

Version

3



Housing Management

Domestic Abuse

Scope:	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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Policy Owned by:	Group Policy Team
KLOE:	Tenancy and Estate Management
QAF (Supported Housing):	C1.4 Protection from Abuse
Statute:	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
Regulatory Code:	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. The Domestic Abuse policy is closely linked to our [Antisocial Behaviour policy and procedure](#), and our [Harassment 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.

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, not allowing friends/relatives to visit, 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. Where the safety of children is a concern Circle Anglia will act in accordance with the [Safeguarding Children policy](#), including referring any concerns to social services or the police.

‘Honour’-based violence

- 3.3 This policy also covers so-called Honour Based Violence, which has 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.
- 3.4 This 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

- 3.5 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.
- 3.6 Where there has been violence or a fear of violence the police are the most appropriate body to take immediate action. In identifying housing solutions the local authority will be a key player, as they have the responsibility for homelessness within their area.

Data Protection and confidentiality

- 3.7 In domestic abuse cases confidentiality is of paramount importance. We will discuss with the victim the best way of communicating with them. We will ensure privacy for interviews.
- 3.8 We will not share information 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.
- 3.9 We will be particularly vigilant to ensure that any information we have about the victim’s whereabouts is not disclosed to any enquirer.
- 3.10 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

- 3.11 All front line staff will receive basic antisocial behaviour awareness training.
- 3.12 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 re-housing options, and maintaining confidentiality and discretion.

4 Responding to Reports of Domestic Abuse

Reporting abuse

- 4.1 We will take all reports of domestic abuse seriously. Domestic abuse can be reported by victims or witnesses by phone, e-mail, letter, in person or on our website. Most group partners now operate a 24-hour antisocial behaviour hotline which domestic abuse can be reported to.
- 4.2 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 response.

Timescales for response

- 4.3 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](#).
- 4.4 Where there is 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 and coordinate legal action against the perpetrator.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 Staff members will be aware of the possibility of unfounded or libellous reports being made. For example, sometimes an abuser will report fictional abuse committed by their victim in order to protect themselves.
- 4.10 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 put it right within 24 hours.
- 4.11 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 the

complainant is happy for us to do so, we will also interview the alleged perpetrator and any other witnesses or victims.

- 4.12 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 involved.
- 4.13 We will carry out an initial review of the action plan within 15 days to check the approach is still appropriate in light of any new evidence. We will telephone 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. We will issue the updated version to the complainant within three days.

Support for victims and witnesses

- 4.14 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.
- 4.15 When weighing up action to take 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 or abuse
 - whether the household has any special needs
 - existing support networks.
- 4.16 Housing options can be summarised as:
- 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

- 4.17 The Antisocial Behaviour Act 2003 allows courts to grant landlords 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. Residents can also seek their own injunction. Further guidance is found in the antisocial behaviour [appendices](#).

- 4.18 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, including domestic violence.
- 4.19 A Restraining Order will protect a person from further physical injury. It can prevent an abuser from coming near the victim's home or the victim. Breach of the order can lead to fines and up to five years in jail.
- 4.20 The courts have the power to impose a Restraining Order against an abusive or violent partner at the end of a criminal trial, regardless of whether that person was convicted of assault or not.
- 4.21 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 or to a specialist domestic abuse refuge.
- 4.22 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.
- 4.23 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.
- 4.24 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 where funding is available we will consider the possibility of installing a safe room / sanctuary room within a property.
- 4.25 A sole tenant suffering from domestic abuse who wants to move but does not want to end their tenancy may be able to transfer (where applicable to the RP), mutually exchange or explore private sector housing options.
- 4.26 In exceptional circumstances, where the victim is or becomes the sole tenant, we may be able to arrange a voluntary move on management grounds.
- 4.27 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 tenancy for the other.
- 4.28 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.
- 4.29 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

- 4.30 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.
- 4.31 In matrimonial proceedings the Court can order that a tenancy be transferred from one spouse to another. In certain circumstances, cohabitants, whether sole or joint tenants can apply as long as both parties have lived in the home together as husband and wife. We will abide by the court's decision.

5 Service Standards

- 5.1 The same service standards that apply more generally to antisocial behaviour apply to domestic abuse. These are minimum commitments; wherever possible we will work to faster timescales.
- 5.2 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.

6 Monitoring

- 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: complainant, victim, perpetrator.
- cost of externally-procured legal and non-legal services.

6.1 We will report on our progress, performance and costs regularly to partner boards. We will also monitor the number of new applicants housed who have previously experienced domestic abuse using the CORE Lettings form.

7 Equality and Diversity

7.1 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.

7.2 We will provide a tailored response to reports of domestic abuse, according to individual circumstances.

7.3 All customers will have access to this document upon request or from our website www.circleanglia.org/customers. This document and accompanying leaflet can be translated or provided in alternative formats on request.

7.4 Equality and Diversity training is mandatory for all staff.

8 Publicising the Policy

8.1 We publicise our policies and procedures on domestic abuse to residents and staff in a number of ways:

- Tenant Handbook, Leaflets and Newsletters; Resident Website
- CIRANO; Policy Briefings; Staff training.

Related Documents

Document	Link
Connected Policies:	Antisocial Behaviour Harassment
Forms and Letters:	Forms and letters are the same as those used for antisocial behaviour cases, to be adapted as necessary. These are linked to from the antisocial behaviour appendices .
Leaflets:	Domestic Abuse

Version history

Version no.	1	Date effective:	October 2006
Full / partial review?	n/a		
Brief summary of changes:	n/a		
Staff consultation (teams):	Relevant staff across all group members		
Resident consultation:	Have Your Say (Old Ford, Wherry, South Anglia, Circle 33 residents), Old Ford Housing Services, Old Ford TML		
Signed off by:	Group Policy Forum, 15 th September 2006		
Author:	Jason Christensen, Policy Officer		

Version no.	2	Date effective:	July 2009
Full / partial review?	Full		
Brief summary of changes:	Incorporation of resident feedback, increased staff guidance, updates in line with legislation, inclusion of Honour Based Violence		
Staff consultation (teams):	Housing Management teams at all Registered Providers Continuous Improvement leads at all Registered Providers		
Resident consultation:	<p>Wherry resident policy review day: 11th May 2009 Mole Valley resident's group set up specifically for this purpose: 29th April 2009 Russet resident consultation by email sent on 30th March 2009</p> <p>Resident input included:</p> <ul style="list-style-type: none"> ▪ Emphasis on acting faster than target timescales wherever possible (all groups) 4.3 – 4.7 ▪ Regular contact with victim every two weeks (15 calendar days) (MV+Wherry) 4.12, 4.13 ▪ Adjustment of three month case closure target (different groups suggested different target times; 		

	<p>three months is the compromise with flexibility built into the policy where other circumstances are relevant, for example, where legal action is ongoing) 5.2</p> <ul style="list-style-type: none"> ▪ Support offered where the resident wishes to stay in their home (Wh+MV) list of options 4.23 ▪ Support offered and options when the resident wants to move somewhere else (all) 4.16, 4.21
Signed off by:	Group Policy Forum, 25 th June 2009
Author:	Abi Patience, Policy Officer

Version no.	3	Date effective:	October 2009
Full / partial review?	Update		
Brief summary of changes:	4.19 – 4.21 Inclusion of information on Restraining Orders specifically directed at domestic violence, effective from 30 September 2009.		
Staff consultation (teams):	n/a		
Resident consultation:	n/a		
Signed off by:	Zoe Buick, Policy Manager, 21 August 2009		