

## CASE STUDY 1



# Failure to provide suitable accommodation for BME women victims of domestic abuse resulting in hate crimes

SPRING 2020

From 2016-2019, Sisters For Change worked with Black, Asian and Minoritised (BME) Violence Against Women (VAW) service providers across England to investigate public authority responses to violence against BME women. Our 2019 report, *Unequal Regard, Unequal Protection 2: Spotlight on Manchester*, included a range of case studies exemplifying experiences of BME women in Manchester. This case study, taken from the report, focuses on access to suitable housing for BME women fleeing domestic abuse and assesses public authority compliance with human rights, homelessness, safeguarding and equality duties in relation to BME women victims of domestic abuse.

### LEGAL DUTY HIGHLIGHTED IN THIS CASE STUDY: DUTY OF HOUSING AUTHORITIES TO PROVIDE SUITABLE ACCOMMODATION TO BME VICTIMS OF DOMESTIC ABUSE

- 1** Housing authorities have a duty under the Housing Act 1996 to ensure that accommodation secured for BME women and children made homeless due to domestic abuse is suitable. Housing authorities are required to take account of any social consideration relating to the applicant and their household that might affect the suitability of accommodation, including any risk of violence, racial or other harassment in a particular locality, and have a continuing obligation to keep the suitability of accommodation under review and to respond to any relevant change in circumstances which may affect suitability.

### CASE FACTS

- 2** A is a Muslim woman and mother of four children who was referred to Saheli, a VAW front-line service provider based in Manchester, in June 2018. A does not speak or understand English and is unable to read or write in English. She was the victim of very severe domestic abuse in another part of England where her life was at risk from the perpetrator, her former husband. She was moved to Manchester into temporary accommodation because of fears for the safety of herself and her children. A was allocated housing in a deprived, predominantly white area of Greater Manchester. As a practicing Muslim, A wears a headscarf. When A initially arrived in the area, she wore a full face covering, but she abandoned this practice as a consequence of the religious abuse she suffered from people in the local area. A and her children have been the victims of repeated and on-going hate crimes<sup>1</sup> since moving into the area, suffering religious and racial verbal abuse, being spat at, having bricks thrown at the windows of her temporary accommodation and having people trying to break down the door to her property during the early hours of the morning. A lives in fear and is scared to go out of the property, even to take the children to school. Her younger children are also scared. Rather than shopping in the local area where she is targeted, A spends money she doesn't have to get a taxi to take her to a different area where she is able to buy essentials without being harassed, abused and intimidated. A plans her activities carefully, minimising the time she leaves her accommodation, only going out at times she knows will be quiet and buying her food in bulk.

<sup>1</sup> The term "hate crime" is used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's race, religion, disability, sexual orientation or transgender identity. These aspects of a person's identity are known as protected characteristics. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property.

- 3 Following the incident where bricks were thrown at the windows of her accommodation, police attended to take a statement. They had no interpreter. Rather than making arrangements for an interpreter to attend to take A's statement, the police officer asked A's 15 year-old son to act as interpreter.
- 4 The local authority offered A alternative temporary housing, but this accommodation was in a similar deprived, predominantly white area (known locally as a racist area) and situated between two pubs. A visited the property and felt that she and her children would be at an even greater risk of violence if she moved to the alternative accommodation. She therefore refused to move. Housing authority officers refused to acknowledge that there were any risks associated with the location and informed A that she would not be assessed as being in priority need of alternative housing. The local authority is no longer actively searching for alternative accommodation for her and her children and they remain in an area where they are subjected to religious hate crimes on a weekly basis.
- 5 BME specialist VAW caseworkers consider that A's needs have been deprioritised as a result of her refusal of alternative accommodation which they agree was wholly unsuitable for her and her children. The Police Community Support Officer has expressed concern that A and her children have not been allocated alternative housing and is aware of the hate crime and harassment that they are enduring. No arrests have been made in relation to the incidents reported by A.
- 6 As well as being socially and culturally isolated, A has reported an overall lack of support from statutory services, including local authority housing services, her children's school and the police.

## CASE ANALYSIS

- 7 The case demonstrates the failure by the housing authority to understand or take into account A's religious and cultural needs and to take seriously the risk posed to A and her children from religious hate crimes. The case raises significant questions regarding the housing authority's compliance with its duties to provide homelessness services, including:
  - + The failure of the police and housing authority to take seriously A's repeated reports of religious hate crimes indicates a potential breach of the human rights duty to take measures to ensure that individuals are not subjected to torture, inhuman or degrading treatment, including ill-treatment perpetrated by private individuals under ECHR Article 3.
  - + The failure to take account of the religious and cultural needs of A and her children indicates a potential breach of the housing authority's duties under the Equality Act and a potential breach of its duties under Part 7 of the Housing Act 1996, including the requirement when developing a personalised housing plan to be particularly sensitive to an applicant's wishes as required by the *Homelessness Code of Guidance for Local Authorities*.<sup>2</sup>
  - + The failure to recognise A and her children as vulnerable and in priority need of alternative accommodation indicates a potential breach of the housing authority's duties under Part 7 of the Housing Act 1996. A person who is vulnerable as a result of having to leave accommodation because of violence from another person, or threats of violence from another person that are likely to be carried out, has a priority need for accommodation.<sup>3</sup> It is not only domestic violence and abuse that is relevant, but all forms of violence, including racially motivated violence or threats of violence likely to be carried out.

<sup>2</sup> Homelessness code of guidance for local authorities 2018 (updated 29 June 2020) (LA Guidance), chp. 21, para. 21.26. available at: <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-1-introduction>.

<sup>3</sup> Homelessness (Priority Need for Accommodation) (England) Order 2002, Article 6.

- + The failure of the housing authority to recognise and adequately respond to the risk posed to A and her children by religious hate crimes indicates a potential breach of the duty to take account of all forms of violence, including racially or religiously motivated violence or harassment, in assessing the suitability of accommodation.<sup>4</sup> *The Homelessness Code of Guidance for Local Authorities* specifically requires local authorities to take account of any social considerations relating to the applicant and their household that might affect the suitability of accommodation offered to them to prevent or relieve homelessness, including any risk of violence or racial harassment in a particular locality.<sup>5</sup>
- + The failure of the housing authority to respond to the religious hate crimes experienced by A's children indicates a potential breach of the s.11 Children Act 2004 duty to have regard to the need to safeguard and promote the welfare of children.
- + The failure to provide suitable accommodation to A and her children indicates a potential breach of the duty to extend the same level of support to those from other areas as they do their own residents.<sup>6</sup>
- + The housing authority's de-prioritisation of A following her refusal to move to alternative accommodation indicates a potential breach of A's right to request a review of the suitability of her accommodation.

For further case studies, refer to the two other case studies in this series. For further information about public authority responses to BME women victims of violence in England and Manchester, please access Sisters For Change's two reports, *Unequal Regard, Unequal Protection: Public authority responses to violence against BME women in England* (November 2017) and *Unequal Regard, Unequal Protection 2: Spotlight on Manchester* (June 2019) available on our website: [www.sistersforchange.org.uk/global-law-reform-resource-hub/](http://www.sistersforchange.org.uk/global-law-reform-resource-hub/)

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4 LA Guidance, chp. 21, para.s 17.6 and 21.33.  
5 LA Guidance, chp. 21, para. 21.37.