



Ministry of Housing,  
Communities &  
Local Government

[REDACTED]  
*Deputy Prime Minister and Secretary of State for  
Housing, Communities & Local Government*  
2 Marsham Street  
London  
SW1P 4DF

Our reference: [REDACTED]

Harry Lambert  
Assistant Coroner  
Inner North London  
Bow Coroner's Court  
Bow Road  
London  
E3 3AA

13 December 2024

Dear Mr Lambert,

**RESPONSE TO REGULATION 28: REPORT TO PREVENT FUTURE DEATHS - INQUEST INTO THE DEATH OF JOANITA NALUBOWA**

Thank you for your letter and investigative report dated 13 August 2024 into the tragic death of Joanita Nalubowa, which was made in accordance with Paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

First, I want to express my sincere condolences to Ms Nalubowa's family and friends. I was very sorry to read about her death, and the situation and circumstances that led to her tragically taking her own life. It is vitally important that vulnerable individuals are provided with the support and care they deserve. As a victim of domestic abuse experiencing mental health challenges, from the evidence provided and the information in your report, it appears that at a crucial time, Ms Nalubowa's needs were not met and that the system failed and let her down.

I have provided more detail below on the relevant frameworks that should have been in place to support Ms Nalubowa to access homelessness support or social housing. From the evidence provided, it appears that these frameworks failed Ms Nalubowa in practice. **I will be writing to the local authorities concerned to remind them of their statutory duties in this regard. I will reiterate my expectation that local authorities should place a high level of importance on using the discretion available to them when assessing applications for homelessness support or social housing, particularly for vulnerable people such as Ms Nalubowa.**

In addition, **the Government will bring forward changes to social housing allocations regulations to apply exemptions to victims of domestic abuse from local authority residency and local connection tests.** This will ensure all local authorities must provide this exemption.

Below I set out more on the specific aspects and explain in more detail the steps I am proposing to take to ensure that the tragic situation that Ms Nalubowa faced is not experienced by others.

## **Matter of Concern 1: Aftercare support where section 117 Mental Health Act 1983 does not apply**

My Department is committed to continuing to work with the Department of Health and Social Care (DHSC) to ensure the effective interaction between health and housing support services. On 6 November, DHSC introduced a Mental Health Bill to reform the existing Mental Health Act and make it fit for the 21st Century, improving patients' experiences of hospital and mental health outcomes ([Better care for mental health patients under major reforms - GOV.UK](#)). The Bill will improve decision making around detention, discharge, care and treatment. Discharge processes will also be reviewed more broadly and will include a safety management plan for the patient, to keep themselves and others safe.

## **Matter of Concern 2: Housing Support**

My Department is responsible for the statutory frameworks that govern both homelessness and access to social housing. The Housing Act 1996 Part 7 sets out the duties local housing authorities have towards homeless households, and the Housing Act 1996 Part 6 sets out social housing provision.

Based on the evidence provided, there are several aspects of these legislative frameworks that may have been of relevance to Ms Nalubowa's experience of seeking accommodation support.

### **Homelessness – Local Connection**

As set out at S184(2) of the Housing Act 1996, when a local authority makes inquiries to determine whether an applicant is owed homelessness duties, part of these inquiries can be to establish if an applicant has an existing local connection.

In instances where the duty has been accepted by an authority, but the applicant does not have a local connection with that authority, the authority may refer the applicant to a local authority where the applicant does have a local connection. However, the ability of a local authority to refer is a power, rather than a duty, and so it is at the authority's discretion to make a referral.

Importantly, as set out within the S198 of the Housing Act 1996, certain conditions must be met in order for a referral to be made, one of which is that the person would not be at risk of domestic abuse in the area where the referral would otherwise be made.

In circumstances where an applicant is at risk of domestic abuse in a certain area, which as suggested in your report may have been a factor that led Ms Nalubowa to seek support in London rather than Stockton, an authority cannot refer them to an area where they would be at risk (S198(2)(c)), and must instead accept the homelessness duty themselves.

The statutory Homelessness Code of Guidance is also clear that local housing authorities should enquire whether the applicant would be at such a risk, and stipulates that authorities should not impose a high standard of proof when making its decision ([Local connection and referrals to another housing authority – Homelessness Code of Guidance – GOV.UK.](#)) From the evidence provided, it appears that in Ms Nalubowa's case the legislation may not have been applied as intended.

### **Social Housing – Access and Priority**

Local authorities have the power to manage their own allocation scheme and by law must give certain people 'reasonable preference' (priority) for an allocation of social housing. This includes people who are homeless, or who need to move for medical or welfare reasons (including those suffering from mental illness). Local authorities can also give 'additional preference' (high priority) to those in the reasonable preference categories that have very urgent housing needs. Statutory guidance is clear that local authorities should consider giving additional preference to those escaping domestic abuse.

Guidance is also clear that local authorities have powers to exempt victims of domestic abuse from any local connection tests to determine who qualifies for an allocation of social housing and should consider the needs of those that require support to rehabilitate and integrate back into the community.

From the evidence provided, it appears that the frameworks governing social housing and homelessness failed Ms Nalubowa in practice. I will be writing to the local authorities concerned to remind them of their statutory duties in this regard and to ensure awareness of the flexibilities provided. I will reiterate my expectation that local authorities should place a high level of importance on using the discretion available to them when assessing applications, particularly for vulnerable people such as Ms Nalubowa.

The Prime Minister also announced on 24<sup>th</sup> September that the Government will bring forward changes to social housing allocations regulations to apply exemptions to victims of domestic abuse from local authority residency and local connection tests. This will ensure that all local authorities must provide these exemptions.

I also want to reiterate the Government's commitment to working with councils, partners and other stakeholders to support vulnerable groups, including those who are vulnerable due to mental illness. Nobody should feel afraid in their own home and we are committed to halving violence against women and girls in a decade, and we will do everything in our power to achieve this and use every lever across government. As part of this work, and learning from Ms Nalubowa's tragic circumstances, we are determined to explore what more can be done to reduce barriers to access social housing so that we can provide help for those who need it most.

Thank you for bringing the tragic death of Ms Nalubowa to my attention and once again, I wish to express my sincere condolences to Ms Nalubowa's family and friends.

Yours sincerely,



Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government