

Domestic Abuse Policy

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Introduction

Empower Housing Association (EHA) is committed to working with other agencies to take a zero-tolerance approach to domestic abuse. We recognise that domestic abuse is a crime and has considerable impact on the survivors physical and psychological well-being, and as such we will endeavour to help support them in living a life free of abuse

This policy applies to all tenants, colleagues, Board Members, contractors, sub-contractors and agents working for EHA.

This policy should be read in conjunction with the Safeguarding Adults & Children Policy and Antisocial Behaviour and Hate Crime Policy.

Scope of the Policy

- To provide a safe and supportive environment for tenants experiencing domestic abuse
- To ensure compliance with legal obligations and best practices in handling domestic abuse cases
- To establish confidential and accessible ways for tenants to report domestic abuse
- To ensure tenants are aware of how to report domestic abuse and the support available to them.

The Policy

The purpose of this policy is to outline our survivor centred approach, which ensures that we create a culture when tenants who have experienced or witnessed domestic abuse feel supported when making a report.

Our objectives are to outline the procedures and support services available, ensure compliance with legal obligations, and to adhere to best practices in handling domestic abuse cases.

Definitions

Domestic Abuse is “any incident or pattern of incidents of controlling, coercive, 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”. The abuse can encompass, but is not limited to:

- Emotional and psychological abuse – coercive, controlling, or manipulative behaviour
- Physical abuse – any form of physical violence or threat of violence
- Financial abuse – controlling a person’s financial resources without their consent
- Coercive – acts of assault, threats, humiliation, and intimidation

- Other abuse – any other forms of abuse that can harm or control a partner or family member

Controlling behaviour is range of acts to make a person subordinate and/or dependant 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.

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 the survivor.

The definition also includes so-called honour-based violence, forced marriage and elder abuse.

Abuse can include, but is not limited to:

- **Destructive criticism and verbal abuse:** shouting, mocking, accusing, name calling and verbally threatening.
- **Pressure tactics:** sulking, threatening to withhold money, disconnecting the phone and the internet, taking away or destroying your mobile, tablet or laptop, taking the car away, taking the children away; threatening to report you to the police, social services or mental health team unless you comply with their demands; threatening or attempting self-harm and suicide; withholding or pressuring you to use drugs or other substances; lying to your friends and family about you; telling you that you have no choice in any decisions.
- **Disrespect:** persistently putting you down in front of other people, not listening or responding to you when you talk; interrupting your telephone calls; taking money from your purse/wallet without asking; refusing to help with childcare or housework.
- **Breaking trust:** lying to you; withholding information from you; being jealous; having other relationships; breaking promises and shared agreements.
- **Isolation:** monitoring or blocking your phone calls, emails and social media accounts, telling you where you can and cannot go; preventing you from seeing friends and relatives; shutting you in your house.
- **Harassment:** following you; checking up on you; not allowing you any privacy (for example, opening your mail, going through your laptop, tablet or mobile), repeatedly checking to see who has phoned you; embarrassing you in public; accompanying you everywhere you go.
- **Threats:** making angry gestures, using physical size to intimidate; shouting you down; destroying your possessions; breaking things; punching walls; wielding a knife or a weapon; threatening to kill or harm you and your children; threatening to kill or harm any family pets; threats of suicide.

- **Sexual violence:** using force, threats or intimidation to make you perform sexual acts; having sex with you when you do not want it; forcing you to look at pornographic material; constant pressure and harassment into having sex when you do not want to; forcing you to have sex with other people; any degrading treatment related to your sexuality.
- **Physical violence:** punching, slapping, hitting, biting, pinching, kicking, pushing, pulling hair out, shoving, burning, strangling; pinning you down, holding you by the neck, restraining you.
- **Denial:** saying the abuse does not happen; saying you caused the abuse; saying you wind them up; saying they cannot control their anger; being publicly gentle and patient; crying and begging for forgiveness; saying it will never be happy again.

Responding to a Report

We will accept reports and disclosures of domestic abuse through an available communication channel and ensure all incidents are logged.

Where a colleague suspects or witnesses domestic abuse taking place in our homes, they must report this to the Housing Management Team for the incident to be logged onto SDM (central housing management system)

Where disclosure is made or EHA become aware that someone may be at risk due to domestic abuse, we will contact the survivor taking safety into consideration so that telling us does not put them at further risk. We will also agree how ongoing contact will be maintained.

We will offer confidential interviews with survivors in a safe place and ask questions to better understand the situation and identify level of risk areas and give relevant advice and support on the housing options available. We will always accept the survivor's account as a true reflection of events.

Survivors can also call the 24-hour free National Domestic Abuse Helpline for advice on 0808 2000 247

Assessing risk

Addressing domestic abuse appropriately is a crucial duty for landlords and care providers. We recognize the risks that domestic abuse poses to our tenants and will work to mitigate these risks through this policy.

Safety planning will be carried out to provide support for the person experiencing domestic abuse and their children (if applicable), unless another organisation has carried this out.

When responding to any incident, we will take a risk-based view to the actions being taken to ensure that the most appropriate action is taken, and the welfare and safety of our tenants and colleagues are at the forefront.

We will attempt to complete a thorough risk assessment of anyone who identifies as a survivor of domestic abuse, and where they are deemed as high risk will refer into MARAC (Multi-Agency Risk Assessment Conferences), as well as into the IDVA (Independent Domestic Violence Advisors) service for support.

If we believe there is an immediate risk of life we will call the relevant emergency services.

If the survivor requests, our Housing Management Team can develop a safety plan which the survivor can follow if things get more dangerous and they feel they must leave home.

Where they are not deemed as high risk, we will signpost a tenant to other agencies that can offer support, whilst continuing to provide housing related support with issues they may have presented with.

In any reported case of domestic abuse, we will ensure ongoing support and contact is provided to the survivor. We will agree with the survivor how often to contact them, and whether they would like us to contact their case worker, social worker or independent domestic violence advocate or any other support agency.

Collaboration with external agencies

We will work in partnership with external agencies to offer a co-ordinated response:

- Partnering with Local Authorities and domestic abuse support organisations
- Establishing referral pathways to ensure comprehensive support for survivors
- Facilitating tenancy transfers to ensure safety
- Expedited access to housing options tailored to meet the needs of the survivors.
- Support the lead statutory agency in taking action against those committing the abuse. This includes taking tenancy enforcement action against perpetrators where it is appropriate to do so and does not put the survivor at further risk.

Safeguarding

We will manage domestic abuse in line with our Safeguarding Adults & Children Policy, and the Care Act 2014, where appropriate.

The Care Act 2014 sets out the specific safeguarding duties that apply to any adult who is 18 years or over who:

- Has care and support needs, and
- Is experiencing, or is at risk of abuse or neglect, and
- Is unable to protect themselves because of their care and support needs.

If a survivor of domestic abuse meets the criteria above, we will refer them to the Local Authority safeguarding services.

As stated in the Domestic Abuse Act 2021, children are to be recognised as survivors in their own right if they are living in a home where abuse is occurring between two parties over 16. This will be relevant when making any necessary safeguarding referrals to both children's and adult services.

Domestic Abuse Act 2021

The three key points in the Domestic Abuse Act 2021 and how they protect survivors and their families:

- The Act amends the Matrimonial and Family Proceedings Act 1984 so that anyone convicted of, given a caution for, or charged with a domestic abuse offence is prohibited from cross-examining in person a witness who is the survivor or alleged survivor of the abuse, and vice versa. This change will ensure that survivors do not have to face intimidation or personal questions from someone who has physically, mentally, emotionally, sexually, or economically abused them.
- The Act provides the police and the Courts with greater power to immediately protect survivors of domestic abuse. Police can issue Domestic Abuse Protection Notices (DAPN) which can provide immediate safety measures; for example, the DAPN can state the perpetrator must leave the survivor's home for up to 48 hours.

Upon application, the Courts can make a Domestic Abuse Protection Order (DAPO). Breach of a DAPO is a criminal offence, carrying a maximum penalty of up to five years' imprisonment, or a fine, or both. To help the Courts monitor DAPO compliance, they can order the perpetrator to wear an electronic tag. Furthermore, as part of the DAPO conditions, the Court can demand that the perpetrator seek mental health or drug and alcohol abuse support.

- Local authorities have a duty under the Act to give people who have been made homeless due to domestic abuse priority when it comes to housing. Councils in England will also have a legal duty to provide life-saving support such as therapy, advocacy, and counselling in safe accommodation to survivors of abuse.

In addition:

- Non-fatal strangulation is now an offence.
- The offence of 'revenge porn' has been extended.
- Controlling and coercive behaviour has been broadened to cover post-separation abuse.
- Funding for specialist victim support programmes

- Adding violence against women and girls to the strategic policing requirement
- Investment in perpetrator interventions
- Ask for ANI codeword scheme pilot
- Identifying dangerous perpetrators before conviction
- Tougher management of the most dangerous offenders ensuring that offenders with a conviction of controlling or coercive behaviour who are sentenced to 12 months or more imprisonment or a suspended sentence are automatically eligible to be managed by the police, prison and probation services under multi-agency public protection arrangements.
- New measures in the Police, Crime, Sentencing and Courts Act, which will give victims of domestic abuse longer to report offences to the police so that abusers cannot evade justice
- Strengthening of Claire's Law – reducing the timeframes for police to disclose information about an individual's violent or abusive behaviour, meaning it will be quicker to access information on a partner's or ex-partner's previous abusive or violent offending.

Actions against Perpetrators

Perpetrators of domestic abuse are accountable for their actions and EHA will take the appropriate action (where evidence is available) against anyone responsible for domestic abuse. This will only be done in cases where we can do so without compromising the safety of the survivor. We will work closely with partner agencies and keep them informed of any action taken.

Although our response to domestic abuse is focused on survivors – we also recognise that working with perpetrators can help reduce incidents of domestic abuse we will take the appropriate action (where evidence is available) against anyone responsible for domestic abuse. This will only be done in cases where we can do so without compromising the safety of the survivor. We will work closely with partner agencies and keep them informed of any action taken.

Where appropriate, we will charge perpetrators for property damage resulting from their actions. Survivors will not be held accountable for these costs.

Where the available evidence supports it, we will use the legal tools and powers afforded to us including evicting or excluding perpetrators from the home.

The safety of survivors and their children will be central to our approach to holding the perpetrator to account.

We will provide information about support services to perpetrators who approach us for help or advice to change their behaviour.

If an alleged perpetrator of domestic abuse is aged below 16, they will be managed in accordance with our Anti-Social Behaviour Policy & Procedure and in conjunction with our partner agencies. This includes discussion with Children's Services to assess the child's needs for support, and a referral to Children's Services.

Training

We are committed to creating a safe and supportive environment for all of our tenants and colleagues. As part of this commitment we will provide regular Safeguarding Adults and Children training for all frontline colleagues, to ensure effective support is in place:

- Awareness and Recognition – Safeguarding training helps frontline colleagues recognise the signs and symptoms of domestic abuse, which is crucial for early intervention.
- Response – Safeguarding training equips frontline colleagues with the knowledge of available support services and referral pathways, enabling them to provide appropriate assistance to victims
- Policy Awareness – ensuring colleagues understand and can implement this policy.

Information sharing and Record Keeping

Confidentiality is crucial to limit the risk to survivors, and sharing information with support services and other agencies is a key part of responding effectively to domestic abuse.

We will maintain strict confidentiality and only share information where we have permission from the survivor to do so, except when:

- The survivor's safety may be at risk
- There is lawful basis

In these cases, we may disclose information without the survivor's consent in line with our Data Protection and Safeguarding Adults & Children Policies.

This may include referring a case to the MARAC to safeguard survivors, or to seek legal advice, or to prevent a crime. Each case will be judge on its own merits.

We will keep records of all disclosures of domestic abuse in a controlled environment to be used for internal reporting and reference only.

Responsibilities

The designated officer responsible for implementation and monitoring of this policy will be the Housing Manager. The Director of Housing and Operations will have overall responsibility for this policy.

If a colleague has any concerns about the safety or wellbeing of a child and/or adult, they must immediately follow our Safeguarding Adults & Children Policy.

The Housing Manager is the Association's Safeguarding Lead and is available for providing advice and support to managers.

Related Legislation, Regulation and Codes of Practice

- Domestic Violence, Crime and Victims Act 2004
- Domestic Abuse Act 2021
- Mental Capacity Act 2005
- Family Law Act 1996
- Children Act 1989 (and 2004)
- Crime and Disorder Act 1998
- Police and Justice Act 2006
- Localism Act 2011
- Protection of Freedoms Act 2012
- Anti-Social Behaviour Crime and Policing Act 2014
- Care Act 2014
- Serious Crime Act 2015
- Homelessness Reduction Act 2017
- Human Rights Act 1998
- Data Protection Act 2018
- The Housing Act 1996
- The Equality Act 2010

Related Policies, Procedures and Documents

- Anti-Social Behaviour and Hate Crime Policy
- Safeguarding Adults & Children Policy
- Allocation Policy
- Data Retention Policy
- Data Privacy Notice for Tenants
- Equality, Diversity and Inclusion Policy
- Modern Slavery & Human Trafficking Policy
- Monitoring of Care Provider Performance Policy & Procedure
- Temporary Decant Policy
- Void & Lettings Policy
- Reasonable Adjustments Policy
- CCTV Policy
- Tenancy and Tenure Management Policy
- Application for Housing Policy
- Tenancy Agreement

Reporting and Monitoring

All domestic abuse cases will be recorded and monitored to ensure compliance with the Policy, to ensure it is effective and to continually improve how we work.

Consultation and Publishing Policy

The Policy will be added to our website so all tenants and those supporting our tenants can access the Policy

Review

The Policy will be reviewed every 3 years (or sooner if there is a change in regulation, legislation, or codes of practice)

Equality Impact Assessment

An Equality Impact Assessment has been completed for this policy