



# Housing Management

## Domestic Abuse

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<b>Scope:</b>	This policy applies to Circle 33 Housing Trust, Commercial and Leasehold, EPIC Trust, Invicta Telecare, Mole Valley Housing Association, Old Ford Housing, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association
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<b>Author:</b>	Abi Patience, Policy Officer
<b>Policy Owned by:</b>	Policy
<b>KLOE:</b>	Tenancy and Estate Management
<b>QAF (Supported Housing):</b>	C1.4 Protection from Abuse
<b>Statute:</b>	Housing Act 1985, 1988, 1996 and 2004 Antisocial Behaviour Act 2003 Family Law Act 1998 Domestic Abuse, Crime and Victims Act 2004 Protection from Harassment Act 1997 Forced Marriage (Civil Protection) Act 2007 Female Genital Mutilation Act 2003
<b>Regulatory Code:</b>	2.7

# Domestic Abuse

## 1 Scope

1.1 This policy applies to:

- Circle 33 Housing Trust
- Commercial and Leasehold
- EPIC Trust
- Invicta Telecare
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

1.2 It sets out our approach to responding to domestic abuse experienced by our residents in all tenures of stock that we own and manage.

1.3 This Domestic Abuse policy is closely linked to our [Antisocial Behaviour policy and procedure](#), and our [Harassment policy](#).

1.4 Employees of Circle Anglia may experience domestic abuse themselves. Guidelines for accessing support in these situations are set out in the [Bereavement and Compassionate Leave policy](#).

## 2 Policy Statement

2.1 Circle Anglia works to improve people's life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.

2.2 Domestic abuse is a criminal offence and will not be tolerated. Circle Anglia recognises that domestic abuse occurs regardless of age, gender, race, sexuality, wealth, geography or tenure and also impacts upon children, family and the community. Every person has the right to be safe from abuse and fear.

2.3 We will respond promptly to all reports of domestic abuse, and take appropriate action according to the situation, including where necessary proceeding straight to legal action.

- 2.4 Our primary concern is to ensure the safety of victims of domestic abuse. Where possible we will support victims to enable them to stay in their own home.
- 2.5 Lead responsibility for dealing with domestic abuse will often sit with other agencies. In these cases we will provide guidance and support to the victim, and signpost them to the appropriate agencies.
- 2.6 We will comply with and use the following legislation as part of our domestic abuse policy approach:
- **Housing Act 1985, 1988, 1996 and 2004** which set out tenancy rights and responsibilities, and provide powers to deal with domestic abuse
  - **Antisocial Behaviour Act 2003** which builds on the provisions in the 1996 Housing Act around antisocial behaviour injunctions, demoted tenancies and seeking possession
  - The **Family Law Act 1998** created two orders that can be used to combat domestic abuse – a non-molestation order against the abuse itself and an occupation order which determines who has the right to live in a property.
  - The **Domestic Violence, Crime and Victims Act 2004** clearly sets out that domestic violence is against the law and provides legal remedies to deal with it.
  - The **Protection from Harassment Act 1997** allowed for a Civil Protection Order to deal with non-violent domestic abuse which comes under the category of harassment – see [Harassment](#) policy for more details
  - Provisions specifically addressing Honour Based Violence include the **Forced Marriage (Civil Protection) Act 2007** and the **Female Genital Mutilation Act 2003**

### 3 Policy

#### Definition

- 3.1 Domestic abuse is an actual or threatened act of harassment, assault or violence (mental, physical or sexual) carried out by a current or former member of a household against another member of the same household. Examples include:
- Physical abuse, e.g. slapping, pushing, kicking, punching and stabbing, attempted murder or murder
  - Sexual abuse e.g. rape and non-consensual sexual acts

- Emotional or psychological abuse e.g. intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone, destruction of belongings, threat of legal sanctions e.g. deportation, custody of children etc.
  - Financial abuse, denial of rights or restriction of personal freedom e.g. withholding money or medical help
- 3.2 Domestic abuse is rarely a one off incident. Domestic abuse can occur within any household and against men and women. It can happen within the home or in any other location.
- 3.3 Victims of domestic abuse may have children that will be affected by fear, distress and disruption to their lives, or may still be children themselves. Where the safety of children is a concern Circle Anglia will act in accordance with the [Child Protection policy](#), including referring any concerns to social services or the police.
- 3.4 Domestic abuse can be experienced by those who are already marginalised such as those from ethnic minorities, those with disabilities, elderly people, those with drug or alcohol dependency, people with mental health problems, those in same sex relationships, and those with insecure immigration status. We will provide an individual response to any report of domestic abuse, taking these additional considerations into account. Where appropriate we will seek specialist advice from domestic abuse organisations or solicitors.
- 3.5 This policy also covers Honour Based Violence, which is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. It is not in itself a form of violence but rather the reason or motive given or assumed for violence.
- 3.6 Honour Based Violence can include Forced Marriage (where a marriage is conducted without the valid consent of one or both parties where duress is a factor) and female genital mutilation. It can also include Dowry Abuse, where a marriage partner is harassed, abused or even killed because their dowry is considered to be insufficient or is not forthcoming.

### **Partnership working**

- 3.7 As social landlords we may in some situations be able to take action against domestic abuse. However we will rely on working with partners such as the police, local authorities and support providers to deliver a full response to any one situation.

- 3.8 Where there has been violence or a fear of violence the police are the most appropriate body to take immediate action.
- 3.9 In identifying housing solutions the local authority will be a key player, as they have the responsibility for homelessness within their area.
- 3.10 We will work closely with support providers and independent refuges to find solutions to domestic abuse situations.

### **Data Protection and Confidentiality**

- 3.11 In domestic abuse cases confidentiality is of paramount importance. We will discuss with the victim the best way of communicating with them, offering options including sending letters, emails, text messages, phone calls, visits in person, or using a third party. We will ensure privacy for interviews.
- 3.12 We will not share information about any domestic abuse reports to any other person or organisation without the explicit consent of the victim. The only exception to this is where the safety of the victim or a child is in question, in which case we will contact the police and social services.
- 3.13 We will be particularly vigilant to ensure that any information we have about the victim's whereabouts is not disclosed to any enquirer.
- 3.14 We will not use family members or close friends, especially children, as interpreters, regardless of how sympathetic they seem. Any use of a family member or child as an interpreter at the scene of a domestic abuse incident will be restricted to the purpose of establishing facts that might secure the immediate safety of all parties, especially children.

### **Staff training**

- 3.15 All front line staff will receive basic antisocial behaviour awareness training. This includes domestic abuse, including an understanding of the complexities of individual cases, myth busting, and recognising signs of possible domestic abuse.
- 3.16 Staff responsible for responding to reports of domestic abuse will receive additional training, as needed, including an in depth understanding of the complexities of domestic abuse cases, how to interview victims, how to access specialist help, temporary and permanent rehousing options, and maintaining confidentiality and discretion.

## 4 Responding to reports of domestic abuse

- 4.1 Domestic abuse can be reported by victims or witnesses by phone, e-mail, letter, in person or on our website. Contact numbers are advertised on the Circle Anglia Respect website, in the Tenant's Handbook, and in customer leaflets. Most group partners now operate a 24-hour antisocial behaviour hotline which domestic abuse can be reported to.
- 4.2 The timescales set out in this section are those agreed as a minimum standard across the group. Some group partners individually work to shorter timescales.
- 4.3 Reports may be made in the first instance to the police, local authorities, refuge groups, voluntary organisations and friends and relatives. We will work in partnership with all these organisations to ensure a coordinated, speedy and appropriate response to the report.
- 4.4 We will take all reports of domestic abuse seriously. This can include any kind of physical or emotional abuse, as well as Honour Based Violence and Dowry Abuse.
- 4.5 In general, we will respond to reports of domestic abuse using the same timescales as for antisocial behaviour. Further guidance on this is available in the [antisocial behaviour appendices](#).
- 4.6 However, where the report indicates a risk of harm to the victim or children, we will respond faster. In these serious cases our first priority will be to work with the police to:
  - Ensure the safety of the victim(s)
  - Coordinate legal action taken against the perpetrator
- 4.7 The police are required to respond to calls for protection, and can arrest an aggressive partner with the permission of the victim. They will offer support to the victim whether or not formal proceedings are taken against the abuser.
- 4.8 If a case of domestic abuse is been reported on a Friday, and fear of violence is still present, we will refer the complainant to relevant external organisations (e.g. police, local authority) to provide support over the weekend.
- 4.9 In standard cases we will provide an initial response to the report within 24 hours, acknowledging its receipt and informing the complainant who will be dealing with the case, and when they will next be contacted.

- 4.10 In domestic abuse cases we will not wait for evidence of the abuse before taking action, as we recognise the sensitive situations faced by victims. However, as the case progresses we will attempt to gather evidence to support any legal action that may be taken.
- 4.11 Staff members will be aware of the possibility of unfounded or libellous reports being made, and will view the situation as impartially as possible. For example, sometimes an abuser will report fictional abuse committed by their victim in order to protect themselves.
- 4.12 The officer responsible for the case will contact the complainant within five days of the initial report, at the latest. If it is considered that there is a risk of harm to the victim or children, we will respond faster. Where there are emergency repairs or discriminatory graffiti we will rectify within 24 hours of the report.
- 4.13 An interview with the complainant will be carried out within ten days of the report, at the latest, unless we are not able to agree an appropriate time with the complainant within that timescale. If it is considered that there is a risk of harm to the victim or children, we will respond faster. Where possible and if it is practical or helpful to do so, and the complainant is happy for us to do so, we will also interview the alleged perpetrator and any other witnesses or victims.
- 4.14 Where it is evident that domestic abuse has occurred an action plan for dealing with the problem will be finally agreed within 14 days of the initial report, or more quickly if there is violence or a threat of violence involved.
- 4.15 Regular review of the case and communication with the victim(s) and/or witness(es) is key to managing satisfaction levels and achieving a positive result. We will carry out an initial review of the action plan within 15 days of its creation to check the approach is still appropriate in light of any new evidence. We will phone those involved every 15 calendar days unless the case action plan states otherwise, and review the action plan on a monthly (30 calendar days) basis. After the action plan is reviewed we will issue the updated version to the complainant within three days.
- 4.16 Whenever we contact the victim we will have full regard of their safety, and ensure the confidential secure transfer of information.

## Support for victims and witnesses

- 4.17 The advice that a domestic abuse victim receives when they first report a situation can be critical for their future safety. We will promote accurate understanding of the effects of domestic abuse on victims, and the complexities of individual situations faced by victims.
- 4.18 We will work with local and national specialist agencies to help provide appropriate support for victims of domestic abuse.
- 4.19 Support offered may include support to households living in permanent and temporary accommodation, as well as signposting to specialised help lines, information and support services, drop-in centres, one-stop shops and specialist outreach projects.
- 4.20 We will consider the safety and perception of safety of victims and witnesses, and where appropriate we will work with partners to provide additional safety measures. We will liaise with Crime Prevention services where necessary to protect witnesses.

## 5 Tackling domestic abuse

- 5.1 When weighing up action to take in any given situation we will consider the following points:
- the extent of risk to the household from the perpetrator (i.e. when determining whether or not it is safe to remain in the property or locality);
  - the presence/absence of children and child protection issues;
  - the wishes of the person experiencing violence;
  - whether the household has any special needs;
  - the gender of the person experiencing violence;
  - existing support networks.
- 5.2 Housing options for people experiencing domestic violence can be summarised as follows:
- remaining in the original home with or without the violent partner;
  - leaving the original home on a temporary basis and subsequently either returning to the original home and to the violent partner or returning to the original home but without the violent partner;
  - leaving the original home permanently and seeking re-housing

## Immediate risk

- 5.3 The Antisocial Behaviour Act 2003 allows landlords to grant an injunction against anyone who threatens to or engages in conduct capable of causing a nuisance or annoyance to any person. In cases of domestic abuse, even if violence has occurred, it has to have an impact on the housing management function of the landlord for injunctive action to be taken under s152 and s153 of the Housing Act 1996. An injunction can only be sought against a perpetrator who is over the age of 18.
- 5.4 Residents can also seek their own injunction.
- 5.5 Further guidance on injunctions is available in the antisocial behaviour [appendices](#).
- 5.6 Under the Protection from Harassment Act 1997 a Restraining Order can be given by the court to protect a victim from harassment or fear of violence. Breach of the order can lead to imprisonment or a fine.
- 5.7 Where a resident feels there is an immediate risk by staying in the home, the following options will be considered for emergency housing:
- Referral to a Local Authority homelessness section, who have a duty under the Housing Act 1996 to investigate the circumstances of people suffering domestic abuse, and secure accommodation for them if they believe they qualify
  - Referral to a specialist domestic abuse refuge, where this option is available in the area
- 5.8 Temporary accommodation can provide a useful way of giving respite to households experiencing domestic violence (who may or may not return to the family home) and it may be used as a stepping stone to a permanent move. Housing Benefit may be paid on two homes for up to 52 weeks if the council considers it reasonable.
- 5.9 Where a resident wishes to stay in their property, additional property security measures may be taken by the landlord. For example, we will consider providing a panic alarm, additional lighting or locks. We may also provide a direct dial number to the police and a phone to use. We will provide them with information about support services they can access, including the Samaritans and Childline.

## Longer term

- 5.10 In general we will work to support residents to remain in their own property, where necessary seeking an injunction against the perpetrator. In some specific situations, on advice from specialist domestic abuse agencies and where funding is available we will consider the possibility of installing a safe room / Sanctuary room within a property.
- 5.11 A sole tenant suffering from domestic abuse who wants to move but does not want to end their tenancy will have the following options:
- Transfer (where applicable)
  - Mutual Exchange (see [mutual exchange policy and procedure](#))
  - Private sector housing options
- 5.12 In exceptional circumstances, where the victim is or becomes the sole tenant, we may be able to arrange a voluntary move on management grounds to a different property.
- 5.13 Where a resident chooses to move we will offer support, and assist in referrals to social services etc. as needed.
- 5.14 A sole tenant can bring their tenancy to an end by serving a Notice to Quit.
- 5.15 Circle Anglia staff will advise joint tenants to seek independent legal advice. As landlords we have a relationship with all joint tenants and will not advise one party to carry out an action that will result in the loss of the tenancy for another.
- 5.16 Where there is a joint tenancy, we will not evict the perpetrator or remove them from the tenancy without an order from the court, as taking away an individual's home may be considered a breach of their human rights, even in domestic abuse cases.
- 5.17 Where the perpetrator is a sole tenant, we may choose to take possession action against them, using Ground 2A for secure tenants, and Ground 14A for assured tenants. This applies where the victim has left the home.

## Other legal options available to the victim

- 5.18 We will advise victims of domestic abuse to seek independent legal advice about their legal options under the Family Law Act 1996 (as amended by the Civil Partnership Act 2004). The Act has two main provisions:
- Non-molestation orders to prohibit molestation (which includes threats) of an 'associated person' or a 'relevant child.'

- Occupation Orders which determine who can occupy the home on a short-term basis. They do not resolve long term issues of who gets to keep the tenancy.

5.19 In matrimonial proceedings the Court can order that a tenancy be transferred from one spouse to another. In certain circumstances, and with respect to certain tenancies, cohabitants, whether sole or joint tenants can also apply as long as both parties have lived in the home, together as husband and wife. Circle Anglia will abide by the decision of the court in this instance and make arrangements for the tenancy in question to be transferred as appropriate.

## **6 Service Standards**

6.1 The same service standards that apply more generally to antisocial behaviour apply to how we will deal with domestic abuse. These are the current group service standards, which are due for review. Some group partners work to tighter timescales than those listed here. These are minimum commitments; wherever possible we will work to faster timescales.

6.2 We will:

- Use a range of prevention measures to reduce antisocial behaviour
- Take a victim-centred approach
- Investigate all complaints of antisocial behaviour
- Always have someone available to deal with antisocial behaviour during office hours
- Respond to racial harassment and domestic violence within 24 hours
- Support and work with the complainant in trying to resolve the complaint
- Agree an action plan within two weeks of receiving a report and review this every month
- Offer clear advice and support when an incident is reported
- Use a range of legal and non-legal remedies to resolve antisocial behaviour, taking an approach that is appropriate to the case
- Review all open cases after three months
- If we feel a case should be closed, discuss this with the complainant and give them an opportunity to appeal
- After a case is closed we will ask for feedback on how we dealt with the case.

## 7 Monitoring

- 7.1 Domestic abuse is the highest-volume single category of violent crime, but one of the most under-reported and under-recorded.
- 7.2 Some of the particular things we will monitor are:
- number and type of incident reported
  - response against target time
  - support offered and referrals for further support
  - number of cases resolved on time and at all
  - level of resident satisfaction with outcome and handling
  - actions taken and response options used
  - equality and diversity information relating to the complainant, victim and perpetrator
  - method of reporting
  - cost of externally-procured legal services
  - cost of externally-procured non-legal services
  - repair and clean-up costs
- 7.3 We will report on our progress, performance and costs regularly to partner boards.
- 7.4 We will also monitor the number of new applicants housed who have previously experienced domestic abuse using the CORE Lettings form.

## 8 Equality and Diversity

- 8.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.
- 8.2 We recognise that domestic abuse cases may be complicated by virtue of a person's race, age, religion, gender, sexual orientation, literacy levels, disability, immigration status and other factors. We will provide a tailored response to reports of domestic abuse, according to individual circumstances.
- 8.3 All customers will have access to this document upon request or from our website [www.circleanglia.org/customers](http://www.circleanglia.org/customers)
- 8.4 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.

8.5 Equality and Diversity training is mandatory for all staff.

## **9 Publicising the Policy**

9.1 Circle Anglia publicises its policies and procedures on domestic abuse to residents and staff in a number of ways:

- Resident Handbook
- Leaflets
- Resident Newsletter
- Resident Website
- CIRANO
- Policy Briefings and
- Training

## Glossary

Term	Definition
<b>Refuges</b>	Refuges are safe houses run by and for women suffering domestic violence. Refuges provide somewhere safe for victims and their children to stay and allow some time and space for the victim to think about what to do next.
<b>Safe room / Sanctuary room</b>	A secure room with additional and/or replacement locks on doors and windows, door frames re-enforced and fire safety measures supplied and fitted.

## Related Documents

Document	Link
<b>Connected Policies:</b>	<a href="#">Antisocial Behaviour</a> <a href="#">Bereavement and Compassionate Leave</a> <a href="#">Child Protection</a> <a href="#">Harassment</a> <a href="#">Mutual Exchange</a>
<b>Forms and Letters:</b>	Forms and letters used for domestic abuse cases are the same as those used for antisocial behaviour cases, to be adapted as necessary. These are linked to from the antisocial behaviour <a href="#">appendices</a> .
<b>Leaflets:</b>	Domestic Abuse
<b>Other:</b>	

## Version history

<b>Version no.</b>	1	<b>Date effective:</b>	October 2006
<b>Full / partial review?</b>	n/a		
<b>Brief summary of changes:</b>	n/a		
<b>Staff consultation (teams):</b>	Relevant staff		
<b>Resident consultation:</b>	Have Your Say, OF HS, OF TML		
<b>Signed off by:</b>	Group Policy Forum, 15 <sup>th</sup> September 2006		
<b>Author:</b>	Jason Christensen, Policy Officer		

<b>Version no.</b>	2	<b>Date effective:</b>	July 2009
<b>Full / partial review?</b>	Full		
<b>Brief summary of changes:</b>	Incorporation of resident feedback, increased staff guidance, updates in line with legislation, inclusion of Honour Based Violence		
<b>Staff consultation (teams):</b>	Housing Management teams at all Registered Providers Continuous Improvement leads at all Registered Providers		
<b>Resident consultation:</b>	<p>Wherry resident policy review day: 11<sup>th</sup> May 2009  Mole Valley resident's group set up specifically for this purpose: 29<sup>th</sup> April 2009  Russet resident consultation by email sent on 30<sup>th</sup> March 2009</p> <p>Resident input included:</p> <ul style="list-style-type: none"> <li>▪ Emphasis on acting faster than target timescales where required</li> <li>▪ Regular contact with victim every two weeks</li> <li>▪ Adjustment of three month case closure target</li> <li>▪ Support offered where the resident wishes to say in their home, or to move somewhere else</li> </ul>		
<b>Signed off by:</b>	Group Policy Forum, 25 <sup>th</sup> June 2009		
<b>Author:</b>	Abi Patience, Policy Officer		

<b>Version no.</b>	3	<b>Date effective:</b>	
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