

East Devon District Council

Domestic Abuse Policy – Housing

Version 1

Officer Responsible: Housing Solutions Manager

Authorisation by: Housing Review Board

Authorisation date: 08/03/2018

History of most recent Policy Changes – Must be completed

Date	Page	Change	Origin of change (eg change in legislation)
04/10/19	3.5.4	Contact details	
25/02/20	2.7	Code of Guidance section 21	
05/10/21	3.5.4 and 3.6.1	Contact details	
05/10/21	5	Data Protection considerations	

1 Previous Policies/Strategies

1.1 This policy is being introduced in 2017

2 Why has the council introduced this policy?

2.1 The purpose of this policy is to ensure that the Housing Service manages domestic abuse in accordance with legislative and regulatory requirements, and good practice.

2.2 It will help to ensure that housing professionals take a victim centred consistent approach to domestic violence and abuse.

2.3 The policy aims to raise awareness, improve responses and encourage partnership working with specialist agencies.

2.4 The policy will aim to support staff to recognise the early warning signs and take the most appropriate course of action to support the victim.

2.5 Domestic abuse is defined 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 of family members regardless of gender of sexuality. This can encompass, but is not limited to the following types of abuse:

- **Physical;** slapping, pushing, kicking, punching, stabbing, or other physical assault.
- **Sexual;** rape and non-consensual sex acts.

- **Financial;** denial of rights or restriction of personal freedom for example, withholding money or medical help.
- **Emotional or psychological;** intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone.
- **Controlling behaviour;** is a range of acts designed to make a person subordinate and/or dependent 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 pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. (This is not a legal definition but will include 'honour' based violence and forced marriage.)

2.6 The Anti-Social Behaviour Act (ASB) 2003 placed a duty on all social landlords to prepare and publish policies and procedures relating to ASB and domestic abuse and to ensure that they are available for inspection to any person who asks for sight of them. When preparing and reviewing policies and procedures, the social landlord must take into account guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (ACA). The Council, as a registered provider of social housing is expected to have policies for dealing with domestic abuse.

2.7 The Homelessness Code of Guidance section 21 includes reference to Section 177(1) of the Housing Act 1996 (Part 7) whereby it provides that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against either the applicant, any person who normally resides as a member of the applicant's family or any other person who might reasonably be expected to reside with the applicant.

2.8 Section 177 (1A) provides that domestic violence means violence from a person who is associated with the victim and includes threats of violence which are likely to be carried out. Domestic violence is not confined to instances within the home but extends to violence outside of the home.

2.9 Section 178 provides that, for the purposes of defining domestic violence, a person is associated with another if; they are or have been married to each other, they are or have been civil partners of each other, they are or have been cohabitants (including same sex partners), they live or have lived in the same household, they are relatives.

2.10 For the purposes of this policy the term 'domestic abuse' refers to all incidents of domestic abuse and domestic violence.

3 What is the council's policy?

3.1 Dealing with disclosures

3.1.1 Housing staff may be a victim's first and only contact regarding domestic abuse. It is therefore essential that people who experience domestic abuse feel safe and supported in order that they can talk about their experiences. The initial response from front line staff will be very important and therefore teams will have clear procedures to ensure staff know what to do, who to contact and what advice to give.

3.2 Staff will;

3.2.1 Listen and take the victim seriously.

3.2.2 Take a non-judgemental and supportive approach to the disclosure of domestic abuse.

3.2.3 Keep the health, safety and wellbeing of the victim paramount.

3.2.4 Respect the victim's wishes and decisions where possible.

3.2.5 Offer the choice of speaking with a male or female officer if available.

3.2.6 Not interview or discuss in front of the victim's children.

3.2.7 Be confident to raise the subject of domestic abuse where they suspect abuse is taking place and ask appropriate questions.

3.2.8 Be aware of the signs of abuse.

3.2.9 Provide a supportive and enabling environment which encourages people to report domestic abuse to appropriate agencies.

3.2.10 Check where information should be sent to the victim and what contact telephone numbers are safe to use.

3.2.11 Act as an advocate for the victim, once consent to share is signed, to save the victim from having to repeat themselves causing further distress.

3.2.12 Develop working relations with specialist agencies and make appropriate representation and contribution to discussions at Multi-Agency Risk Assessment Conferences (MARAC) and local domestic abuse forums.

3.2.13 Be aware of the MARAC referral process (see appendix 1) and actively participate when they attend MARAC meetings.

3.2.14 Know who the domestic abuse outreach provider is for Devon and where victims can access support (Devon Domestic Abuse Support Service (DDASS) – 0345 1551074 / admin@splitzdevon.org) and how to refer (see appendix 2).

3.2.15 Be familiar with the Caada DASH risk assessment form for establishing level of risk to victim (see appendix 3) before referring to MARAC or DDASS.

- 3.2.16 Ensure that information provided through MARAC and other sources will be saved securely and only sent electronically through secure e-mail.
- 3.2.17 Ensure that we assist those affected by domestic abuse to obtain support and protection.
- 3.2.18 Be aware of the emergency contact route (known as Multi-Agency Safeguarding HUB referral process (or MASH enquiry) in Devon) for children experiencing or witnessing domestic abuse (see appendix 1 or 4).
- 3.2.19 Work co-operatively to enable households experiencing domestic abuse to access a range of housing and support options.
- 3.2.20 Be sensitive to the diverse needs of victims and children considering their age, disability, gender, race or ethnicity, religion or belief, sexual orientation and transgender.
- 3.2.21 Recognise socio economic factors which may impact on those experiencing domestic abuse, such as low income, low literacy or numeracy skills, rural isolation and caring status.
- 3.2.22 Recognise additional barriers to those experiencing domestic abuse who are frightened that reporting will bring unwanted attention to their personal circumstances.
- 3.2.23 Recognise that abuse can lead to statutory homelessness as it may not be reasonable for someone to continue to live at home or in the locality.
- 3.2.24 Be trained and have up to date knowledge of domestic abuse, training is available from the local Safeguarding Board.

3.3 Confidentiality and Data Protection

- 3.3.1 The Council are committed to maintaining the highest standards of confidentiality in order to ensure the safety and well-being of both victims and staff.
- 3.3.2 Staff will treat information disclosed in the strictest confidence and will ensure victims are reassured that the perpetrator will not become aware of their whereabouts if they decide to flee or that they have been seeking advice and support if they are still living with the perpetrator.
- 3.3.3 Staff must not pass on information relating to a victim to a third party without their written consent in accordance with the Data Protection Act.
- 3.3.4 Contact will not be made with the perpetrator unless the victim has given us consent to do so. If contact has been agreed, the victim must be informed of our intention to make contact before doing so on every occasion. We accept

that in some cases it may be inappropriate to make contact with the perpetrator and could place the victim at further risk of harm.

- 3.3.5 Where there is a joint Council tenancy, staff will ensure that a perpetrator does not have access to confidential information relating to any disclosure and action taken.
- 3.3.6 Exchange of information will not usually occur without prior consent from the victim, unless there are suspected safeguarding issues and concern that any health and safety of an individual is at risk.
- 3.3.7 East Devon District Council is signed up to the Devon and Cornwall Domestic Violence and Abuse Information Sharing Protocol (see appendix 5).

3.4 Advice and support

- 3.4.1 When a victim reports an incident of domestic abuse, they will be given advice and assistance as a matter of priority by staff to help ensure their safety.
- 3.4.2 Victims will be signposted to agencies which can help them to explore any legal remedies available to them, this may include taking legal action to exclude the perpetrator from the home, if appropriate, where he/she is resident in the home, or from the area if he/she is not resident in the home.
- 3.4.3 The victim's wishes and safety consideration/recommendations from other agencies will inform the advice given and any action taken.
- 3.4.4 If action is required to help with rehousing or for the Council to assist with legal remedies, further enquiries will be made by the housing teams to obtain supplementary evidence that may be required before action.
- 3.4.5 The Council will be dedicated to positively assisting and supporting victims of domestic abuse and take appropriate action against perpetrators where there is legal power to do so. This may involve applying for a possession order to evict a tenant who has perpetrated violence and ensuring the perpetrator is not rehoused following eviction.

3.5 Options available

- 3.5.1 If the victim is wishing to remain at the property;
 - There are legal remedies available to remove the perpetrator from the property if it is a joint tenancy, providing there is sufficient information to evidence risk. Legal remedies can consist of restraining orders, non-molestation orders and occupation orders made by the court.
 - Domestic Violence Protection Orders/Notices (DVPO/N) can be applied for by the Police to remove the perpetrator from the property for up to 28 days allowing the victim time to make alternative housing arrangements if necessary.

- 3.5.2 We will work closely with the Police and partner agencies to provide evidence and support where necessary when they are seeking legal remedy.
- 3.5.3 The Sanctuary Scheme is funded by the Council to improve security for victims wishing to remain in their home, in order to help them feel safe, for high risk MARAC cases.
- 3.5.4 In urgent cases where the risk is such that the victim wishes to flee their accommodation they can contact the Housing Options team on 01395 571660, or e-mail housingoptions@eastdevon.gov.uk for assistance with this and to make a homeless application.
- 3.5.5 If the Housing Options team have reason to believe that the victim is at risk of homelessness they can assist with securing a refuge, or arranging emergency accommodation pending securing longer term accommodation.
- 3.5.6 Each case will be considered on a case by cases basis taking into consideration the wishes of the victim and the location of the perpetrator alongside safety advice from the police and any other agencies that may be involved.
- 3.5.7 Domestic abuse cases will be treated as a priority.

3.6 Reporting of incidents

- 3.6.1 Council tenants who are victims of domestic abuse can report incidents to the Estate Management Team on 01395 516551 or by e-mailing estatemangement@eastdevon.gov.uk, all reports will be notified to the relevant manager.

3.7 Recourse to public funds

- 3.7.1 If a victim approaches the housing options team but they determine that they are not eligible for assistance they should be advised to seek specialist legal advice and assistance as soon as possible.
- 3.7.2 If a person from abroad with children decides to leave a domestic abuse situation they should be referred to Children's Services for an assessment of the support which may be available to them using the MASH referral (appendix 1 or 4).
- 3.7.3 There are charities across the country that provide refuge services to ineligible persons and the housing options team should investigate these.

3.8 Dealing with the perpetrators

- 3.8.1 Officers will not act as a go between the victim and the perpetrator.

- 3.8.2 The Estate Management team will, where appropriate, take a multi-agency approach with specialist agencies such as MAPPA, Police, Probation, and any other agency relevant to the case in order to deal with the perpetrator.
- 3.8.3 Perpetrators will, where appropriate, be advised that the consequences of their actions may mean they are not eligible for further assistance through Devon Home Choice if the local housing authority are seeking legal proceedings that are consistent and fair according to the nature of the incident.
- 3.8.4 If the initial perpetrator makes a counter claim of domestic abuse, it should be treated in the same way as any other approach carrying out investigation to establish the facts and base decisions on evidence.

3.9 Review requests

- 3.9.1 If a customer is not happy with the way in which their case is being dealt with they should contact the appropriate manager to request a review of their case.

3.10 Health and safety

- 3.10.1 Officers will follow Lone Worker Procedures at all times when managing reports of domestic abuse.

3.11 Supporting staff

- 3.11.1 It is recognised that dealing with domestic abuse or disclosure can have a significant impact on staff. The council will ensure that line management support and counselling services are available to staff who may be affected

4 Equality impact considerations – the policy is high relevance to equality if it has a big impact on residents and users of the service

High

Human Rights Act

5 Data Protection considerations

d) This policy does not relate to existing tenants. Any personal data required will not be obtained without prior consent being given

If selecting option c) – please provide a summary of additional personal data required and how this will be obtained and used below.

Any additional personal data required for a homeless application and accommodation for accommodation (Devon Home Choice) will be subject to consent from the applicant

The [EDDC Data Protection Policy](#) provides further information on how we store and use personal information.

The following privacy notice(s) provide further information on how we will use tenant's personal data, how it is gathered, and how long we will retain this information, and what rights tenants have in relation to this.

Housing Options - Processing homeless applications

Housing Allocations - Processing Devon Home Choice applications

Choose an item.

Choose an item.

Choose an item.

Choose an item.

All our privacy notices can be found on the EDDC website

(<https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notices/>)

6 Appendices and other relevant information

Appendix 1 – MARAC/MASH referral form

Appendix 2 – DDASS referral form

Appendix 3 – Caada DASH risk assessment

Appendix 4 – Devon and Cornwall Police Information Sharing Agreement

6 Links related Policies/Strategies, Procedures and Legislation

6.1 Lone Worker Policy

7 Date for review of policy

7.1 This policy is due for review in February 2022