

Housing and Safer Communities Domestic Abuse Policy



Division – Housing and Safer Communities

Title of Policy – Housing Domestic Abuse Policy

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Contents	
1	Definitions of Domestic Abuse
2	Context
3	Legislation
4	Policy Scope
5	Policy Objectives
6	Service standards and commitments
7	Safeguarding
8	Perpetrators
9	Staff training
10	Confidentiality
11	Implementation & Performance
12	Related Procedures & Documents

I Definitions

1.1 The Home Office Definition of Domestic Violence and Abuse is:

“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 or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- Physical
- Sexual
- Psychological
- Emotional
- Economic

1.2 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.

1.3 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 their victim.”
Coercive or controlling behaviour was recognised as an illegal offence from December 2015.

1.4 These offences carry a maximum 5 years’ imprisonment, a fine or both. Victims who experience coercive and controlling behaviour that stops short of serious physical violence, but amounts to extreme psychological and emotional abuse, can bring their perpetrators to justice.

1.5 The definition of this offence was revised in order to close a gap in the law around patterns of controlling or coercive behaviour that occurs during a relationship between intimate partners, former partners who still live together or family members.

2 Context

2.1 National Context

- 1 in 4 women experience domestic abuse
- 2 women are killed every week by a former or current partner in the UK
- 1 in 4 LGBT relationships are abusive
- Domestic abuse is one of the highest causes of homelessness among women
- 63% of tenants who are victims of domestic abuse had rent arrears to the Notice of Seeking Possession stage
- 40% of tenants who are suffering domestic abuse had ASB complaints made against them

2.2 Local Context

- **Volume:** There were 3,856 offences in the twelve-month period 2019/20.
- **Trend:** There has been a 2.6% increase in offences in the twelve-month period compared to the previous twelve-month period, which showed a total of 3,651 offences.
- **Comparisons:** Whilst Royal Greenwich has shown an increase (2.6%), the Metropolitan Police Stats (MPS) has shown an increase (1.9%).
- Royal Greenwich was 'ranked' 30th for the level of offences in the last 12 months (where 1 is the borough with the lowest level of offences), which was the same ranking as in the previous 12 months.

3 Legislation

- Family Law Act 1996
- Matrimonial Causes Act 1973
- Anti-Social Behavior, Police and Crime Act 2014
- Data Protection Act 1998
- Domestic Violence, Crime and Victims Act 2004
- Housing Act 1996
- Homelessness Reduction Act 2017
- Human Rights Act 1998
- Forced Marriage (Civil Protection) Act 2007
- Domestic Violence Crime and Victim Act 2004
- Domestic Violence Disclosure Scheme 2014
- Domestic Proceedings and Magistrates Court Act 1978
- Protection from Harassment Act 1997
- Protection of Freedoms Act 2012 (Stalking)
- Secure Tenancies (Victim of Domestic Abuse) Act 2018
- Equality Act 2010
- Modern slavery Act 2015

The law on domestic abuse is extending and remains an on-going concern on the Government's agenda. The Domestic Abuse Bill 2019-21 is intended to transform the national response to domestic abuse; prevent abuse from happening in the first place; put the needs of all survivors of domestic abuse, including children, at the heart of new laws and place the responsibility on perpetrators to stop abuse.

4 Policy Scope

- 4.1 This policy sets out how Royal Greenwich, Housing and Safer Communities department (HSC) will take steps to assist and support any person experiencing or affected by domestic violence and abuse. Domestic Abuse (DA) is still a largely hidden crime and measuring the true scale of the issue is difficult. DA happens in all communities, regardless of age, gender, sexuality disability, ethnicity, religion, social background, or any other characteristic.

- 4.2 This policy is considered in the wider context of work being undertaken by the Royal Borough of Greenwich (Royal Greenwich) and its key partners. This includes the work of the Safer Greenwich Partnership, the MARAC, and various case panels.
- 4.3 HSC will encounter both victims and perpetrators of domestic abuse during their work and Officers are trained to recognise and respond to domestic abuse. Identifying domestic abuse early and providing support to victims is a key priority, to enable the service to prevent homelessness, improve the safety and wellbeing of victims and reduce costs to the Council and other public services.
- 4.4 HSC recognises the causes and effects of DA are wide ranging and varied and can affect persons experiencing domestic abuse in different ways. Therefore, the Service works effectively with stakeholders at a strategic level to improve our service and in response to individual cases. This includes partner agencies from the DA sector, housing providers, the Police, Probation, Health Services and internal colleagues in Adult and Children's Safeguarding, Public Health and Legal departments.
- 4.5 This policy is written to complement Safer Greenwich Partnership Violence Against Woman & Girls Strategy (VAWG) 2019 to 2021, the HSC share the same aims to make the Royal Greenwich a place where women and girls can live in a safe environment, free from harassment, violence and abuse.
- 4.6 The VAWG Strategy is taken to refer to the following range of serious crime types which are predominantly, but not exclusively, experienced by women and girls.
- Domestic Violence and Abuse
 - Sexual Offences
 - Stalking
 - Female Genital Mutilation
 - Honour Based Violence
 - Forced Marriage
 - Prostitution
 - Trafficking for Sexual Exploitation.
- 4.7 To enable VAWG to tackle the issues above, the Safer Greenwich Partnership will deliver on the following four priorities.
- Ensuring that all professionals have the skills, knowledge and confidence to identify and support/refer victims appropriately.
 - Protecting and supporting victims giving priority to those who are high risk whilst also helping those in need of early intervention by encouraging victims to report and promoting services available.
 - Raising awareness amongst the community, enabling people to understand the impact of violence against women and girls on families and communities and working together to challenge the culture of acceptance and repair the harm.
 - Pursuing perpetrators through enforcement action whilst intervening to change the behaviour of perpetrators where it is appropriate and there is genuine motivation for change.

5 Policy Objectives

5.1 Responding to Domestic Abuse

- 5.1.1 This policy and local procedures outline how Royal Greenwich, HSC will respond, and support victims threatened or experiencing domestic abuse. This applies to all tenants, non-tenants and those approaching Royal Greenwich from other local authority areas. HSC will treat victims sensitively, respectfully and with empathy at all times, using a victim centred approach.
- 5.1.2 HSC and partners are committed to tackling domestic abuse and will adhere to legislation and pursue good practice to ensure there are robust and well informed services in place to respond to the housing needs of those experiencing or fleeing domestic abuse.
- 5.1.3 Support will be provided to those individuals experiencing domestic abuse, irrespective of age, gender, sexuality, disability, ethnicity, religion, social background or any other characteristic identified in the Equality Act 2010. Officers will act sensitively towards the diverse needs of individuals and communities and will take positive action, in response to the needs and requirements of each case.
- 5.1.4 Whilst the majority of victims of domestic abuse are female, HSC recognise that anyone can be a victim of domestic abuse also recognise that certain categories are underreported like males and individuals in same sex relationship. Officers will ensure any person who approaches HSC will receive advice, help and support, and also enable them to access the relevant specialist services, as required.
- 5.1.5 A joint and co-ordinated approach is taken to address domestic abuse. Officers, with the customers consent, will liaise with the police, voluntary agencies and community groups. HSC will work to improve channels of communication with all stakeholders and promote any initiatives to protect and support victims and their families.
- 5.1.6 Many incidents of domestic abuse are never reported to the police. HSC will encourage and support victims, to report incidents to the police and also to access legal advice and action to safeguard themselves, their families and property. This will include:
- Non-molestation orders
 - Occupation orders
 - Restraining orders

Legal action will be considered with the police or support services and will not always be taken, if it is felt there could be a further risk to the victim or their family, other action that could be taken, which include warnings, injunctions and possession proceedings.

5.2 Raising Awareness

- 5.2.1 Awareness on DA will be raised regularly, both internally and externally, including publicity campaigns, across the Council and the Borough. We are committed to eradicating domestic abuse and a key part of this is ensuring that our residents and communities are clear of the Council's position. This includes raising awareness and providing

information in targeted publicity campaigns, newsletters, leaflets, and on the Council's website.

- 5.2.2 HSC Officers will have access to regular training, to ensure that they are able to actively deliver a service as outlined within this policy and their local procedures. DA Champions have been appointed across the organisation to offer advice, support and guidance to Officers and those in need of personal support.

5.3 **Safeguarding Victims**

- 5.3.3 MARAC bring agencies together to share information and manage victim safety in high-risk cases, participating agencies include the Police, social services, community mental health services, other NHS professionals and relevant local authority departments. HSC will participate in Multi Agency Risk Assessment Conferences (MARACs) to support and protect victims and will follow all reasonable recommendations made.
- 5.3.4 A risk assessment will be carried out by Officers using the Domestic Abuse, Stalking, and Honour based risk identification checklist (DASH) and safety planning to provide support for the person experiencing domestic abuse and their children where present. **(Appendix 1)**
- 5.3.5 A referral will be made for any identified high-risk victim which meet the threshold of Multi- Agency Risk Assessment Conference (MARAC). **(Appendix 2)**

5.4 **Providing Re-Housing Options**

- 5.4.1 The HSC will be required to assess the circumstances of those who have approached the service that are homeless or potentially homeless as the result of domestic abuse or a future threat of abuse.
- 5.4.2 In cases of domestic abuse, where the victim's safety is at risk, Officers will enable victims to access a range of housing and support options in the shorter term such as family and friends, refuge or temporary accommodation. Where it's safe and the victim wishes to remain in the property, a referral will be made to the Sanctuary Scheme to install additional security measures.
- 5.4.3 Whilst it is recognised that most victims will wish to remain in the local area to maintain employment, family contact, schooling and medical appointments, this will be taken into consideration within the risk assessment and safety planning.
- 5.4.4 Council Tenants will liaise and be supported by their Tenancy Officer. Following risk assessments and safety planning, housing options will be explored. Options will include the Council's Sanctuary Scheme and also whether following independent legal advice, an occupation order or court order to transfer the tenancy to the victim's sole name to allow them to remain in the property. Where safety planning requires an alternative housing solution, the Tenancy Officer will liaise directly with the Temporary Accommodation Team to find suitable accommodation.

- 5.4.5 In extreme cases of domestic abuse, where the tenant's safety is at risk, HSC will try to arrange short term temporary accommodation in a safe area, outside of the borough; temporary accommodation may be provided on a short-term basis until suitable permanent accommodation is offered
- 5.4.6 The Housing Inclusion Service will respond to individuals reporting domestic abuse as appropriate and in line with the requirements of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017)
- 5.4.7 Permanent rehousing options include private sector accommodation, housing outside of London through Homefinders etc, and council or RSL properties etc. Housing availability, risk assessments and safety planning, through MARAC etc will inform the re-housing option.

5.5 Staff Experiencing Abuse

- 5.5.1 The council recognises that staff members may also experience domestic abuse. The Royal Greenwich, Domestic Abuse Policy for Staff outlines advice and support available to employees who are experiencing or affected by DA.
- 5.5.2 Council Officers experiencing DA and in need of re-housing will be offered a discreet and confidential, with support Trained DA Champions who are located across all departments within the Council. DA Information is advertised on Council media platforms to raise awareness and signposting to DA services, available to all Royal Greenwich staff.

6 Service Standards and Commitments

- 6.1 Frontline Officers will ensure that they follow the service standards (**Appendix 3**) to all victims of DA approaching the HSC. The statement sets out the standards of service the victim can expect to receive when they contact in need of advice, support or rehousing.

7 Safeguarding

- 7.1 Officers are aware of the referral pathways for those affected by Domestic abuse. They will ensure that where there are safeguarding issues, a referral is made to MASH, Safeguarding Children or Safeguarding Adult's departments, following the procedures in place. Safeguarding referrals will be supported by all departments within HSC, to protect individuals, regardless of the nature of the abuse.

8 Perpetrators

- 8.1 Royal Greenwich work with partners to support individuals experiencing domestic abuse and where appropriate, to take action against perpetrators, where we can do so without compromising the safety of the victim. HSC recognise that perpetrators of DA can be from a diverse range of backgrounds often with, protected characteristics. Officers will ensure that perpetrators have access to a fair and equitable service.

- 8.2 Where the perpetrator is willing to address their abusive behaviour, Officers will refer them to appropriate specialist support services. In addition to this, perpetrators will be provided with housing advice and support, as necessary.
- 8.3 Domestic abuse is considered serious and unacceptable behaviour, such that a where there is substantial evidence available, perpetrator will be excluded from the housing register, however other housing options will be explored.
- 8.4 A perpetrator of domestic abuse may, in exceptional circumstances, may be housed by the Council. Where a perpetrator must be rehoused he/she may be excluded from bidding and will be made a direct offer.
- 8.5 Tenants who have lost their secure tenancy as a result of termination by the other joint tenant (victim), due to alleged domestic abuse may not be offered a new tenancy. If there is independent evidence of domestic violence and abuse leading to the loss of tenancy, the perpetrator will be evicted as an unlawful occupant.
- 8.6 The action taken against perpetrators will dependant on the individuals circumstances. This may include possession action against a perpetrator where other members of the household have left the home due to domestic abuse. Dependent upon the circumstances, this would provide an opportunity for the victim and children to either return to the home, or to provide the victim and children with an alternative permanent home.
- 8.7 Warning flags will be placed on Royal Greenwich IT systems to warn Officers and operatives, of the potential dangers and risks for liaising with known perpetrators whether in the Council offices or when conducting visits, at their homes. These flags will remain in place until the risk from the perpetrator is assessed as no longer a threat to victims or Council Officers.
- 8.8 Officers are offered training in Frontline Safety, to undertake risk assessments and also responding and tackling incidents of abuse and violence, to protect themselves, colleagues and members of the public.

9 Staff training

- 9.1 Domestic abuse training will be provided to all Officers responsible for implementing this policy with comprehensive training, as required. Managers are committed to ensuring that relevant Officers attend mandatory training to respond effectively to reports of domestic abuse, and to feel confident in handling cases and supporting victims.
- 9.2 Training will uncover unconscious bias and provide Officers with a fresh perspective of the causes and effects of DA and advise them how to respond appropriately and sensitively. It also serves to remind of the hidden signs and warnings of DVA being present, in cases which may have presented for another reason. Also, to raise awareness for those making home visits, and to allow them to feel safe and comfortable to make referrals.

- 9.3 Officers will have understanding of the range of access and diversity issues for DA victims and therefore be able, to offer a fair and equitable service, to all customers including those with protected characteristics.
- 9.4 Core DA and safeguarding training is mandatory, for all front line Officers, taking place every two years. However, refresher training will be available on a rolling programme.

10 Data Protection / Confidentiality

- 10.1 Royal Greenwich and relevant partner agencies will share information for the purpose of the prevention and detection of crime under section 115 of the Crime and Disorder Act 1998 and various provisions of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018.
- 10.2 Under this legislation, the HSC will withhold information from requestors, where it is deemed there is a safeguarding risk or to prevent any acts or further acts of abuse.
- 10.3 HSC will respect confidentiality, when dealing with reports of domestic abuse. Information will only be shared outside of the organisation with the victim's consent.
- 10.4 However, under the General Data Protection Regulation Act 2018, Royal Greenwich may share information without consent if, in judgement, there is a lawful basis to do so, such as where the safety of any individual may be at risk. Officers will base their judgement on the facts of the case.
- 10.5 Where cases involve safeguarding children or vulnerable adults, or for the purposes of the prevention and detection of crime, Officers where possible, will discuss with a DA victim, the reasons why a disclosure is to / or has been made.
- 10.6 As required, case notes will be marked as confidential and stored securely. Officers are aware that third parties cannot access any information or act on behalf of the DA victim, without the consent of the victim.

11 Implementation and Performance

- 11.1 This policy will be available to view on the intranet and Officers will have the opportunity to discuss the implications and their understanding of it at briefings and team meetings. The policy will be available to view for the public on the Royal Greenwich website and for all Council Officers on the Royal Greenwich staff intranet.
- 11.2 HSC will monitor the performance of this policy by ensuring by gathering feedback from customers receiving a service, to identify gaps in our service provision. HSC will monitor reports of domestic abuse from victims approaching services, action taken, case management and outcomes achieved. Colleagues in performance teams, will also review the equalities data to see if there are any possible impact or negative effects, of this policy and ensure these factors and any inequality are addressed.

11.3 This policy will be reviewed annually, ensuring that it continues to meet its objectives. Officers will also monitor the effectiveness of this policy, to ensure continuous improvement and will make the necessary amendments to address any changes in legislation, best practice and operational issues.

12 Related procedures & documents

- Responding to Domestic Violence and Abuse Procedure - Housing Inclusion
- Responding to Domestic Violence and Abuse Procedure - Tenancy Services
- HR Domestic Abuse Policy for Staff
- Housing Allocations Policy
- Anti-Social Behaviour Policy
- Homelessness Strategy 2014-2019
- Hate Crime Policy 2015
- Royal Borough of Greenwich Equality Objectives 2016 to 2020

Appendices

1. Domestic Abuse, Stalking, and Honour based Risk Identification Checklist (DASH)
2. Multi-Agency Risk Assessment Conference (MARAC) Referral Form
3. Housing & Safer Communities – Domestic Abuse Service Standards