

# Domestic Abuse Policy

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## Manual Version Control

Version	Date	Change
1.0	June 2017	Domestic Abuse Policy
2.0	April 2018	Incorporating new definitions and scope/nature of DA
3.0	August 2018	Incorporating Domestic Abuse Housing Alliance info
4.0	September 2021	Review of policy (incorporates changes to DA Bill 2019-21) and definitions.
5.0	November 2023	Full review of policy incorporates proposed changes to strengthen approach to DA under the Neighbourhood and Community Standard, Social Housing Act 2023.

## **1. Policy Statement**

- 1.1 Domestic Abuse is a serious, unacceptable, criminal behaviour, which can have a devastating effect on its victims and Pickering and Ferens Homes (PFH) is committed to supporting its residents and where possible, applicants with their housing options.
- 1.2 The Social Housing Act 2023 commits the Regulator of Social Housing to ensure landlords introduce a policy and procedure setting out how they should tackle issues surrounding domestic abuse, under the Neighbourhood and Community Standard. This is still out for consultation at the time of this policy review; however the new standard will be in effect from April 2024.
- 1.3 This policy sets out how PFH will support victims of domestic abuse. (PFH) staff may come into contact with residents or applicants who are victims of domestic abuse, so staff are ideally positioned to offer advice, support and assistance with housing options to help with the situation.

## **2. Aims and Purpose of Policy**

- 2.1 This policy document sets out how the association will support residents or applicants who report incidents of domestic abuse to PFH. We also want to ensure that staff in contact with anyone reporting domestic abuse are trained.
- 2.2 The Regulator's proposed requirements mean that registered providers must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice. In addition to the requirement to have a policy and procedures in place, the proposals set out a requirement for registered providers to co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for victims of domestic abuse and their children within safe accommodation.
- 2.3 The association will take a victim-centred approach and will respect the wishes of the victim at all stages. Their safety is important, and they will be treated sensitively at all times.
- 2.4 PFH are aware of the scope and nature of domestic abuse and recognise that it can be a form any of the behaviour mentioned in Part 2 of the government bill, or a combination of behaviours (see section 3).

## **3. What is Domestic Abuse?**

3.1 The Domestic Abuse Act 2021 defines abusive behaviour as any of the following:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse.

3.2 Domestic Abuse can encompass, but is not limited to, the above types of abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct. Both parties must be 16 and over and “personally connected”, defined as being married or civil partners; or have agreed to a marriage or civil partnership; are or have been in an intimate personal relationship with each other; or have a parental relationship with same child; or are relatives. Domestic Abuse can also occur between adult children and parents, or those in similar relationships, or may involve dependent children visiting or living with grandparents.

3.3 The term ‘violence against women and girls’ refers to acts of violence or abuse that we know disproportionately affect women and girls. Crimes and behaviour covered by this term include rape and other sexual offences, domestic abuse, stalking, ‘honour’-based abuse, as well as many others, including offences committed online.

3.4 The Domestic Abuse Act 2021 defines domestic abuse further and is in two parts, as below. The first deals with the relationship between the abuser and the abused. The second part defines what constitutes abusive behaviour.

#### Part 1

The behaviour of a person ‘A’ (the abuser) towards another person ‘B’ (the victim) will now be domestic abuse if:

A’s behaviour towards B is abusive, and

A and B are both over the age of 16 and are ‘personally connected’ to each other (see definition appendix 1).

#### Part 2

A person’s behaviour is defined as abusive if it consists of:

- Physical or sexual abuse
- Violent or threatening behaviour

- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse

‘Abusive’ behaviour can consist of a single incident or a course of conduct. Also, ‘A’s behaviour can be abusive towards ‘B’ even if it consists of conduct directed towards another person, such as ‘B’s child.

3.5 Coercive Behaviour - CPS.gov.uk defines Coercive behaviour as ‘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’. Further,

3.6 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’.

#### 4. Policy Guidance

4.1 Policy guidance is available for front-facing staff to refer to in the event they receive information relating to domestic abuse. This includes a form to ensure the most appropriate questions are asked and that any escalations are appropriate to the individual circumstances.

The following provides some guidance on how we deal with a report of domestic abuse. The association takes all reports of domestic abuse seriously. We aim to provide effective support for all victims, and we will take appropriate action against alleged perpetrators, where there is clear evidence to do so. We will consider the wishes of the victim when deciding a course of action.

4.2 It is the policy of PFH to assist victims of domestic abuse with their housing requirements wherever possible (please refer to PFH’s Allocations Policy 2023). Should victims need alternative housing, we will try to rehouse them. If we are unable to assist, we will nominate to other landlords. Hull City Council and East Riding of Yorkshire Council have a statutory duty to help those fleeing domestic abuse.

4.3 We will:

- On receipt of a report of domestic abuse, we will aim to interview the victim within one working day of receiving the disclosure, or at a time convenient to them. We will offer to conduct interviews over the phone, or in person at the victim’s home, or another venue, in order to support the victim.
- The initial assessment will include any housing and support needs.
- Agree a course of action with the victim.

- Not ask victims to provide proof of evidence if they are unable to do so or if it may put them at further risk, and we will not make enquiries without their consent.
- Log the case as 'Domestic Abuse' and ensure only staff who have a legitimate need to see the information have access to it.
- Not contact the perpetrator or their family or expect victims to remain in their home if it is not safe to do so.
- Not disclose any information without prior consent, unless obliged to by a court order.
- Provide advice and support to anyone experiencing domestic abuse regardless of their age, gender, race or sexuality.
- Investigate all enquiries confidentially and treat all matters with courtesy and sensitivity.
- Work with social workers, Hull DAP, the police or any other agency a victim may be involved with.
- Provide practical support to victims who wish to remain in the home for example additional safety and security improvements like additional door locks, window locks and spy holes to help protect victims from further abuse.
- Work with the police to risk assess the need for additional safety and security measures e.g., panic alarm or CCTV.

4.4 Where a victim has, or appears to have a cognitive impairment, and is unable to follow or fully understand the guidelines within this policy, the victim may be considered a vulnerable person. As such, staff will refer to the Safeguarding policy and consult with the Adult Safeguarding Board and Hull DAP for guidance.

## **5. Pickering and Ferens Homes' Residents**

5.1 If the victim is a resident and is unable to stay in their home due to abuse, violence or the threat of violence, we will, where possible, provide alternative accommodation. If we are unable to do this, we will liaise with other Housing Associations or the local authority in the area where the victim lives. Our Allocations Policy includes the provision to award an additional point if domestic abuse is being experienced.

5.2 If a victim wants to move elsewhere, perhaps to get the support of family or relatives, we will try to assist with this. If the perpetrator has a key to the victim's home, and is not a joint licensee, we will change the locks at no charge.

5.3 Where the victim and perpetrator are joint licensees, we may be limited in the action we can take and would advise the victim to seek legal advice. If a victim obtains an injunction or Court Order against a joint licensee, we may then be able to change the locks.

- 5.4 We will, where possible, repair any physical damage within 24 hours, such as broken windows or damage to external doors. If this is not possible, we will ensure that the property is secured, and arrange follow on works as required within a timely manner.
- 5.5 If a victim needs to move home on a temporary basis, we will deal with this within the provisions of the Allocations Policy, as above. We will also help put victims in touch with local or national agencies which specialise in dealing with victims of domestic abuse.

## **6. Housing Applicants who are not PFH Licensees**

- 6.1 If an individual or family is fleeing domestic abuse, and has applied to PFH for re-housing, we will help as quickly as we can. However, individuals wishing to be rehoused must meet the eligibility criteria of PFH, and not breach the asset limit as set out in the Allocations Policy. We will act with empathy and consideration for the circumstances of the individual or family involved by considering waiving evidence required in lieu of changing circumstances (for example by considering an asset limit against 'to be' circumstances rather than current circumstances. As a small landlord, we cannot guarantee that we will be able to assist immediately. We will, however, prioritise housing applications, treating a victim of domestic abuse as in urgent need of housing.

## **7. Action Against Perpetrators**

- 7.1 We can take action against a PFH licensee if they are in breach of the terms of the Licence. Our policies on Anti-Social Behaviour, harassment, and Hate Crime allow us to take action against Licensees who behave in a violent, intimidating or otherwise anti-social manner.

## **8. Staff Training**

- 8.1 We will train staff and provide regular updates to guidance to keep their knowledge up to date. We will also work with other agencies and take part in multi-agency forums when required, to combat domestic abuse and to develop programmes which take action against the perpetrators of domestic abuse.

## **9. Data Protection**

- 9.1 It is recognised that incidents of Domestic Abuse are extremely sensitive and private incidents for victims to report and PFH shall maintain the confidentiality of a disclosure regarding abuse and violence to the extent allowed by law and unless to do so would result in significant harm or risk of harm to any person on any cases that are reported.

9.2 PFH will however, share relevant information with local agencies such as the police, MARAC and other involved agencies where necessary, to deal with cases more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the victim to provide better or more effective support. The principles of UK GDPR and PFH's Data Protection Policy will apply to this Policy.

## **10. Our Commitment to Equalities**

10.1 PFH seeks to ensure that their actions do not lead to unlawful discrimination. Deliberate acts of discrimination, including victimisation, harassment, instruction or pressure to discriminate, will result in disciplinary actions and/or termination of contracts with external agents.

10.2 We can provide access to interpreters for minority languages including sign language, and we can arrange written material in large print, Braille and first languages where necessary.

10.3 PFH will aim to ensure that no individual or group is treated less favourably on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. We aim to recognise the needs of individuals and treat each person with dignity and respect.

10.4 We will consider the individual needs of residents who may require additional support and make reasonable adjustments in line with the Equality Act 2010 and in accordance with our EDI Policy.

We will work with our contractors to ensure that any resident who feels uncomfortable with male only operatives, for example, either can opt to have a female operative, or a female accompanying the operative.

## **11. Recording and Monitoring**

11.1 We will record all cases of domestic abuse reported to us, and we will report annually on the number of cases against protected characteristics to ensure no group is disadvantaged and all groups have equal access to support and services.

## **12. Review Period**

12.1 This policy is to be reviewed every three years, or sooner if the law, legislation or best practice dictates.

### **13. Related Documents and Relevant Legislation**

13.1 The Social Housing Act 2023 facilitates the introduction of proactive consumer regulation by strengthening the powers of The Regulator of Social Housing. Relevant to this policy are the 'Tenancy' standard and 'Neighbourhood and Community' standard. Also relevant are the below policies and Acts.

Allocations Policy

Anti-Social Behaviour Policy

Equality, Diversity and Inclusion Policy

Safeguarding Adults Policy

General Data Protection Regulations Policy

Hate Crime Policy

Domestic Abuse Act 2021

Domestic Violence Disclosure Scheme (Clare's Law)

Data Protection Act 2018

Modern Slavery Act 2015

Serious Crime Act 2015

Anti-Social Behaviour Crime and Policing 2014

Protection of Freedoms Act 2014

Equality Act 2010

Police and Justice Act 2006

Child Safeguarding legislation including Children Act 2004

The Children Act 2004

Domestic Violence Crime and Victim Act 2004 ( S9 implemented in 2011)

Sexual Offences Act 2003

Human Rights Act 1998

Protection from Harassment Act 1997

The Care Act 1996

Social Housing Act 2023

Housing Act 1996