Domestic Abuse Policy

# Introduction

* 1. Housing Services have a key role in reducing incidents of domestic abuse and supporting victims of domestic abuse and recognises domestic abuse is unacceptable. It takes domestic abuse seriously and is committed to providing a sensitive and confidential response to anyone approaching us for help in cases of domestic abuse
  2. The Domestic Abuse Act (2021) defines domestic abuse as “Any incident or pattern of incidents of controlling, coercive, 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” It does not matter whether the behaviour consists of a single incident or a course of conduct.
  3. Medway Council recognises domestic abuse can happen to anyone, and may be experienced differently due to, and compounded by, social background, disability, age, gender, religion, culture, class, mental health, sexuality or ethnicity. Domestic abuse affects both male and female victims, including those in lesbian, gay, bisexual and transgender (LGBTQ+) relationships.
  4. Housing Services and Strategic Housing are committed to supporting all victims of domestic abuse. This definition includes all nuances of domestic abuse for example “honour based” abuse (HBA), forced marriage (FM) and female genital mutilation (FGM) as well as adolescent to parent/carer abuse and elder abuse.
  5. Domestic abuse can be perpetrated by men against women, women against men and within same sex relationships. Abuse can be perpetrated by partners, ex-partners and family members, including children under the age of 18, adult children or siblings.
  6. Abuse can occur in a variety of ways including physical violence, emotional or psychological abuse, sexual violence and abuse, financial control, controlling or coercive behaviour and abuse and the imposition of social isolation or deprivation.
  7. Domestic abuse can have a devastating impact on children exposed to it in their own home. Under the statutory definition of domestic abuse, a child who sees or hears, or experiences the effects of domestic abuse and who is related to the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse.
  8. Housing Services will work with specialist partners to support victims and alleged perpetrators as domestic abuse cases need a multi-agency approach.

Purpose

* 1. This policy aims to set out Housing Service’s commitment to dealing with domestic abuse cases efficiently and effectively. Investigating reports of domestic abuse; the actions and legal options and solutions. The Policy aims to:
     1. ensure the response of Housing Services is appropriate to the needs of the individual and (in line with good practice) to provide secure and safe accommodation.
     2. ensure the service meets the housing needs of those experiencing domestic abuse.
     3. outline our responsibilities and the support available to people who are experiencing domestic abuse.
     4. raise awareness of the issue of domestic abuse across Housing Services and our contractors that engage directly with our customers, to enable relevant employees to provide appropriate support for example through the Care First scheme

# Scope

* 1. This policy applies to all clients and residents who access any part of the Housing Service.

# Legislation and Guidance

* 1. **External**
     1. Domestic Abuse Act 2021
     2. Domestic Violence, Crime and Victims (Amendment) Act 2012
     3. Domestic Violence Bill 2019
     4. Draft Domestic Violence Bill 2018
     5. Children Act 20044.1.2 Housing Act 1996
     6. Family Law Act 1996
     7. Protection from Harassment Act 1997
     8. General Data Protection Regulation (GDPR) 2018
     9. Crime & Disorder Act 1998 S.17
     10. Freedom of Information Act 2000
     11. Housing Act 1996 (as amended)
     12. Homelessness Act 2002
     13. Homelessness code of guidance for Local Authorities 2018
     14. Anti-Social Behaviour Act 2003
     15. Domestic Violence, Crime and Victims Act 2004
     16. Civil Partnership Act 2004
     17. Localism Act 2011
     18. Protection of Freedoms Act 2012
     19. Anti-Social Behaviour, Crime and Policing Act 2014
     20. Serious Crime Act 2015
     21. Transforming the Response to Domestic Abuse Bill 2019
  2. **Internal**
     1. Anti-Social Behaviour Policy
     2. Tenancy Agreement
     3. Allocations Policy
     4. Tenancy Strategy
     5. Homelessness Prevention Strategy 2017-2019
     6. Housing Strategy 2018-2022

# Policy

* 1. Housing Services believe that none of our tenants or clients should live in fear of violence and abuse and is committed to providing homes in which people want to live, work, and feel safe and secure.

* 1. Housing Services plays a key role in reducing the incidents of domestic abuse and supporting survivors. There are a range of responses and actions available which we will consider using in appropriate circumstances:
  2. Housing Services will be sensitive to the diverse needs of survivors and their children. Considering their age, disability, gender, race or ethnicity, religion or belief, sexual orientation, transgender status and socio-economic situation.
  3. Housing Services will take into account published best practice guidance when dealing with domestic abuse.
  4. Housing Services will aim to ensure staff are trained and supported appropriately and follow procedures when working with people experiencing or affected by domestic abuse.
  5. Housing Services will respect confidentiality. It will signpost or refer to appropriate agencies with the agreement of the survivor.
  6. Housing Services will ensure staff are aware of the referral care pathways for those affected by domestic abuse. It will ensure that, where there are child protection concerns or the individual meets the definition of an adult at risk, referrals are made to Medway Council’s Safeguarding Children or Safeguarding Adults department, as appropriate.
  7. Housing Services will refer any identified high-risk survivors to the Multi Agency Risk Assessment Conference (MARAC) for information sharing to incorporate a multi-agency safety plan.
  8. The Service will share relevant information on tenants that are experiencing domestic abuse under Section 115 of the Crime and Disorder Act.
  9. Housing Services will enable the reporting of domestic abuse in different ways, including in person, in writing, by telephone, online or via a third party such as a police officer. By ensuring victims are given advice so that they can access appropriate services as early as possible and make choices about what to do next.

## When a report of a domestic abuse incident is received to housing services, we will ensure that we:

* + 1. Work in a confidential, sensitive and non-judgemental manner to provide information, advice and support.
    2. Offer options on how to report incidents of domestic abuse such as in person or at a mutually agreed location.
    3. Agree how we will keep in contact with the victim or the agency representing them and the frequency of this, in case they need any further help.
    4. Enable a risk assessment (using the Domestic Abuse, Stalking and 'Honour'-based Violence (DASH) Risk Identification checklist) to be completed and safety planning to provide support for the survivor and their children where present
    5. Provide improved security to a victim’s home, for example, panic alarms and mobile phones where necessary.
    6. Support those who are, and have been, exposed to domestic abuse.
    7. Work with partner agencies to ensure co-ordinated services to prioritise the victim’s and any children’s safety.
    8. Discuss all options available to the resident.
    9. Make an employee of the same sex available to interview the victim where requested.
    10. Inform the victim of their legal rights in respect of the tenancy.
    11. Where appropriate, refer the victim to a specialist organisation to provide additional security to the home.
    12. Establish if there are any special needs that should be taken into account. Such as, the need for an interpreter or sign language translator.
    13. Conduct interviews in private and if necessary, in a place of safety.
    14. Refer cases involving child protection or vulnerable adults to the relevant authority.
    15. Support multi-agency and partnership working including Kent and Medway Domestic Abuse Strategic Group, Medway Domestic Abuse Subgroup, Medway Domestic Abuse Partnership Board and Multi Agency Risk Assessment Conferences (MARAC).
    16. Refer to Oasis Integrated Domestic Abuse Service.
    17. Enable victims to remain in their own homes through provision of advice support and security measures, where it is safe and appropriate to do so.
    18. Seek to signpost perpetrators of abuse to the relevant support.
    19. Support witnesses throughout the investigation and any further action.
    20. Report incidents to the Police on behalf of victims or support victims in doing so (with their permission), where they feel too intimidated to report incidents themselves. We can also offer third party reporting services if requested.
    21. We will offer advice to individuals and refer to external advice agencies for example Legal Services or Citizens Advice Bureau where relevant.
    22. Research has suggested that those experiencing domestic abuse may have complex needs and some may utilise coping strategies, including alcohol and substance misuse. In these cases, and/or where victims are vulnerable or have mental health issues, we will refer to other appropriate agencies for additional support.

## HRA Housing Stock – Providing accommodation and support services.

* 1. Local authorities’ duty to assess housing need
     1. From 1 October 2021, every relevant local authority must plan and provide accommodation-based support for victims of domestic abuse in its area.
     2. Accommodation based support means support in housing provided by
* local authority
* housing association
* charity which provides domestic abuse support
* It can also mean support provided in various types of temporary or emergency accommodation set out in the legislation, including refuge accommodation and designated emergency domestic abuse accommodation.

5.13 Accommodation based support include

* advocacy support
* domestic abuse prevention advice
* specialist support for victims
* support designed for victims with additional and complex needs
* support for children
* housing related support
* advice services
* counselling and therapy.
  1. Priority need for people homeless because of domestic abuse
     1. From 5 July 2021, a person who is eligible for housing assistance and homeless as a result of domestic abuse automatically has a Priority need. The abuse must meet the definition in the Domestic Abuse Act 2021.

* 1. Bringing a joint tenancy to an end
     1. Housing Services may seek possession of a property where a Domestic Abuse victim has requested a notice to quit, ending the tenancy on behalf of both joint tenants.
     2. A tenant who leaves their home as a result of domestic abuse can start proceedings for the possession of the property. The property must have been occupied by a couple who were married, civil partners or living together. One partner must have left because of violence or threats of violence towards them or a member of the family living with them and be unlikely to return.
  2. Lifetime tenancies
     1. Housing services will grant a secure lifetime tenancy to a tenant who had or has a secure lifetime or assured tenancy (other than an assured short hold tenancy).
  3. Homelessness Applications
     1. A person who leaves their home because of domestic violence can apply for homelessness assistance from the Housing Services and cannot be treated as intentionally homeless.
     2. Upon approach for homelessness assistance, Housing Services has a duty to accommodate a person and their household where they have a reason to believe that they may be:
* Homeless
* eligible for assistance and
* in priority need
  1. In addition to the above, in cases where the report of domestic abuse is a tenant within the council’s HRA stock, officers will also

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* + 1. Make a referral to our welfare benefit advice team for support around financial issues, where necessary.
    2. Work with contractors to ensure any necessary safety measures are made to the property.
  1. Where a perpetrator of ASB (antisocial behaviour) subsequently reports to be a victim of domestic abuse, we will take into account all circumstances. Our priority is to ensure any resident’s personal safety

# Role, responsibilities and authority

* 1. The Assistant Director for Culture and Community retains the overall responsibility for the implementation of this policy.
  2. The Head of Housing is responsible for the operational delivery of this policy and associated procedures. This includes responsibility for monitoring and reviewing, staff awareness and training, policy development and communication to tenants.

# Monitoring, review and evaluation

* 1. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.
  2. We monitor domestic abuse cases across our stock and those that approach the housing service for assistance, to allow us to identify persistent perpetrators, monitor the success of our actions, and the satisfaction levels of victims and witnesses. This can also help us assist victims by prioritising areas or individuals affected by repeated antisocial behaviour. As well as responding to issues affecting diverse communities.

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**Appendix 1 – Contact for support**

**Housing**

For all general housing advice phone 01634 333 600 or [www.medway.gov.uk/housing](http://www.medway.gov.uk/housing)

If you need urgent homelessness advice, urgent accommodation or help outside of normal working hours please contact our out of hours service on 01634 304 400.

For Housing tenants call the Housing Officer Duty Line on 01634 333344.

If you’re experiencing domestic abuse, hate crime or harassment and need to leave your home immediately, our adult social care team will support you 24 hours a day, 7 days a week.

If you or someone you know is being abused, you can report it to us by:

* Phoning 01634 334 466 or text relay: 18008 Monday to Friday 9 to 5pm
* Phoning 03000 419 191 or text relay: 18008 outside of the above hours
* Emailing [ss.accessandinfo@medway.gov.uk](mailto:ss.accessandinfo@medway.gov.uk)

If you think someone is in immediate danger then contact the emergency service on 999.

**Local Agencies**

**Medway Domestic Abuse Forum** has produced a Domestic Abuse booklet, which gives full details of where you can go for help, advice and support. A copy is available on Medway Council domestic abuse website page or you can attend the one stop shop.

**Medway One Stop Shop**

Anyone experiencing domestic abuse can attend the One Stop Shop every Tuesday morning between 09.30 – 11.30 at The Sunlight Centre, Richmond Road, Gillingham, to access free support and advice from multi agency partners including Independent Domestic Violence Advisors, Solicitors, Floating Support, Health and many more.

**Medway Police Domestic Abuse Team** can be contacted by dialing **101** by email [domestic.violence.dz@kent.pnn.police.uk](mailto:domestic.violence.dz@kent.pnn.police.uk). Call **999** in an emergency.

**Domestic Abuse Support in Kent** have an excellent website detailing services available in both Medway and other areas of Kent, as well as a downloadable handbook: <http://www.domesticabuseservices.org.uk/>

**Sanctuary Scheme**

Can assess your home for safety measure to ensure that you and your children are safe.

Email: [sanctuary.medway@peabody.org.uk](mailto:sanctuary.medway@peabody.org.uk).

Phone: 0800 028 3172 (option 3)

**Oasis domestic abuse service**

Choices are a specialist domestic abuse charity that offers support and advice to anyone experiencing domestic abuse. There are trained Independent domestic abuse advisers that can support you.

[www.oasisdaservice.org](http://www.oasisdaservice.org)

Phone: 0800 917 9948

**National support and advice**

**Samaritans:** 01634 730981, 08457 909090: National link line number.

Someone to talk to 24 hours a day

**Shelterline:** 0808 800 4444: Monday-Sunday, 8am-8pm   
Emergency access to refuge services or housing advice

**Shelter -** <https://england.shelter.org.uk/>

SurvivorSupport <http://www.victimsupport.org.uk/>

Women’s Aid <http://www.womensaid.org.uk/>

**Childline** - for information and advice for children and young people, please visit the [Childline website](http://www.childline.org.uk/) or telephone Childline free on 0800 11 11

**Galop** – anti-LGBT hate crime charity [http://www.galop.org.uk](http://www.galop.org.uk/)

If you are worried you might be forced into marriage or are worried about a friend or relative contact the [Forced Marriage Unit](http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/) on 0207 008 0151.

If you are concerned about your abusive behavior, or for professionals and victim/survivors looking for help for an abuser, contact the Respect Phone line on 0808 802 4040 or visit [www.respectphoneline.org.uk](http://www.respectphoneline.org.uk/).

National Domestic Violence Helpline – 0800 2000 247 This helpline is run in partnership by Refuge and Women’s Aid and is available 24 hours a day, 365 days a year.

**Safe Lives** <https://safelives.org.uk/>

**Rights of Women** [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk/)