

## LHC Domestic Abuse Policy



<b>Reference:</b>	Version 1	<b>Author:</b>	Sue Needham
<b>Scope:</b>	Loddon Homes Berry Brook Homes	<b>Approved by:</b>	Holly Messenger
<b>Legislation:</b>	Housing Act 1985 Housing Act 1988 Housing Act 1996 Housing Act 2004 Equalities Act 2010 Localism Act 2011 Anti-social Behaviour Act 2003 Anti-social Behaviour, Crime and Policing Act 2014 The Homes and Communities The Domestic Violence, Crime and Victims Act 2004 The Protection from Harassment Act 1997 The Family Law Act 1996 The Crime and Disorder Act 1998 Human Rights Act 1998 Data Protection Act 2018	<b>Date of approval:</b>	November 2019
<b>Regulatory/ Governance:</b>	The Regulator of Social Housing Neighbourhood and Communities Standard and Tenancy Standard.	<b>Date of next review:</b>	November 2022
<b>Related Policies:</b>	Anti-social behaviour hate crime and harassment policy Tenancy policy Allocations policy Safeguarding Adults at Risk policy Safeguarding Children and Young People policy Tenancy Fraud policy		

## 1. Policy Statement

- 1.1 This policy applies to Loddon Homes and Berry Brook Homes which collectively will be referred to as the Local Housing Companies (the LHC).
- 1.2 The LHC has delegated responsibility to Wokingham Borough Council (WBC) for ensuring that this policy is implemented and delivered. The relevant procedure and toolkit has been developed and this is being delivered by WBC Tenancy Services.
- 1.3 Although WBC has been delegated responsibility, the LHC will be consulted and to sign off the following proposed actions in delivering this policy:
  - Any decisions relating to the existing tenancy
  - Possession action due to the perpetrator's actions
- 1.4 The LHC have signed up to the CIH Make a Stand pledge and is committed to ensure that the following are in place by September 2019:
  - This policy is in place and embedded
  - There is easily accessible information on the website relating to services who support victims of domestic abuse
  - A HR policy is in place to support employees who are victims of domestic abuse.
  - A champion at senior level is appointed.
- 1.5 The LHC recognise that domestic abuse can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic abuse affects both male and female victims, including those in lesbian, gay, bisexual and transgender (LGBT) relationships. We are committed to supporting victims of domestic abuse regardless of gender or sexuality.
- 1.6 The LHC are committed to ensuring that their residents should not live in fear of violence or abuse. We take domestic abuse seriously and will always provide a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse.
- 1.7 We will work with our partners to support victims and deal with the perpetrators as domestic abuse cases require a multi-agency approach.
- 1.8 The LHC will not investigate any reports of anti-social behaviour (ASB) if they relate to domestic abuse. This policy will be applied in these cases. However, it is recognised that on certain occasions the victim or perpetrator of domestic abuse may also be the alleged perpetrator of ASB and in these cases will be investigated as such in line with the ASB policy.
- 1.9 The LHC will ensure that a suitably experienced manager will take the lead on domestic abuse. The role of this manager will be ensuring that this policy is adhered to at all times, attending partnership meetings such as MARAC (Multi agency risk assessment

conference), arrange appropriate training of staff, and supporting officers who are managing cases.

1.10 Where the LHC has good reason to believe that the victim has falsely alleged domestic abuse as a means to obtain alternative housing more quickly, we will explain to the victim why their allegations have not been accepted and give them an opportunity to give additional information to support the claim. Where we still have good reason to believe the claim is fraudulent, then the decision will be put in writing and the victim advised that they can ask for a review of the case. This will be undertaken by the Tenancy Services. The LHC reserve the right to take action as appropriate under its Tenancy Fraud policy in these circumstances.

1.11 Supporting its employees to recognise, identify and report to housing management potential domestic abuse by understanding signs and symptoms.

1.12 Taking a robust approach to tackling domestic abuse.

## **2. Scope**

2.1 This policy sets out how the LHC will respond to reports of domestic abuse in the communities in which it operates.

2.2 This policy relates to all of LHC residents, including tenants, shared owners, and other household members.

2.3 This policy is for all LHC and the managing agent staff who are involved in tenancy management and the development and implementation of resident services.

2.4 The LHC will promote this policy and its approach with key partners and stakeholders.

2.5 The LHC recognise that domestic abuse is a serious issue and incidents of domestic abuse critically affect many people's lives. Domestic abuse takes the form of power and control exerted on one party by the other party. Children can be affected by domestic abuse and domestic abuse is therefore a safeguarding and child protection issue.

## **3 Roles and Responsibilities**

3.1 This policy applies to all the LHC staff who are involved in tenancy management and the development and implementation of resident services.

3.2 The LHC are committed to:

- Providing a positive response to reports for domestic abuse and being clear about what support we can offer.
- Taking a victim centered approach in responding to reports for domestic abuse.
- Taking a robust approach to tackling domestic abuse.

## 4 Definitions

4.1 The Government definition of domestic violence and abuse is:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

4.2 Controlling behaviour: is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

4.3 Coercive behaviour: is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. This definition includes 'honour' based violence, female genital mutilation and forced marriage.

4.4 The Domestic Abuse, Stalking and Honour Based Violence (DASH) risk identification assessment and management model was implemented across all police services from March 2009.

4.5 The LHC are committed to attending Multi Agency Risk Assessment Conferences (MARAC) when domestic abuse has been reported.

## 5 Legislation

In delivering this policy the LHC must comply with the requirements under the following statutes:

Housing Act 1985

Housing Act 1988

Housing Act 1996

Housing Act 2004

Equalities Act 2010

Localism Act 2011

Anti-social Behaviour Act 2003

Anti-social Behaviour, Crime and Policing Act 2014

The Domestic Violence, Crime and Victims Act 2004

The Protection from Harassment Act 1997

The Family Law Act 1996

The Crime and Disorder Act 1998  
Human Rights Act 1998  
Data Protection Act 2018

## **6 Procedure**

### **6.1 . Reporting Domestic Abuse**

- 6.1.1 On receipt of a complaint of domestic abuse, the LHC staff will listen to the person suffering the domestic abuse sympathetically, without judgment, and assist them in obtaining immediate advice and support them on the appropriate course of action. Any measures that will assist to reduce the risk of harm will be considered but taking into account potential further risk to the victim. See section 6.2
- 6.1.2 The LHC will take into account the varying circumstances of victims of domestic abuse and the different courses of action which may be possible and appropriate.
- 6.1.3 Men and women may equally be the victims of domestic abuse which can also occur in same sex couples and staff will deal with such incidents in a sensitive manner.
- 6.1.4 In the first instance we will accept that evidence of domestic abuse is not always readily available. We will accept the victim's account of the domestic abuse and not insist on them providing proof before we take appropriate action.
- 6.1.5 The LHC will refer the person suffering from domestic abuse and the threat of domestic abuse to the appropriate agency to complete a DASH. This checklist will be used, by the agency, when an initial disclosure of domestic abuse is received to ensure the victim is responded to quickly and appropriately to address the risks they face.
- 6.1.6 The LHC will widely publicise the broad range of mechanisms available for reporting incidents of domestic abuse, which include:
- telephone
  - talking directly to Housing Officers and Managers
  - e-mail
  - written correspondence
  - personal visits to the Civic Centre
  - through a third party with consent (e.g. Councillor, friend, advocate, carer or relative)

### **6.2 Support for Victims of Domestic Abuse**

- 6.2.1 Every effort will be made to ensure that those subjected to domestic abuse are dealt with in a sensitive and sympathetic manner by officers taking a non-judgemental approach. Key considerations include:

- The option of being interviewed by someone of the same sex
- To be interviewed in the location of their choice, (subject to satisfying any concerns about staff safety)
- Not to be interviewed in the presence of their children (if necessary another staff member should supervise children)
- Translation services being available
- The victim being able to have a friend or advocate present at the interview if they wish

6.2.2 Recognising that evidence of domestic abuse may not always be readily available, investigators will, in the first place, accept the incident without formal evidence until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty. While evidence or verification of some kind may be required for certain legal proceedings, this is not a requirement in order for the LHC to provide support, advice and assistance to victims. Officers will listen, support and, wherever possible, respond to the victim's needs.

6.2.3 The LHC will refer cases to specialist agencies, who will give advice on all aspects of dealing with domestic abuse and support people suffering from domestic abuse or the threat of domestic abuse. This referral will only take place with the permission of the person suffering from the domestic abuse or threat of domestic abuse.

6.2.4 The LHC will maintain confidentiality to ensure the safety of the person experiencing the domestic abuse at all times and when referring to specialist agencies.

6.2.5 The LHC will endeavour to contact other agencies to provide information on additional security measures, if the victim feels able to remain in their own home.

6.2.6 A referral to MARAC will be made only when i) the risk assessment meets the threshold and ii) when the victim consents to this.

6.2.7 In cases of domestic abuse and only with the victim's consent, we will take firm, prompt and appropriate action against the perpetrators including, if necessary, action leading to eviction from our property but only when this will not render the victim homeless.

6.2.8 Our tenancy agreements support us to take action against perpetrators of domestic abuse where other methods have not worked or it is proportionate to do so.

6.2.9 We may also signpost perpetrators to support agencies that provide specialist services.

6.2.10 We will provide on-going and appropriate support to victims and perpetrators as necessary.

### **6.3 Safeguarding Children and Adults**

6.3.1 Domestic abuse in families, should always be considered as having a negative impact on children and staff need to be aware of their needs and be mindful of the requirement to comply with the Safeguarding Adults at Risk policy and Safeguarding Children and Young People policy

## **6.4 Confidentiality and Information Sharing**

- 6.4.1 The Data Protection Act 2018 allows for the exchange of information where it is for the prevention or detection of crime or for the apprehension or the prosecution of offenders.
- 6.4.2 The LHC will only share information with other agencies with written consent unless we are required to do so by law or the information is necessary for the protection of children.
- 6.4.3 The LHC will explain to victims the importance of the processes in dealing with domestic abuse and that it may be necessary to disclose information to other agencies that may be able to offer help and support.
- 6.4.4 Section 115 of the Crime and Disorder Act 1998 allows the LHC and partners to share information for the purposes of preventing and detecting crime which includes domestic abuse.
- 6.4.5 The LHC recognise that confidentiality is important to build up a relationship of trust with the person experiencing the domestic abuse to reassure them that any information provided will be kept in the strictest confidence within the LHC and the managing agent. If a case is referred to another agency their confidentiality policies will apply.
- 6.4.6 The LHC will only share information, where necessary, in line with the Information Sharing Protocols, the LHC and WBC Tenancy Services has signed up to with partner organisation e.g. Thames Valley Police.

## **6.5 Longer term housing options**

### **6.5.1 Sole tenants**

The LHC will support any sole tenant experiencing domestic abuse who wishes to move away from the local area for their safety. We aim to do this through Wokingham Borough Council's Allocations policy.

Where the perpetrator is a sole tenant, we may choose to take possession action against them. It is a breach of the terms in our tenancy conditions to perpetrate domestic abuse and under schedule 2 of the Housing Act 1988 this can give grounds for possession. This action will only be considered if this does not render the victim homeless.

Where the victim is a sole tenant and is no longer living in the home but the perpetrator remains in occupation, we will take action against the perpetrator to recover vacant possession of the property.

### **6.5.2 Joint tenants**

Where the victim holds a joint tenancy with the perpetrator, we cannot evict the

perpetrator or remove them from the tenancy without an order from the court.

A victim who is a joint tenant can end the tenancy without the knowledge or consent of the joint tenant (the perpetrator). The exception to this rule is Fixed Term Tenancies. If such a victim secures permanent accommodation elsewhere, the joint tenancy will need to be terminated in one of the following ways:

- Completing a notice to terminate or surrender of tenancy form
- Assigning the tenancy to the other joint tenant (refer to the Joint and sole tenancies policy)
- A Court Order
- A property adjustment Order

If the victim takes any of these action, we will make a decision as to whether we grant a new tenancy to the remaining joint tenant (the perpetrator) or support them to find alternative accommodation.

Where the perpetrator has restrictions to not return to the joint tenancy, we may accept a notice to terminate the tenancy from the victim and re-grant the victim a sole tenancy at the same address.

Where one joint tenant is seeking advice on ending the tenancy, we will ensure that we protect the rights of both of our tenants and will insist that they seek independent legal advice on their options. We will record all facts and decisions, as it may be used as court evidence.

### **6.5.3 Other legal options available to the victim**

The LHC will advise all victims of domestic abuse to seek independent legal advice about their legal options. Legal options may include but are not limited to:

- Non-molestation orders (injunctions secured by the victim in the Family Courts)
- Occupation orders (a court order to exclude the perpetrator and allow the victim to return home)
- Tenancy transfer orders (a court order transferring a joint tenancy to a sole tenant)

## **6.6 Training and Guidance for Staff**

6.4.1 The LHC will provide appropriate training and guidance to ensure that all relevant staff fully understand the role they play in tackling domestic abuse to provide a consistent approach across all the LHC's areas of responsibility. We will ensure that all staff:

- Are aware of this policy and understand the relevant legislation and powers in place to deal with reports of domestic abuse.
- Are aware of the importance of dealing with reports of domestic abuse quickly and effectively.
- Have the skills and knowledge to provide accurate advice and information to victims.



- Are trained to recognise the need to refer the victim of domestic abuse to the appropriate agency to enable them to complete the DASH to identify victims of domestic abuse and threats of domestic abuse.
- Are trained to complete a MARAC referral form when a high risk case of domestic abuse is identified
- Work in partnership with other agencies using a multi-agency approach and attend MARAC where appropriate.
- Are aware of this policy as part of their induction process.

## **7. Equality & Diversity**

7.1 The LHC recognise the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010. The LHC work closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. The LHC will record, analyse and monitor information on ethnicity, vulnerability and disability.

## **8. Confidentiality**

8.1 Under the Data Protection Act 2018, and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

8.2 The LHC employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

## **9. Review**

9.1 This policy will be reviewed on a three yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

## **10. Performance**

10.1 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our associated boards.

## **10. Appendices**

None

APPROVED