

2019

# Domestic Violence and Abuse Policy and Procedure

Giving BME people equality, dignity and hope.



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# Domestic Violence and Abuse Policy and Procedure



## Approvals

Date approved:	24 July 2019
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Shian Housing Association Ltd

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## Domestic Violence Abuse

### **1. Introduction**

- 1.1 The purpose of this policy is to set out the action Shian Housing Association will take in the event of alleged or actual domestic violence and abuse being reported to us.

### **2. Purpose (Statement of Intent)**

- 2.1 Shian HA recognises its duty to provide assistance to those who are subjected to domestic violence and abuse. Such assistance will be provided in the form of advice and/or referrals to other appropriate or specialist agencies, action against perpetrators and advice or signposting customers to other agencies or organisations for alternative accommodation options.

### **3. Scope**

- 3.1 This Policy is of primary interest to Tenancy Services Officers and management. It applies to all housing provision.
- 3.2 It covers women or men with or without children experiencing domestic violence from a current or former partner or any other member of family.
- 3.3 It applies equally to lesbian women and gay men.
- 3.4 It also covers violence perpetrated by an adult child towards parents.

### **4. Main Provisions of Policy**

- 4.1 There is no statutory definition of Domestic Abuse. Shian HA defines `domestic abuse as `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. (*Source: Domestic Violence in England and Wales. Briefing Paper Number 6337. House of Commons Library. 21 November 2018.*) This can encompass but is not limited to the following types of behaviour:

- Psychological
- Physical
- Sexual
- Financial
- Emotional
- Controlling Behaviour
- Coercive Behaviour

- 4.2 Shian HA recognises that actual or threatened violence usually takes place in or centres around the home. However, it can also take place away from the home environment.
- 4.3 Whilst the definition at 4.1 is written in gender-neutral terms, in the majority of cases domestic violence is perpetrated against women by men.
- 4.4 Corroborative evidence will be sought in all cases. Where corroborative evidence is not provided or available this may limit the actions Shian HA can take.
- 4.5 Victims/Survivors of domestic violence may be reluctant to give details. Shian HA will encourage victims/survivors to provide as much information as possible. If the victim/survivor decides to take legal action, providing evidence from other sources will be important.
- 4.6 Shian HA will share information with partner agencies and statutory agencies where it is practically necessary, a requirement of law e.g. the General Data Protection Regulation 2018 (GDPR), or in accordance with Shian HA housing management functions.
- 4.7 Victims and Survivors will be referred to appropriate agencies to provide necessary support, advice and information.
- 4.8 Whenever possible, Shian HA will offer female victims/survivors of domestic violence the opportunity to have their cases dealt with by a female Tenancy Services Officer.
- 4.9 Where necessary, Shian HA will sign-post customers to seek specialist legal advice. with the agreement of victims/survivors.
- 4.10 Shian HA will strongly advise victims/survivors of domestic violence to relocate to safer areas (outside of the borough where the domestic violence occurred). The overriding factor will always be the safety of victims/survivors. Shian HA will not take into consideration other factors such as preferred landlord, preferred tenancy type or any other non-safety factors.
- 4.11 Shian HA will not re-house perpetrators of domestic violence or abuse and may take steps to seek repossession of the perpetrator's home, were it is a Shian HA property .

## **5. Responsibility**

- 5.1 All housing staff are responsible for observing and implementing this policy.

## **6. Monitoring, Review & Evaluation**

- 6.1 This policy and detailed procedure will be reviewed at regular intervals when appropriate.

# Domestic Violence and Abuse Procedure

## **1.0 Approach from a person other than a victim**

1.1 Staff will offer to arrange an urgent interview with the victim.

## **2.0 Approach from a victim - Assessing the situation by interview**

2.1 Victims/survivors of domestic violence and abuse who approach Shian HA for help and advice should be offered an interview within two working days that is:

Totally confidential and private;  
If possible with a person of the same gender.

2.2 The aim of the interview is to:

- Find out full details of what has happened;
- Identify the tenant and whether it is a single or joint tenancy (confirm by the tenancy file);
- Find out if the occupants are married or cohabiting; Establish if there are any children involved;
- Advise on local help and support resources;
- Make any necessary immediate arrangements and referrals.

2.3 Whatever the situation, the victims/survivors of domestic violence are subject to frightening and potentially dangerous abuse to which they are trying to find solutions. Many will have been isolated and without support for a long time. The response of staff and their ability to listen may be crucial factors in enabling victims to make decisions about their safety and future.

2.4 Victims/survivors of domestic violence and abuse should not be required to provide physical evidence that violence has taken place. The only agency that needs to obtain physical evidence is the Police if a criminal prosecution is to be pursued.

## **3.0 Interview Records**

3.1 Staff will complete the 'Domestic Violence Incident Report' form to ensure that all relevant information is collected. Staff will all utilise the DV and Abuse Checklist.

3.2 Victims/Survivors should be offered a copy of the completed form so that they do not need to go through a second lengthy interview at the Homelessness Section of a local authority.

#### **4.0 Advice on Local Resources**

- 4.1 When the interview has been completed and the situation assessed, staff will provide information about local resources that are available. If required a referral(s) should be made.
- 4.2 Staff will advise the victim if he/she wishes to contact the local Police Domestic Unit to report the incident(s). Their advice on legal proceedings against the perpetrator may be invaluable and they will also have addresses of solicitors in the areas that specialise in civil and criminal actions against perpetrators of domestic violence.

#### **5.0 Housing Options**

##### IMMEDIATE ACTION

- 5.1 If the victim/survivor has fled the property and does not wish to return, the options are to:
  - Approach a Refuge for temporary rehousing. Referrals are made through WFE, the central referral agency for refuges in London;
  - Stay with family or friends (this may not be appropriate if the perpetrator knows where to find them);
  - Approach any Local Authority of their choice to make an urgent homelessness application or request for Temporary Accommodation. Shian HA will provide any necessary supporting letters.
  - Staying with family/friends or at a refuge can allow space and time to give proper consideration of the most appropriate option available and avoids being pushed through the local authority rehousing process unnecessarily. The local authority is unlikely to be in a position to guarantee rehousing with another housing association and this is an important consideration for any tenants in this situation.
- 5.2 It is important to note however, that any local authority has the primary responsibility under statutory legislation to provide emergency accommodation to a victim/survivor fleeing domestic violence or abuse. Victims/Survivors are not required to approach their own local authority (unless they wish to do so) and should not be referred back to an area from where they are fleeing violence.
- 5.3 Should a victim/survivor choose not to pursue any of these housing options, Shian HA will not offer any alternative accommodation.



## 6.0 LONGER TERM ACTION

6.1 Once temporary refuge is secured/considered from any of the above sources, the victim/survivor may then consider options as follows, depending on their tenancy status.

### 6.2 **Victim/survivor is a sole tenant:**

- A local authority has a statutory duty to provide emergency accommodation for a person fleeing domestic violence from within or outside of the home. The victim has the right to help with rehousing from any local authority and should not be referred back to the area he/she is fleeing.
- If the victim/survivor wishes, staff should arrange an interview with the Homelessness Section. The Homelessness Section will investigate the case further, but the victim/survivor should not give up his/her tenancy until the local authority has reached its decision whether or not to accept him/her for permanent rehousing.
- Once the local authority has agreed to take responsibility for rehousing, he/she may relinquish the tenancy. The local authority will only provide permanent rehousing if the victim/survivor relinquishes their tenancy, but he/she is entitled to receive the local authority decision first before actually relinquishing their tenancy.
- If the victim/survivor wishes to return to or to remain in their home for their own protection, he/she should be advised to seek the advice of a solicitor on taking legal action against the perpetrator. A solicitor would need to advise on which type of legal remedy would best provide protection. Action can be taken through the civil law (civil protection orders, injunctions) or criminal law (e.g. assault, criminal damage, malicious wounding).
- **Should the local authority refuse to take an application from a victim/survivor, the victim/survivor should obtain any decision in writing and take independent legal advice from an Advice Agency, Law Centre or Solicitor.**
- **Should a victim/survivor not wish to pursue an application with a local authority for whatever reason, Shian HA will not be in a position to offer any type of temporary or emergency accommodation.**

### **6.3 Victim/survivor is a joint tenant:-**

Either party to a joint tenancy has the right independently to terminate the joint tenancy. When one party to the joint tenancy terminates the tenancy, neither party is subsequently legally entitled to remain in the home. In consultation with the victim/survivor, this allows Shian HA to take either of the following actions:

- Granting a sole tenancy to the victim/survivor of the former home (this may need to be done following the eviction of the perpetrator as a trespasser, if he/she is in occupation). The victim/survivor may also need to take out an injunction against the former joint tenant, for personal safety. If the victim/survivor wishes to remain in their home the advice in section 7 applies.
- If the victim/survivor wishes to relinquish his/her right only to the joint tenancy. Their only option in this case would be to approach the local authority for permanent rehousing. It is not Shian HA's policy to create two tenancies out of one joint tenancy.
- HOMES option

Staff should consider whether it would be appropriate to approach other associations through HOMES or on a reciprocal basis as a longer-term solution. The Operations Director must always be alert to the rehousing needs of the victim/survivor and is responsible for making reciprocal arrangements with other housing organisations.

### **6.4 Welfare Benefits Advice**

- 6.5 Any change in circumstances may affect welfare benefits entitlement and victims should be advised to contact the appropriate local authority, DWP/Benefits Agency or an independent advice centre such as the Citizens Advice Bureau or Law Centre.

6.6 There is provision to pay two rents for up to 52 weeks under Housing Benefit Regulation 5(5)(a) to victims/survivors who have fled violence to temporary accommodation **but only to those who intend to return to their own tenancy.**

6.7 Victims /survivors who do not intend to return to the property they have left are entitled to up four weeks' housing benefit on two properties.

## **7.0 Child Welfare Advice**

7.1 For advice on issues relating to children, e.g. access to schools, Welfare Benefits, and custody and access issues, victims/survivors should be referred to relevant local agencies. Social Services or solicitors can also provide advice on legal requirements, e.g. access arrangements.

## **8.0 Confidentiality**

8.1 A marker should be added to the tenant file to denote absolute confidentiality.

8.2 **Under no circumstances should any information be given about the whereabouts of the victim/survivor following a domestic violence or abuse incident, as perpetrators can pose in various guises in an attempt to pursue the victim/survivor.**

	ACTION	YES/ NA	NO/ NA	DATE
	Name of customer:	N/A	N/A	N/A
	Address:	N/A	N/A	N/A
	Date First Reported:			
1	Interview customer within 48 hours at suitable location – office/neutral safe venue i.e. (family or friends house, DV Refuge hostel, place of worship etc) Customer asked/given option of venue Y/N			
2	Complete interview record form with customer and get it signed and obtain customer consent for any further actions			
3	Obtain or Request any corroborating evidence from customer e.g. name and contact details of any witnesses, abusive/offensive text messages, emails, official letters of support, medical or hospital letters etc			
4	Complete DV Risk Assessment at first interview (use professional judgment for any referral decisions)			
5	Provide interview record/form to customer or summarise in writing (Only send to safe address upon request)			
6	Provide DV leaflet or signpost customer to external support agencies			
7	Provide advice on temporary housing options:- <ul style="list-style-type: none"> <li>• Signpost them to Local Authority Homeless Persons Unit (HPU)</li> <li>• Stay with Family or Friends</li> <li>• Temporary Refuge/Hostel</li> <li>• Referral to Social Services if children in household or the customer is vulnerable/Care Act needs (where applies)</li> <li>• As a small HA, reiterate to customer Shian HA DO NOT offer management transfers as we have limited stock.</li> </ul>			
8	Provide advice on long term/permanent housing options:- <ul style="list-style-type: none"> <li>• Approaching ANY LA of customer's choice</li> <li>• Referral to any reciprocal agencies (where criteria met)</li> <li>• Consider Mutual Exchange or Home Swapper or Housing Moves – provide leaflet/letter</li> <li>• Signpost customer to the local "Sanctuary Scheme" to help make current home safe.</li> <li>• If practical – consider private rented sector options</li> <li>• As a small HA, reiterate to customer Shian HA DO NOT offer management transfers as we have limited stock.</li> </ul>			
9	Agree any sanctuary or security measures for current home. If Yes, list security measures in 'Comments' box below.			
10	Ensure ALL appropriate housing systems are updated/records made to date			
11	Provide update letter to customer summarising actions/issues to date. (Where it is safe to send letter)			
12	Complete any necessary referrals to partner agencies e.g. Pan London Referral			
13	Complete referral to Social Services/Council if children in household			
14	Obtain any supporting or corroborating information from Police			
15	Victims Panel or MARAC Referral made			

	Date of any meeting: - Officer Attended:			
16	Depending on complexity of the case- Review case after 2 weeks and provide update to customer			
17	Request any further corroborating information or evidence from customer			
	<b>OTHER ACTIONS TAKEN:-</b>			
18	Case reviewed by Supervisor/Manager /ASB Officer Name:			
19	Updated Risk Assessment completed			
20	Home Visits undertaken			
21	Information gathered from neighbours obtained (if required)			
22	Dissatisfaction/Complaint response sent stage 1			
23	Update letter(s) sent			
24	<i>Add actions to this list if required.....</i>			

ANY OTHER COMMENTS/RECORD OF ACTIONS:-

Continue on separate sheet(s) if necessary