprocal

This arrangement is an alternative route to housing based on a voluntary agreement between local authority housing providers and housing associations. It is available for anyone who is a housing association or council tenant, who feels unsafe in their home, and who wishes to move to a new borough. It means you can keep your social tenancy and move to a new area where you feel safe.

You must be referred by a professional, for example a social worker, someone from a voluntary agency or a housing officer. They will submit a referral on your behalf and your name and details will remain confidential. You can list boroughs you are happy to move to, and will be notified when a suitable property is identified.

Find out more from Safer London.
If you feel that your Housing Association or Council are not taking the steps that their policy outlines, then you can contact your local Law Centre for housing advice, as well as the free Shelter Housing Advice Line 0808 800 4444. If your Housing Association or Council agree to move you, but advise that there may be a waiting period, you can request emergency temporary accommodation from your council while you wait.

If you are unable to live at your home because it is causing you physical or psychological harm, you may be considered homeless by your Local Authority. The council determine who is and isn't homeless by using a piece of legislation called Part VII of The Housing Act 1996. In this document, it states “a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.” If you are likely to come to harm in your property, then it is not reasonable for you to occupy it any longer. This applies no matter who the perpetrator is. See information on presenting at the Local Authority.

If you are made/advised by the Council to give up your security of tenure as a result of the abuse you have experienced, then this could be indirect discrimination and you should seek legal advice about that. You should not be worse off as a result of fleeing, and this would include losing the rights that come with secure tenancies. Local authorities should take steps to facilitate a management transfer. They usually have provision for this in their housing allocations policy. Your housing officer can also make a referral to the Pan London Reciprocal Housing arrangement.

Additional security measures for your home are available through Victim Support or a local Sanctuary Scheme. The level of security offered will vary from borough to borough; you can usually expect support with door and window alarms, dummy CCTV equipment, and some teams may be able to assist with changing locks. National standards indicate that you do not have to report to the police to access this service. You can call Victim Support’s London Hub on 0808 168 9291, and a member of the team will direct you to your local service, or check your local authority website for information on Sanctuary Schemes in individual boroughs.

When your housing officer assesses your case, they will use a piece of legislation called Part VII of The Housing Act 1996 to understand what support they may owe you. Under this legislation, Section 184 states that the Local Authority has a duty to investigate the circumstances around your homelessness. This means it is their responsibility to make enquiries, rather than your duty to provide evidence.

In addition, the Homeless Code of Guidance advises against blanket policies demanding police evidence to progress any cases where the applicant is at risk of violence or harassment. The Local Authority should consider alternative means of understanding the situation, such as supporting letters from Sexual Violence professionals, healthcare professionals and any other professionals who you have disclosed to, or received support from.
I am a survivor of sexual abuse and I am not a UK national

If your accommodation arrangements break down, you can request support from the National Asylum Support Service (NASS). Requests for accommodation or subsistence money can be made by filling in an ASF1 form – available online here.

If successful, NASS will provide you with a place to stay.

If you need to stay in a particular area, you can request this, but will be asked to provide evidence as to your connection to the area. Unfortunately, there is limited choice and this may not be granted.

Every contractor providing NASS accommodation is required to have a safeguarding policy.

If you no longer feel able to reside in your NASS accommodation due to sexual violence, you can request a transfer to alternative provision.

The accommodation provider does not require prior consent from the Home Office to do so, although they must inform them that you have moved as soon as possible.

Remember...

It is important to communicate any change of address with the Home Office whilst they are processing your asylum claim.

If you have the right to live and work in the UK, you may be subject to an immigration condition called ‘No Recourse to Public Funds’, which means you cannot access benefits or housing. This will usually be included under the ‘remarks’ section on your passport stamp or biometric residence permit.

For your own safety it is advisable to access immigration advice before presenting to any public body to be clear on what your status is and what your rights are.

It is important to only access immigration advice from a reputable, OISC accredited source or immigration solicitor. See the useful resources below.

Useful resources

Migrants Resource Centre:
020 7354 9631

Migrant Help:
Contact for advice on 0808 8000 630 or for support filling in claims forms, call 0808 8000 631

Asylum Aid:
advice@migrants.org.uk
Praxis:
020 7749 7608
advice@praxis.org.uk
The Aire Centre:
020 7831 4276
info@airecentre.org

Women only services:
Solace Immigration Service:
Accessed via the Solace Advice Line on 0808 802 5565

Rights of Women:
020 7490 7689

Asylum Aid Women’s Project:
020 7354 9264
At no point should you be pressured or forced to disclose details of the sexual abuse you have experienced or any criminal justice processes. You can discuss this with your legal representative to determine what bearing this might have on your case.

Remember... it is always a good idea to access immigration advice before presenting to the Local Authority if you are unsure of your status.
I want to present to the local authority to access housing support

When you approach your Local Authority for housing assistance, they will use a piece of legislation called Part VII of The Housing Act 1996 to determine what duty to assist you they may have.

In order to access assistance with your housing, the Local Authority will need to investigate whether you meet certain criteria:

Eligibility
The council needs to establish if you have Recourse to Public Funds.
This usually applies to:
• British Nationals
• Individuals with Indefinite Leave to Remain
• Individuals with Refugee status
• EEA Nationals that are exercising their Treaty Rights
If you are not eligible, the council will not assist you. Please see our guidance for people who are not UK Nationals.

Homelessness
The council determine who is homeless using a piece of legislation called Part VII of the Housing Act 1996. This document states “a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy”
• If you are likely to come to harm in your property, then it is not reasonable for you to continue to live there.
• If you are unable to live in your home because it is causing you physical or psychological harm, you may be considered homeless or threatened with homelessness by your local authority.

Remember...
It is always a good idea to access immigration advice before presenting to the Local Authority if you are unsure of your status.

If you are homeless and eligible for assistance
The council has a duty to formulate a Personalised Housing Plan with you. This will outline:
• What steps they will take to support you with your homelessness
• Which steps you are expected to take
• Which steps are mandatory and which steps are advisory

If there is something in the plan that you feel unable to agree to, it is important you tell the Housing Officer. You do not have to sign anything you do not agree to. This is important, because if there are steps that are not met, the Local Authority can discharge their homeless prevention or relief duty.

Priority Need
The council uses 5 main criteria to decide who is in priority need of housing. These are:
• Pregnant women or any person who lives with a pregnant woman.
• Households where dependent children reside or might reasonably be expected to reside.
• All 16 and 17 year olds, provided they are not the responsibility of social services (a ‘relevant child’), or a child in need who the local authority owes a duty to under section 20 of the Children Act 1989.
• Care leavers aged 18 – 20 This applies to who were, but are no longer, looked after, accommodated or fostered between the ages of 16 and 18.
• Anyone who has lost accommodation as a result of an emergency, such as flood, fire or other disaster.

Under the Housing Act 1996, a person who the local authority considers vulnerable will also be accepted as being in priority need. The following groups may be considered to be vulnerable:
• People with physical or mental health difficulties or disabilities, old age, people with drug or alcohol support needs, or any other additional complex vulnerabilities.
• Someone who has been looked after, accommodated or foster and is aged 21 or over (not including ‘relevant students’).
• Someone who has been a member of Her Majesty’s regular naval, military of air forces.
• Someone who has served a custodial sentence, been committed for contempt of court, or similar offence, or has been remanded in custody.
• Someone who has had to leave their accommodation because of violence or threats of violence from another person that are likely to be acted upon.

I am eligible, homeless and in priority need
If the council has reason to believe that you are eligible, homeless and in priority need, then they have a duty to give you accommodation whilst it makes a decision on your application. You can push for this, but the responsibility lies with the local authority. This accommodation might be Bed and Breakfast or Hostel accommodation, while they are looking for something more suitable.

Any local authority you approach has a duty to look into your case. You may be asked questions about the urgency of your situation or alternative accommodation options, or you may be offered a list of private landlords. You should clearly state that you are homeless or threatened with homelessness and that you’d like your case to be opened and investigated.
The London Survivors Gateway offers victims and survivors of rape and sexual abuse help to access specialist services in London.

We provide information on what support is available after rape, sexual assault, sexual abuse or any form of sexual violence and can help survivors to access these services. We work with anyone aged 13 or above regardless of gender, sexuality, disability, language, ethnicity or immigration status.

The Gateway is a partnership between the four London Rape Crisis Centres, Galop, SurvivorsUK and the Havens and is run by the Women and Girls Network.

www.survivorsgateway.london
0808 801 0860