

## **Housing & Assets Domestic Abuse Policy**

### **Introduction**

Tackling domestic abuse is a long standing priority for Ashfield District Council and we are committed to working with our partners to ensure people feel safe and are safe by reducing levels of crime and disorder and anti social behaviour. We recognise that domestic abuse is largely perpetrated inside the home and as a landlord of around 6,700 homes, we have an important role to play in supporting our tenants and residents at the earliest possible opportunity to address any abuse they are facing. Domestic abuse is a common problem with serious consequences - around 2 million adults a year experience it, it accounts for 1 in 10 of all reported violent crimes and 2 women each week are killed by a partner or an ex partner. We recognise that we have an opportunity during our daily interactions with our tenants and residents to tackle this and to save lives as a result. This policy sets out how we will do this.

### **Scope**

This policy applies to all tenants and residents of homes owned and managed by Ashfield District Council who either experience domestic abuse or are perpetrators of it. It describes the support that will be offered to survivors and the enforcement action that will be taken against perpetrators, including the impact on their tenancy rights.

### **Aim**

- Proactively offer support to survivors
- Ensure survivors are as safe as possible
- Maximise the opportunities for survivors to seek the help they need
- Reduce the average time before a survivor seeks help
- Ensure domestic abuse is not incorrectly managed as a tenancy issue such as ASB
- Provide whole family support that is survivor led
- Take appropriate action against perpetrators and maximise their opportunities to break the cycle

### **Definitions**

The Government definition 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:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

'Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant 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 a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

This definition also includes 'honour' based violence, female genital mutilation (FGM) and forced marriage.

It is recognised that victims can be of any gender, sexual orientation, or ethnic group.

## **Policy**

### *Opportunities to disclose*

We will endeavour to ensure all customer facing staff will be trained to respond to a disclosure by a survivor in a non-judgemental way, providing immediate advice to ensure their safety and agreeing what further support will be provided.

We will endeavour to ensure all customer facing staff will be trained to spot the signs of domestic abuse, such as physical signs in a person and signs in the home, and to provide a safe opportunity for disclosure.

We will endeavour to ensure all repairs and maintenance contractors will be briefed during pre-contract meetings on their responsibilities to spot the signs of domestic abuse and to report any concerns to ADC so that staff can provide a safe opportunity for disclosure and/or respond to any disclosure.

### *Disclosure by waiting list applicant*

Any Homefinder applicant who discloses they are a survivor will be contacted (where it is safe to do so) with an offer of support during the processing of their application.

Support will continue to be offered to Homefinder applicants when contact is made with them, for example if they are matched to a property or if their application is reviewed.

Where a survivor is matched to a property, the details of the support offered and in place will be shared with the relevant Housing Officer assigned to the area the survivor is moving to, support will continue to be offered as appropriate.

### *Disclosure by current tenant*

We will endeavour to ensure all customer facing staff will be trained to respond to a disclosure by a survivor in a non-judgemental way, providing immediate advice to ensure their safety and agreeing what further support will be provided.

The relevant Housing Officer will be notified of disclosures in their area. The case will also be referred to the Community Safety Team.

Survivors will be offered an opportunity to meet with their Housing Officer (or another colleague of the same gender, sexuality, ethnicity, etc where possible) within 24 hours of being notified of their disclosure. A meeting will only be arranged where it is safe to do so. During this meeting a full DASH risk assessment will be completed and the support to be provided will be discussed and agreed.

#### *Concerns raised by third party*

Where concerns are raised by a third party such as a contractor, neighbour, another professional, friends or family member, the relevant Housing Officer will review available information internally for signs of domestic abuse and provide a safe opportunity for disclosure as above. As above, the case will also be referred to the Community Safety Team.

No information will be shared with the third party unless there is a legitimate ground or consent to do so.

#### *Spotting the signs of domestic abuse*

All housing management staff will seek to consider their cases for signs of domestic abuse, for example noise nuisance or arrears may be caused by domestic abuse.

Where concerns arise, the relevant Housing Officer will be notified and officers will work together to provide a safe opportunity for disclosure as above. Where any enforcement action is being taken against the tenancy, this will be paused whilst enquiries are made.

#### *DASH referrals*

A DASH referral will be completed for every disclosure of current domestic abuse or where to our knowledge the resident is still affected by the domestic abuse even though it has ended.

The DASH referral will be completed by the staff member who identifies the domestic abuse, unless another staff member is more familiar with the case and is better placed to provide the required information.

Domestic abuse champions within Housing & Assets will provide guidance and support to complete a referral if required, for example if a staff member is not able to gather all of the required information and cannot revisit the survivor.

All DASH referrals will be recorded centrally for monitoring by the Domestic Abuse Caseworker.

#### *Safety at home (prioritise repairs, Sanctuary, safety planning, legal options, code words, lifeline)*

Where a survivor wishes to remain in their property, assistance will be offered to maximise their safety at home, both if the perpetrator continues to visit or reside at the property, or not.

- Repairs: where repairs are required to secure a property, these will be prioritised and completed as soon as possible.
- Sanctuary Scheme: additional security measures will be offered under this Scheme if the tenant is eligible (see Sanctuary Scheme policy)
- Safety planning: advice on staying safe at home will be provided (resources available on the intranet)
- Lifeline Service: information on the 24/7 - 365 day call monitoring alarms available from the lifeline service will be provided. There is a cost for this service.
- Referrals for support: advice will be given on the specialist support providers available to assist the survivor and referrals made as agreed
- Legal options: advice will be given on the legal action that can be taken by ADC's Community Safety Team and that the survivor can take with specialist support

### *Rehousing*

Where a survivor wishes to move safely to a new home, assistance will be offered to do so

- Safety planning: as survivors are at greatest risk of harm when leaving an abusive relationship, advice on moving safely will be offered (resources available on the intranet)
- Housing Options appointment: survivors will be offered an appointment with the ADC Housing Options team to discuss making a homeless application and accessing support such as the Homeless Prevention Fund. A survivor will not be considered to be intentionally homeless if they left their home due to domestic violence.
- Pets: as survivors can often be reluctant to move without their pet, advice will be given on moving with the pet or arranging foster care for the pet until they are able to move to a suitable property with them
- Transfer: survivors will be advised on how to transfer to another ADC or social housing property, by either applying to Homefinder, for a Mutual Exchange or via a Management Transfer. Where a survivor transfers to another ADC property, they will be offered tenancy sustainment support to set up their new home. Where a survivor is not eligible for an ADC transfer, for example due to rent arrears or property damage, a flexible approach will be taken/an agreement will be made to address these issues without reasonably preventing the move. ADC will also advocate for the same flexibility from other social landlords on behalf of the survivor.
- Management Transfer: in exceptional circumstances a request may be made to the Service Manager for Lettings to identify a suitable available property for a survivor to move to via a direct let, this means a Homefinder application and bidding is not required.

- Refuge: survivors will be advised on moving into a refuge
- Money advice: survivors will be assisted to open a bank account, claim the benefits they are entitled to, to manage any debts, etc. Advice is also available to access furniture projects, food banks, etc as required.
- Referrals for support: advice will be given on the specialist support providers available to assist the survivor and referrals made as agreed

### *Names on tenancy*

- **Where the survivor and perpetrator are joint tenants**

If the survivor wants to remain in the property that the perpetrator has moved out of, the options are:

- The perpetrator agrees to have their name taken off the tenancy
- The tenancy is ended by either tenant and a new tenancy is issued in the sole name of the survivor – this will be done at the discretion of the Director for Housing & Assets subject to it being safe for them to remain and the property is suitable for their household.

If the survivor wants to remain in a property but the perpetrator refuses to leave, the survivor may seek an occupation order or tenancy transfer order from a court with support from a specialist organisation.

If the survivor leaves the property and the perpetrator remains living there, the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility, the benefits they may be entitled to help with their housing costs and assignment.

- **Where the survivor is the sole tenant but the perpetrator is living in the property**

If the survivor leaves the property and the perpetrator remains living there, the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property.

If the survivor wants to remain in the property and exclude the perpetrator, they have a legal right to do so and no changes are required to the tenancy. See safety planning and legal options.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility and the benefits they may be entitled to help with their housing costs.

- **Where the survivor is the sole tenant but is married to/in a civil partnership with the perpetrator**

If the survivor leaves the property and the perpetrator remains living there - the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property. If the perpetrator has applied for an injunction to prevent the survivor ending the tenancy, this option is not available.

If the survivor wants to remain in the property and exclude the perpetrator, the perpetrator has marital home rights whilst they continue to be married/civil partners. The survivor should be advised to seek legal advice with support from a specialist organisation.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility and the benefits they may be entitled to help with their housing costs.

- **Where the perpetrator is the sole tenant**

The Community Safety Team will follow the ASB procedure to apply to court to end the tenancy due to a breach of the tenancy agreement. No action will be taken that would affect the safety of the survivor.

If the perpetrator leaves the property and the survivor wishes to remain in the property, the options are:

- The tenancy is ended by the perpetrator and a tenancy may be issued in the sole name of the survivor – this will be done at the discretion of the Director for Housing & Assets subject to it being safe for them to remain and the property is suitable for their household.
- Where the perpetrator cannot be contacted, the tenancy is ended using the abandonment procedure and a tenancy is issued in the sole name of the survivor as above.
- The perpetrator may be able to assign the tenancy to the survivor, subject to the meeting the criteria under the Assignment Procedure

- **Where the perpetrator is the sole tenant but is married to/in a civil partnership with the survivor**

If the perpetrator leaves the property but does not end the tenancy and the survivor wishes to remain in the property, they will have a legal right to do so, however, the perpetrator will have a right to return and the survivor will be responsible for paying the rent and adhering to all other tenancy conditions. If the perpetrator ends the tenancy, a tenancy may be issued in the sole name of the survivor as above. It may also be possible for the perpetrator to assign the tenancy to the survivor. The survivor should also be advised to seek legal advice.

*Legal action against the perpetrator*

It is a condition of the ADC tenancy agreement that any tenant, their relatives, anyone living with them, or their visitors must not inflict domestic violence or threaten violence against any other person including using mental, emotional, financial or sexual abuse.

ADC has the following legal options available if this condition is breached, ADC's Community Protection Team will utilise its full legal powers wherever possible but only where this would not affect the safety of the survivor:

#### - **Injunction**

An Injunction to Prevent Nuisance and Annoyance (IPNA) can be granted where there is conduct capable of causing nuisance or annoyance to.

There are housing and non-housing related IPNAs:

##### *Housing-related IPNA*

Housing-related IPNAs can be granted where there is conduct capable of causing nuisance or annoyance to:

- a person in relation to that person's occupation of residential premises (regardless of tenure), or
- any person that directly or indirectly relates to the housing management functions of a local authority or other social landlord.

An application for a housing-related IPNA can be made in relation to a person living in or visiting residential premises

An injunction can require a person to stop doing something, to attend a course to deal with the underlying cause of their behaviour, or it can exclude them from the home.

The IPNA can be for a fixed period or 'until further order'.

#### - **Eviction**

On Discretionary Grounds – In granting possession the Court must be satisfied that the ground for possession has been established and it is reasonable to make the order. The grounds we can rely on in respect of anti-social behaviour are as follows:

- Any obligation of the tenancy has been broken
- The tenant or anyone living in or visiting the property has been:
  - guilty of behaviour causing or likely to cause nuisance or annoyance to anyone living in, visiting or carrying out a lawful activity in the locality and/or
  - guilty of behaviour causing or likely to cause a nuisance or annoyance to the landlord, or a person employed (whether or not by the landlord) in connection with the landlord's housing management functions and/or
  - convicted of using the premises or allowing it to be used for immoral or illegal purposes and/or convicted of an indictable offence committed in the locality
- The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom
- One partner of a married/civil partnership/cohabiting couple must have left because of violence or threats of violence from the other partner towards her/him, or a member of her/his family living with her/him, and the partner who has left must be unlikely to return. The violence must have been a cause of the partner leaving.

On Mandatory Ground –In granting possession the Court only needs to be satisfied that the ground for possession has been established. Any of the following 5 conditions can apply:

- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious criminal offence, committed in a relevant place or against a relevant person
- that a court has found that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction
- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a breach of a criminal behaviour order
- the dwelling-house is or has been subject to a closure order for a continuous period of more than 48 hours
- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of breaching an abatement notice or court order to abate statutory nuisance due to noise.

Where the survivor is a joint tenant or is married/civil partner of the evicted sole tenant, the survivor will be advised on their options to become a sole tenant of the property.

ADC may work in partnership with other agencies such as the police to take legal action, such as:

- **Domestic Violence Protection Notice and Order**

A DVPN is an emergency non-molestation and eviction notice which can be issued by the police, when attending to a domestic abuse incident, to a perpetrator. A DVPN is effective from the time of issue and a DVPO must be applied for by the police within 48 hours. A DVPO can prevent the perpetrator from returning to a residence and from having contact with the survivor for up to 28 days. The police may arrest a perpetrator in breach of the DVPN or DVPO

Legal action a survivor may take (ADC and other specialist organisations can support<sup>1</sup> a survivor to do so but cannot take forward these actions on their behalf):

- **Non-molestation order:** prohibits molestation such as harassment or violence
- **Occupation order:** enforce, declare or restrict rights to occupy the family home

### *Visiting survivors*

Survivors will be asked if they have any preference regarding who attends any appointments with them, such as to complete a repair, to discuss their rent, provide tenancy support, etc. Staff will discuss what arrangements can be put in place such as a staff member of the same sex, ethnicity, etc attending or acting as a chaperone.

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<sup>1</sup> <https://www.ncdv.org.uk/are-you-suffering-domestic-abuse/how-ncdv-will-help-you>

### *Whole family support (children, financial, specialist support, perpetrators)*

A range of support options will be discussed with survivors and the support that is put in place will be as requested by the survivor. If support is declined, the survivor will always be able to request it at a later date.

The support options will include support for the whole family and in all areas of the family's life including children, finances, health and wellbeing, housing, etc. Where a multi-agency approach is required, referrals will be made as appropriate, such as MARAC, Complex Case Panel

### *Perpetrator support*

Perpetrators may access the support services available from ADC or partner agencies in the same way as another resident. It is recognised that addressing the support needs of a perpetrator may reduce the risk to a survivor and it is important these needs are not disregarded due to their abusive behaviour.

However, specialist support is not available to perpetrators regarding their abusive behaviour and staff will not speak with perpetrators regarding their behaviour and will not discuss the survivor's case with the perpetrator.

Perpetrators that indicate they wish to change their abusive behaviour will be signposted to the Respect website and helpline.

### *Safeguarding*

Staff will follow the Safeguarding Policy and Procedure alongside this policy, making MASH referrals as required. A referral for domestic abuse support will not take the place of a safeguarding referral.

### *Awareness raising*

ADC is committed to the White Ribbon Campaign and will participate in the 16 days of action each year.

Information on getting help and staying safe will be available on the website and will be regularly updated

### *Prevention*

ADC will support partner agencies to promote healthy relationships to young people

### *Staff training and support*

Staff will be provided with training relevant to their role regarding domestic abuse

Staff who have personally experienced domestic abuse can request that they are not assigned a domestic abuse case.

### *Staff safety and wellbeing*

Staff will follow the Council's Corporate Health and Safety Policy and relevant procedures alongside this policy, in particular guidance and safe systems of work which have been designed to mitigate the risks associated with lone working and verbal abuse.

All violent, aggressive or accusatory perpetrators will be logged on CEPR. Staff will take the necessary precautions when visiting a property where such perpetrators live or visit, including: only visiting when necessary, contacting via telephone instead, visiting in pairs, meeting in the community or council office. In some cases, contact must be approved by the ADC Domestic Abuse Officer.

Staff will not speak with perpetrators regarding their abusive behaviour or discuss the domestic abuse case with them or in their presence.

No contact will be made with the perpetrator that will risk the safety of the survivor.

### **Monitoring**

The delivery of the objectives set out in this policy will be monitored as follows:

- Outcomes star – the self-reported improvements by residents supported by the Domestic Abuse Case Officer that are recorded on the outcomes star will be monitored
- Domestic Homicide Reviews – the number of and lessons learnt, particularly repeated lessons, from DHRs will be monitored
- Homelessness data – the number of households homeless or in priority need due to domestic abuse will be monitored
- Domestic Abuse Office case load – the case load of this officer will be monitored
- MARAC – the cases concerning Ashfield residents listed at MARAC will be monitored
- Police data – the number of domestic abuse cases reported to the police will be monitored
- DASH referrals – the number and source of DASH referrals will be monitored
- Average time before reporting – the time between a resident starting to experience domestic abuse and disclosing this will be monitored