

# DOMESTIC ABUSE POLICY



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### 1. Introduction/Policy Statement

Westlea Housing Association will not tolerate domestic abuse and will take all reasonable steps to assist any person suffering from or **threatened** with violence or abuse.

- We are committed to reducing incidents of Domestic Abuse
- We will take very seriously any allegations of Domestic Abuse
- We are committed to support Survivors of Domestic Abuse

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## 2. Aims and Objectives

The main objectives of this policy are to adopt a strategic approach for responding to domestic abuse to:

- a) **Increase safe choices for those experiencing domestic abuse**
- b) **Develop strategies for awareness raising and training.**
- c) **Work together with other agencies**
- d) **Provide easily accessible information**

## 3. Policy Principles and Scope

Westlea Housing Association will adopt a multi-agency approach and will work in partnership with the local authority, the police and other relevant bodies to tackle domestic abuse.

Additionally, staff will adopt collective and individual responsibility to deal with cases of domestic abuse in very relevant aspect of service delivery.

Recognizing that evidence of domestic abuse may not always be readily available, staff will, in the first place, accept the incident, without formal evidence, until further investigations prove otherwise.

(This should set out the main principles that govern the policy e.g. “Westlea Housing Ltd must comply with the Data Protection Act 1998” or “Westlea Housing Ltd will ensure that this policy is applied to every relevant aspect of its service delivery.” Scope should cover whether the policy only applies in certain circumstances or to certain groups of people.)

## 4. Definitions

The Home Office defines Domestic Violence as:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate partners or family members, regardless of gender and sexuality”.

(Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.)

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This includes issues of concern to BME communities such as so called 'honour crimes' and forced marriages.

## ***Home Office, November 2005***

Domestic violence involves a range of abusive behaviours.

Physical, sexual, financial, mental and emotional abuse and other types of controlling behaviour such as isolation from family and friends. It also covers incidences of harassment and stalking. (Stalking was a feature in 40% of domestic murders reviewed by the Metropolitan Police)

This policy is intended to cover all such incidences.

Following consultation, the decision was made to adopt the term Domestic Abuse whilst still recognizing the official Home Office definition.

## **5. Terms of Reference**

Physical abuse is a criminal offence; other types of abuse such as psychological abuse, emotional and financial abuse may not be but can still affect quality of life and feelings of safety.

Westlea encourages victims of domestic abuse to report their suffering to the police but will consider their needs even if they have not been reported.

The legislation which is relevant is listed below.

**(N.B This list is for reference only. Uses of the legislation and the housing options available for victims will be detailed in the procedure and work instructions)**

### **Protection from Harassment Act 1997**

The Protection from Harassment Act introduced new powers to address all types of harassment, which could include domestic abuse. There are two main offences in the act, the offence of harassment, and the offence of putting people in fear of violence, sometimes called "aggravated harassment". As well as the police taking criminal proceedings under the Act, it is possible for victims to take civil action in respect of harassment.

### **The Housing Act 1985 & 1996**

Eviction for domestic abuse may be achieved under three different grounds

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in Schedule 2 of the 1985 Act:

- Ground 1 covers breaches of the tenancy agreement and Ground 2A is specifically for domestic abuse where the victim has left as a result.
- Ground 2 may also be relevant where domestic abuse involves nuisance or annoyance to people other than those living in the home and/or where a criminal offence involves nuisance or annoyance and/or certain convictions

Generally speaking, under section 152 of the 1996 Act, an injunction can be obtained against a person who has harassed people who are lawfully in the area of local authority housing where that harassment included violence or threats of violence. A power of arrest may be attached to the injunction.

Section 153 of the 1996 Act makes it possible for a landlord to have a power of arrest attached to other injunctions, provided the perpetrator is their tenant and is in breach of their tenancy agreement and there is an element of violence.

The Anti- Social Behaviour Act 2003, replaced sections 152 and 153 Of the 1996 Act with new powers as mentioned below.

## **Anti Social Behaviour Act 2003**

Under the Act an injunction can be obtained against a person who is causing nuisance and annoyance to anyone who is entitled to live in local authority/RSL housing.

If there is proof of abuse and a risk of harm, the court may attach a power of arrest and may exclude the defendant from his or her home. Injunctions are still available to prevent breaches of tenancy agreements.

There is a power under the act demote a secure assured tenancy, which in the case of domestic abuse would be similar to a possession order suspended on behavioural terms.

## **Family Law Act 1996**

Injunctions (non molestation orders) or Occupation orders can be obtained by victims directly under Civil Law. Where a joint tenancy or joint ownership occurs, Matrimonial Home rights under the Family Law Act can protect rights.

## **The Human Rights Act 1998**

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Under this Act a victim suffering an abuse of one of the human rights by a relevant organization will be entitled to complain to a court of law in the UK and could seek compensation. Individuals (such as the perpetrator/s of domestic abuse) cannot be sued for breaches of human rights, but the practices of RSL'S can be challenged on the basis that they are incompatible with the European Convention on Human Rights.

**This is not an exhaustive list and staff should consult with Legal Services if they require specific advice and certainly before taking any legal action.**

## 6. Responsibilities

The Neighbourhood and Support Services Manager has the remit for domestic abuse.

Responsibilities include:

- Periodic reviews of the Domestic Abuse Policy and Procedure
- Ensuring staff have access to accurate information and advice on domestic abuse.
- Arranging relevant training for all staff on domestic abuse and related topics.
- Ensuring the organization is represented on the at the Multi Agency Risk Assessment Conference (MARAC).
- Ensuring the organization is represented on any Domestic Abuse Forum and any subgroups in their area of operation.
- Supporting multi agency initiatives.

Housing Team Leaders should ensure that all staff within their team are aware of the policy and procedure to deal with cases of domestic abuse.

## 7. Domestic Abuse

The aims and objectives of this policy should form the basis of a domestic abuse strategy for the organisation. To include:

### **a) Increase safe choices for those experiencing domestic violence**

The procedural guidance that accompanies this policy will give comprehensive guidance for front line staff in supporting victims of domestic abuse in:

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- Disclosing abuse
- Initial Measures to be taken
- Continuing support to the victim
- Consideration for the children that may be affected
- Advice for victims who are planning to leave
- Dealing with perpetrators
- Rent arrears
- Management transfers

Westlea will take a victim-centred approach with individuals' safety being its primary concern.

This should include the following:

### **Sanctuary schemes**

**'The Sanctuary Scheme** is a victim centred initiative and an innovative approach to homelessness prevention. It is designed to enable victims of domestic abuse to remain in their own accommodation, where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation. If a victim feels compelled to move then the disruption to family and other support networks, education and employment can sometimes lead to homelessness. The main feature of the scheme is the creation of a 'sanctuary room', providing a safe room or sanctuary from where victims can call and wait for the arrival of the police. Additional security can also be provided, i.e. locks on windows and doors, gated security to the outside of a property, fire hammers, fire blankets and emergency lighting'

(DCLG, Options for setting up a sanctuary scheme December 2006)

Swindon Borough Council and Wiltshire Council both operate Sanctuary schemes that are available to all residents.

In conjunction with the local authority, the police and any other involved agency we will consider the option of a 'sanctuary scheme' in any Westlea home where this is required, subject to:

- it being practical to do so; and
- funding being available from the local authority, where the likely cost is in excess of £500.

For a basic Sanctuary scheme, costing under£500, Westlea will fund the works).

Sanctuary schemes will not be provided as an emergency (within 24 hours), but will be a considered response based on a thorough risk assessment. It is

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envisaged that any sanctuary scheme will be in place within 2 weeks, during which time the victim will need temporary housing for their safety.

Westlea Housing Association participates in and supports this scheme in both local authorities.

## **Repairs**

We will enable victims to stay in their home if they wish, through the urgent repair of damaged property. If any repair work is necessary to secure the property, Westlea Housing Association will carry out repairs, without recharges, with a Priority 1 response time.

## **Rent arrears**

In cases where a tenant who is subject to domestic abuse has accrued rent arrears, those arrears could be written off under the 'exceptional circumstances' criteria.

Also in certain cases of further danger, where a victim is being tracked or has returned to the perpetrator, we will review the approach to collecting arrears to ensure this does not put them in further danger.

## **Management Transfers and re-housing**

Applications for emergency transfers on the grounds of domestic abuse will be considered fairly and sympathetically.

Where it is not possible to resolve the problem, other housing options can also be pursued in collaboration with other agencies to help provide choices for victims.

Westlea will make every effort to avoid victims having to declare themselves as homeless. However, this aim must always be secondary to their safety.

## **Tenancy Agreements**

In the case of domestic abuse as with other forms of harassment and anti-social behavior we will take appropriate action against perpetrators, if necessary, leading to eviction.

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Dependent upon the circumstances, this would provide an opportunity for the victim to either return to the home, or if they have been re-housed, to re-let the original home to someone else.

### **Confidentiality**

This is paramount when dealing with domestic abuse cases.

Breaches of confidentiality could have severe repercussions for individuals and/or families, therefore, files must be maintained appropriately and kept secure.

Information will not be passed to a third party without the consent of the victim.

**NB: The requirement for information sharing where there are Child Protection concerns will override this.**

### **Closure of cases**

A case will be closed when:

- it has been successfully resolved by whatever means; or
- the perpetrator of the domestic abuse has been evicted, or convicted of the offence; or
- there is no further action which can be taken.

A clear conclusion is important to all concerned, i.e. the victim, the alleged perpetrator and Westlea.

A decision to close a case should always be discussed and agreed with the victim in a formal review meeting.

Formal closure of a case should be in writing to the victim, clearly explaining the reasons but only where it is safe to do so..

The appropriate manager will evaluate the effectiveness of every closed case.

Where residents have any positive or negative feedback about the way this policy is implemented; we encourage them to provide this to us.

We will accept feedback in any format, but preferably in writing, and will

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consider this and acknowledge within 3 working days and respond within 10 working days.

### **b) Develop strategies for awareness raising and training.**

- Make training and information available for all relevant staff, ensuring they are aware of the key issues and appropriate legislation, such as the Housing Act 1996 (as amended), the Forced Marriage (Civil Protection) Act 2007, the Domestic Violence Crime and Victims Act 2004 and the right of a victim to make a homeless application to the local authority.
- Nominate a 'champion' board member for domestic abuse that would be prepared to receive specialist training on the issue.
- Have named internal contacts for dealing with domestic abuse issues and ensure all staff know who they are.

### **c) Working together with other agencies**

- Develop relationships with other agencies in order to provide a co-ordinated service. These include other housing associations, the local authority, specialist support agencies, Women's Aid, Refuge, the police, health centres, community groups and other appropriate agencies.
- Ensure we are represented at the local domestic abuse fora and MARAC( Multi-agency risk assessment Conference). Each local authority facilitates these and all relevant agencies attend.
- Adopt a policy for evicting the perpetrator of domestic abuse. The policy should be clear about the criteria for evicting a perpetrator and consideration should be given to whether this puts the victim more "at risk", through consultation with other agencies.

Perpetrators can be signposted to behavioural programmes and support services listed within the accompanying procedures.

We will develop an agreed protocol for exchanging information with other agencies.

### **d) Providing easily accessible information**

- Develop a central information bank, with contact numbers of local and national support agencies and help lines, police, Women's Aid,

solicitors etc, which can be easily accessed by users, either over the internet or in leaflet form and including where required, different languages, easy-read format, tapes etc.

- Keep up to date on services provided by other statutory and voluntary agencies for victims and perpetrators of abuse and how these services can be accessed.
- Ensure information is displayed and distributed. Include domestic abuse support information in bulk mail outs – with the tenant handbook, rent statements, tenant newsletters or annual reports.

## 8. Equality and Diversity

There is no typical recipient or perpetrator of domestic abuse.

Domestic abuse occurs across society, regardless of age, gender, gender identity, race, marital status, sexuality, religion, disability, wealth and geography. The incidents can occur at any stage of a relationship and may continue after the relationship has ended. It happens in heterosexual and same-sex relationships, and can involve forced marriage, female genital mutilation and 'honour' crimes. It can also be perpetrated against older people and those who are being cared for by others.

Although men can be the victims of domestic abuse, the evidence of reported incidents show that it is predominately perpetrated by men against women. The second largest category of victims is men in homosexual relationships.

The Home Office produced the following circular in 1995, which highlighted the significant harm that children experienced through Domestic Abuse.

This emphasizes that this policy and any work or support services that are provided must take into account the experiences of children:

“Domestic Violence not only causes damage to those women directly experiencing it, but almost always affects the children within that relationship. Children may be at risk of suffering long –term psychological and emotional damage as a result of witnessing the violence perpetrated against their mothers, experiencing the stresses and tensions involved in living in an environment where the likelihood of violence is ever present, or becoming actual victims of violence and abuse. Witnessing domestic violence may have the effect of teaching children that violence is a legitimate response to problems and a means of maintaining control over other people in intimate or family relationships’ (Home Office Circular, August 1995)

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Guidance on support services and Child Protection will be covered in the procedures.

We know that barriers exist, which mean that some groups of people are less likely to report offences. Barriers can be due to institutional racism, homophobia and other prejudices. They can also be due to language, culture, religion, ethnic or national background.

The Group's Equality and Diversity Strategy states our commitment to recognising diversity and providing services that take account of these issues.

We have a commitment to provide information in a variety of formats and have suppliers who are able to provide information in other formats on demand

What are the customer outcomes?
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Improvements in service provision and co-ordination aim to benefit and respond to the diverse needs of all those experiencing abuse in a domestic setting.

The policy is intended to promote good practice and closer interagency working. It provides protection for vulnerable adults and children.

It will give guidance to and raise awareness of staff on how to deal with reports of domestic abuse, whilst maintaining confidentiality and a victim centred approach.

Service user feedback will inform good practice and influence the policy by presenting the experiences of those seeking help to deal with abuse.

The policy will provide a consistent approach so people do not go unsupported, which in the worst case scenario could lead to serious injury or loss of life.

Since April 09, 13 domestic abuse cases have received intervention and support.

We would expect the policy to improve service provision to assist individuals and would therefore expect to see an increase in disclosures made and cases logged as a result of this policy in the longer term.

Can we achieve the same outcomes for all groups of people?

No adverse effect on any different groups or individuals is foreseen.

How will it be publicised or made accessible?

We will ensure that this policy is applied fairly and consistently to all our residents. When applying this policy we will take positive action to reduce discrimination. This policy and other related publications are available on request in other formats.

### 9. Monitoring and Review

An integral part of this policy must be a method by which it can be monitored for performance as well as compliance.

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The new IT based housing management system enables us to record data on all domestic abuse cases. The procedures attached to this policy also include a system to record incidents from the beginning to the conclusion of the case.

The Policy will also be monitored on the basis of equalities and diversity issues. The views of users, staff and external agencies will be sought in the periodic review of the policy and procedures. Furthermore, in light of any legislative changes the policy will be amended/revised accordingly. Any policy changes nationally will be reflected in this document as and when they occur.

## 10. Implementation Plan

Members of staff will adopt a proactive approach to cases, to include the effective management of casework.

Front line staff are expected to respond to cases of domestic abuse within target times specified in the procedure. If there are any staffing issues as a result then other work must be prioritized accordingly.

## 11. Resources

Staff should be supported emotionally and practically when dealing with domestic abuse. External counselling is available to staff through the Employee Assistance Programme if required.

Key members of staff will require training so that they are able to respond sensitively and proactively to victims of domestic abuse. This can be provided in-house by Supported Housing staff.

There may be a need for translation and interpreting services.

There could be a cost implication for updating leaflets and other documentation.

## 12. References

In September 2008, the Housing Corporation launched "*Behind Closed Doors*", new guidance for housing associations aimed at providing services to victims of domestic abuse. The Tenant Services Authority is now the regulator of social housing in England but the Housing Corporation document still stands until further guidance is published.

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The HAT(Homeless Action Team) Discussion Paper, 26<sup>th</sup> May 2009, also gives further guidance and practical examples from other organisations.

***This policy is a response to those recommendations and guidance and should be read in conjunction with the Domestic Abuse Procedures which are contained in a separate document.***