

Domestic Violence Policy

Our mission is to enhance the Life Chances of residents and service users through providing great homes, first class services and working in partnership to build sustainable communities.

1 Scope

- 1.1 This policy applies to Circle and all Group partners.
- 1.2 It sets out our approach to responding to domestic violence experienced by our residents in all tenures of stock that we own and manage. The Domestic Violence policy is closely linked to our Antisocial Behaviour policy, and our Harassment policy
- 1.3 Domestic violence is a criminal offence and will not be tolerated. Domestic violence occurs regardless of age, gender, race, sexuality, economic status, geography or tenure and also impacts upon children, family and the community. We are committed to the belief that every person has the right to be safe from abuse and fear.

2 Policy

Definition

- 2.1 Domestic violence is defined by the Home Office as ‘any incident of threatening behaviour, violence or abuse ([psychological](#), [physical](#), [sexual](#), [financial](#) or [emotional](#)) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.’ (Domestic Violence – A National report, the Home Office 2005).
- 2.2 It can occur within any household against men and women, and also includes familial violence, [honour based violence](#), [forced marriage](#) and [harmful cultural practices](#). We recognise that older and other vulnerable adults can also be victims of domestic violence too.
- 2.3 Where the safety of children is a concern Circle will act in accordance with the Safeguarding Children Policy, including referring any concerns to social services or the police through the Safeguarding Children Champion at each registered provider.



Partnership working

- 2.4 In cases of domestic violence we are not normally the lead agency. We are committed to working with partners such as the police, local authorities and support providers to deliver a full response as;
- the police are the most appropriate body to take immediate action where there has been violence or a fear of violence
 - the local authority are important as they have the ultimate responsibility for homelessness within their area.

3 Responding to Reports of Domestic Violence

Reporting abuse

- 3.1 We will take all reports of domestic violence seriously. Domestic violence can be reported by victims or witnesses, including Circle staff, by any reasonable means and may be made in the first instance to the police, local authorities, refuge groups, voluntary organisations and friends and relatives. We aim to work in partnership with the relevant organisations to ensure a coordinated response.
- 3.2 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.

Timescales for response

- 3.3 We take reports of domestic violence very seriously and our aim is to interview the complainant within one working day of receiving the complaint. Further guidance is listed in the procedure.
- 3.4 We will consider whether the victim and his/her family are in any immediate danger so as to necessitate the involvement of police, social services and other bodies.

Support for victims, witnesses and perpetrators

- 3.5 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.
- 3.6 If we are approached by a perpetrator of domestic violence wishing to change their behaviour then we will signpost them to relevant agencies to support them doing in this.

Support for victims to remain at home

- 3.7 We will support victims who wish to remain in their home and may be able to provide additional security measures.

- 3.8 Where necessary we will work in partnership to seek an injunction or other appropriate legal action against the perpetrator to further enable the victim to remain at home.

Support for victims at immediate risk

- 3.9 We will work to support victims to, where appropriate, take legal action against the perpetrator of abuse or violence.
- 3.10 We will use which ever legal options we feel are appropriate which may include:
- An injunction, under the Antisocial Behaviour Act 2003
 - An injunction with the power of arrest, under s152 and s153 of the Housing Act 1996.
 - A restraining order, under the Protection from Harassment Act 1997, to protect a victim from harassment or fear of violence.
- 3.11 For victims at immediate risk we will consider a range of options for emergency housing including referral to the local authority homeless persons unit or refuge. We will consider the use of void homes on a temporary basis where there is no suitable alternative accommodation available.

4 Longer Term Housing Options

Sole tenants

- 4.1 We will support any sole tenant experiencing domestic violence, who wishes to move. We aim to do this through transfer options (where applicable to the Registered Provider), mutual exchange or by exploring private sector housing options.
- 4.2 In exceptional circumstances, where the victim is, or becomes the sole tenant, we may be able to arrange a voluntary move on management grounds.
- 4.3 Where the perpetrator is a sole tenant, we may choose to take possession action against them.
- 4.4 Where the victim is a sole tenant we may choose to take possession action against them. This may be the case if the victim is no longer living in the home but the perpetrator remains. In these cases Circle will take action against the victim in name only and will not seek an order for costs against the victim.

Joint tenants

- 4.5 Where there is a joint tenancy, we cannot evict the perpetrator or remove them from the tenancy without an order from the court.
- 4.6 Where one joint tenant is seeking advice on ending the tenancy **we must be extremely careful to protect the rights of both of our tenants.** We must insist that they seek independent legal advice on their options. It is essential that this recommendation is recorded on the tenancy file, as it may be used as court evidence.

- 4.7 Where the perpetrator is a joint tenant, we may choose to take possession action against them.

Other legal options available to the victim

- 4.8 We will advise all victims of domestic violence to seek independent legal advice about their legal options. Legal options may include but are not limited to:
- non-molestation orders
 - occupation orders
 - tenancy transfer by court order.

5 Data Protection and Confidentiality

- 5.1 We will adhere to the Data Protection Act. We recognise that cases of domestic violence can be very sensitive. Information provided by the complainant will be treated as confidential at all times and only passed to external agencies with prior consent complying with the best practice guidance set out in the [Framework Code of Practice for Sharing Personal Information](#) published by the Information Commissioner to ensure that we maintain confidentiality.
- 5.2 We reserve the right to make a referral to social services or to the police without the permission of the complainant, where the situation justifies it in line with our Data Protection Policy.

6 Equality and Diversity

- 6.1 Circle will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 6.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs. Please get in touch with your local provider to discuss this.

Glossary

Term	Definition
Honour Based Violence	This is violence or abuse committed to protect or defend the honour of the family and/or community. Such violence can occur when individuals perceive that a relative has shamed the family and/or community by breaking their honour code. It can include forced and early marriage, dowry-related incidents and female genital mutilation.
Forced Marriage	In a forced marriage you are coerced into marrying someone against your will. You may be physically threatened or emotionally blackmailed to do so. It is an abuse of human rights and cannot be justified on any religious or cultural basis. (Forced Marriage Unit, Foreign and Commonwealth Office)
Harmful Cultural Practices	This refers in particular to female genital mutilation (FGM). The Female Genital Mutilation Act was introduced in 2003 and came into effect in March 2004. This act makes it illegal to practice FGM in the UK and to take British nationals or permanent residents of the UK abroad for whether or not it is lawful in that country. It is illegal to aid, abet, counsel or procure the carrying out of FGM abroad and carries a penalty of up to 14 years in prison.

Appendix One

Types of Domestic Abuse

Type	Examples
Physical abuse	slapping pushing kicking punching stabbing attempted murder murder
Sexual abuse	rape non-consensual sexual acts
Emotional or psychological abuse	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	withholding money or medical help.