Tendring
District Council

HOUSING DOMESTIC ABUSE POLICY

September 2024

A.5 APPENDIX 'A'

Introduction

Tendring District Council has zero tolerance for violence and abuse. This policy will set out how the Housing department will tackle domestic abuse, support victims and survivors[1] of domestic abuse and hold perpetrators to account.

Introduction

Domestic abuse has a devastating impact on victims, their families and the wider community. It can happen to anyone, in any type of relationship including ex-partners, family members or those who have or had parental responsibility for a child. It is known that domestic abuse is rarely confined to a single incident, may not involve physical abuse and typically forms a pattern of coercive or controlling behaviour.

The Council understands the serious and enduring impact which can be caused by domestic abuse. Therefore, identifying domestic abuse early and providing support to victims is a key priority for the Council's Housing Team. This will support the Council to prevent homelessness and improve the safety and wellbeing of residents.

Purpose of this policy

The purpose of this policy is to:

- set out how the Council will protect victims of domestic abuse and prevent homelessness by providing safe and secure accommodation for tenants and those who approach the Council for housing assistance;

- enable an early intervention to tackle domestic abuse and prevent further abuse and facilitate the necessary help and support for victims and their children;

- set out how the Council will hold perpetrators to account for their actions in a way that is prompt, decisive and proportionate, with a focus on rehabilitation and maintaining the safety of the victim and their children;

- raise awareness of the issue of domestic abuse and enable relevant employees to provide appropriate support;

- ensure that a consistent approach is adopted when responding to any resident who is a victim of domestic abuse; and

- ensure that all statutory and regulatory requirements are met

However, this policy does not aim to explain how the Council will approach every circumstance where domestic abuse is disclosed or identified. It is a general statement that outlines the Council's commitment to promote early help and providing support and guidance for those who are experiencing domestic abuse and their children.

Scope of policy

This document is for all staff that provide housing services who may deal with cases of domestic abuse or facilitate disclosures of domestic abuse. This policy is also for anyone – tenants, non- tenants and residents of or outside the district – who are experiencing, have experienced, or are at risk of experiencing domestic abuse, as well as perpetrators of domestic abuse.

Legal and regulatory

The Council has a legal duty to support people affected by domestic abuse including under the following legislation:

- Housing Act 1996

This established that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or domestic abuse against them or someone with whom they usually reside or might reasonably be expected to reside.

- Care Act 2014

This specified that freedom from abuse and neglect is a key part of a person's wellbeing

- Domestic Abuse Act 2021

This sets out a new definition of domestic abuse and established that people made homeless due to being a victim of domestic abuse have an automatic priority need for homelessness assistance.

- Social Housing Regulation Act 2023

The Regulator of Social Housing's Tenancy Standard requires registered providers to:

- Have a policy for how they recognise and effectively respond to cases of domestic abuse

- 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.

Defining Domestic Abuse

The Domestic Abuse Act 2021 defines domestic abuse as an event or pattern of events of controlling, coercive or threatening behaviour, violence or abuse between people aged 16 or over who are (or have been) intimate partners or family members/ relatives regardless of gender or sexuality. Children are recognised as victims of domestic abuse.

The main types of domestic abuse are:

Physical abuse - This includes hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing, or shoving, cutting or stabbing, restraining, strangulation and choking.

Sexual abuse – This includes rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children

Financial Abuse – This includes controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim's name, allowing no say on how monies are spent and refusing to allow them to study or work.

Psychological and emotional violence and abuse – This can include creating isolation, using threats, putting someone down by humiliating and undermining them in front of others or in front of their children; telling them they are stupid, hopeless, unlovable, that no one would believe them, or that they are a bad parent.

Honour Based Abuse - This is a crime or incident which has or may have been committed to protect or defend the perceived honour of the family and/ or community, or in response to individuals trying to break away the constraining 'norms' of behaviour that their family or community is trying to impose.

Coercive and controlling behaviour - This underpins domestic abuse and is explained as a range of purposeful behaviours including intimidation, isolation, emotional abuse and manipulation.

Stalking and harassment – This includes obsessive and repetitive behaviour such as frequently calling or driving past the victim's home or workplace, following the victim, repeated contact via letters, text messages, emails or via social media, sending unwanted gifts and sending malicious gifts such as funeral wreaths.

Digital abuse – This is when someone monitors, stalks, harasses, threatens, controls or personates another person using technology. This often happens alongside other types of abuse.

Domestic abuse can occur at any time during a relationship, it is rarely a one-off incident, and it often forms a pattern of behaviour where the abuser seeks to hold power over their victim.

Children aged under 18 are also recognised as victims in their own right if they see, hear or experience the effects of the abuse and are related to the victim or the perpetrator.

Identifying Cases of Domestic Abuse

Domestic abuse may come to the attention of staff through direct disclosures or by way of potential indicators such as a higher-than-average number of repairs, presenting as homeless or at risk of homelessness due to domestic abuse, abandoned properties, anti-social behaviour complaints and noise nuisance.

Housing staff are well placed to recognise domestic abuse as it often takes place in the home environment.

The Council will ensure that all housing staff are able to fully recognise and respond to domestic abuse reports. Staff working in housing should therefore be alert to recognise the signs and respond appropriately if someone experiencing abuse asks for advice and support.

Specifically, the Council will ensure that:

- Customer Support staff who receive repair requests are able to identify red flag cases, for example damage to doors / windows or frequent lock changes, which may be potential indicators of domestic abuse or criminal damage and know how to escalate these concerns;

- When investigating noise complaints, Tenancy Management staff are alert to the possibility that this may indicate domestic abuse and know how to respond to these concerns;

- Opportunities are created to disclose abuse during home visits or assessments by our staff. Prompting disclosure will only take place where it is safe to do so, that is where the suspected victim is alone;

- Through interviewing and asking questions, staff in the Housing Solutions team will investigate potential indicators of abuse within cases of people presenting either as homeless or at risk of being homeless

The Council will believe all victims who make a disclosure and will not ask for proof to evidence domestic abuse. However, questions will be asked to support understanding of the situation and to help determine the most appropriate action to ensure that the right help and support is given.

The Council will take a victim focussed approach and will provide support in a confidential and non-judgemental manner. This may include carrying out a risk assessment using a Domestic Abuse, Stalking and Honour Based Abuse Risk Identification (DASH 2009 risk model), which is a UK wide accredited form used by the Council and its partner organisations to plan how the victim and their children will be supported.

The Council also recognise that people's understanding of domestic abuse may be influenced by their culture and beliefs and as a result, some people may not recognise themselves as victims. The Council will work sensitively with those experiencing abuse to promote their safety and wellbeing under the guidance of specialist domestic abuse services.

There are often complex barriers that prevent someone from leaving an abuser. It is recognised that people are more often at risk when leaving an abusive person and in the period of time following a separation. Support offered will not be contingent on victims leaving their home because, where appropriate, support can be provided to them to remain in their home.

A Housing Domestic Abuse Co-ordinator is employed by the Council who is the primary contact for those experiencing domestic abuse and acts as a key contact and source of advice for other staff in the service**.**

Supporting Council Tenants who are Victims of Domestic Abuse

In the delivery of housing services, the Council will work in the best interests of the victim and under the guidance of specialist domestic abuse agencies to provide safe and suitable accommodation for victims of domestic abuse and their children. This may include supporting the victim to stay in their home or supporting them to find accommodation elsewhere.

Help and Support

The Council will provide clear information and advice to those who approach us as a result of domestic abuse about their rights and will work in partnership with other organisations to achieve this. This information will be provided in alternative formats, when requested or required.

Further information can be found in our Reasonable Adjustments Policy

In supporting those affected by domestic abuse, the Council will be sensitive to the needs of the individual's circumstances and be victim focussed. The aim of the Council is to ensure the victim can get the help and support they need alongside housing assistance and tenancy sustainment support.

If a report of an incident of domestic abuse is received, staff should first and foremost find out if there is an immediate risk of harm to the individual. The police should be called on 999 if necessary.

Where there is no immediate risk of harm, the tenant will be contacted within three working days of receiving the report to discuss the options available to the tenant.

Housing will work in the best interests of the victim and under the guidance of specialist domestic abuse agencies to provide safe and suitable accommodation for people experiencing abuse.

Supporting Victims to Remain in their Homes

As a social housing provider, the Council recognises that housing can be used by the perpetrator to exert control over the victim, for example by threatening to end a joint tenancy or by accumulating rent arrears. The Council will aim to disrupt the perpetrator's behaviour by addressing any housing issues through this policy and, in liaison with other agencies, to prevent the perpetrators from accessing the home and committing further abuse. This will support the victim to sustain their tenancy while being safe.

When a victim wishes to end their joint tenancy with the perpetrator, but would like to remain in their home, the victim will be provided with advice and guidance in relation to tenancy sustainment options. In the interim, this may include temporary accommodation and support to access refuge. In accordance with the Domestic Abuse Act 2021, where a new council tenancy is granted to someone whose former secure tenancy ended for reasons connected with domestic abuse, any new tenancy will be a secure tenancy.

Tenants will be advised of the legal and civil remedies available to them to prevent the perpetrators access to the property and they will be signposted to sources of specialist advice where required.

Any requests for repairs to Council properties that may leave victims at risk, such as unsecured entry, will be categorised as an emergency repair and carried out within 24 hours of reported.

Additional measures to improve security can be carried out under the Council's Sanctuary Scheme. This is available to all victims of domestic abuse across all tenures where the perpetrators is not a joint tenant or living at the property. A property survey will be carried out initially to identify any additional security measures that are needed to provide personal safety advice.
All works will be tailored to the needs of the individual and the specific property type but the security measures available could include (but are not limited to):

- Change of locks and/or additional locks;
- Fitting of door chains;
- Fitting of window alarms or window restraining straps
- Fitting of door viewers
- Fitting of a fireproof letterbox, if there is a threat/risk of arson;
- Bolt to back garden gate.

Victims will also be eligible for assistance from general floating support, including housing and domestic abuse-related support, to encourage them to regain their confidence and skills to live independently.

Supporting Victims to Move into Other Accommodation

Where victims wish to permanently move into other accommodation, they will be referred to our Domestic Abuse Coordinator in the Housing Solutions team.

The Council's Housing Solutions team will provide advice and guidance where sought by victims who are at risk of being homeless due to the need to flee their households due to domestic abuse, including circumstances where they are in joint tenancies with the perpetrator. This will include checking that the victim has been engaged regarding options to remain in the home and tenancy-related matters, as well as referring them to independent legal advice about their tenancy. Where an applicant is assessed as eligible and homeless they will have automatic priority need and the Housing Solutions team will provide support to access safe interim accommodation and refuge.

Where victims and survivors wish to remain in the district and it is considered safe for them to do so, they will be put on the Housing Register for a move into secure Council accommodation. In accordance with the Domestic Abuse Act 2021, when managing a planned move into new accommodation and where a tenancy has been ended for reasons connected to domestic abuse, the Council will grant a new secure tenancy to the victim that previously had a secure tenancy but were forced to flee due to domestic abuse.

The Council will prioritise the safety and security of the victim when managing a planned move into longer term accommodation, although, transferring to council accommodation may not always be possible, and therefore alternative safe accommodation will be looked at, including in the private sector.

Tenants who are affected by domestic abuse and wish to move outside of the district will be provided with appropriate advice on their housing options. A mutual exchange via Homeswapper, a national mutual exchange service that the Council subscribes to, may be an option if deemed suitable and safe.

Support for Victims who are not Council Tenants

Where individuals who are not Council tenants approach the Council for assistance due to domestic abuse, they will be referred to the Council's Domestic Abuse Co-ordinator who will be able to help where the applicant is:

- Eligible – eligibility for homelessness assistance depends on immigration and residence status.

- Homeless or threatened with homelessness within 56 days

Following the introduction of the Domestic Abuse Act 2021, if an applicant is assessed as eligible and homeless as a result of domestic abuse, they will have priority need and will be owed a duty to secure temporary accommodation. Offers of accommodation must be safe, suitable and affordable.

All applicants who are eligible and homeless or threatened with homelessness will be assigned a dedicated officer who will draw up a Personalised Housing Plan and will take reasonable steps to prevent or relieve homelessness.

Under homelessness legislation, applicants that are accepted as having a full homelessness duty are required to remain in temporary accommodation until the Council secures suitable private rented accommodation or a home is secured through the Housing Register.

As all Council owned housing is located within the Tending district, the victim should be supported by independent advocates to consider whether it is safe for them to remain in the district or whether a homeless application should be made to another authority, in an area that they will be safe.

The Council cannot refer someone who is homeless due to domestic abuse to another local authority, the victim must directly apply to the local authority.

As part of the Personal Housing Plan, the victim may be referred ~~in~~to specialist domestic abuse agencies, supported to secure emergency accommodation, given advice on sanctuary schemes and/or be signposted to legal advice.

Some non-tenants may have insecure immigration status and may have been granted limited leave to remain in the United Kingdom. Where their immigration status means that they have no recourse to public funds or entitlement to housing benefits, victims fleeing abuse will be encouraged to seek immigration advice from a specialist solicitor

and referred into specialist domestic abuse services who will be able to advocate on their behalf and discuss the options available to them. The Housing Solutions team can only assist victims that are eligible for housing assistance.

In circumstances where the victim are presenting as homeless after fleeing a home managed by a Registered Provider, the Housing Solutions Team will work with the Registered Provider as part of the applicant's Personal Housing Plan. This will ensure that tenancies are safeguarded where this is appropriate.

Holding Perpetrators to Account and Rehabilitating Perpetrators

The Tenancy Management team will only act when domestic abuse has occurred in relation to the Council's housing management functions.

Perpetrating domestic abuse can also be considered be a form of anti-social behaviour and is a breach of the Council' tenancy agreement and which the Council takes extremely seriously. In these circumstances, victims will not be considered to have committed anti-social behaviour.
The safety of victims and their children will be central to the Council's approach to holding the perpetrator to account.

Staff should not contact perpetrators to discuss the abuse and under no circumstances should information about the victim be disclosed to the perpetrator because if details are shared then this may put the victim at risk.

Victims may request that staff speak to the perpetrator in the hope that this intervention may stop the abuse. However, staff will not act as go-between or attempt to facilitate discussion between the parties as this could put them and the victim at further risk of harm.

Perpetrators will be encouraged to access support to recognise, address and stop their abusive behaviour at the earliest opportunity. If a perpetrator refuses to engage with help and support, but continues to commit abusive behaviour, the Council will escalate an early intervention or legal response which is considered to be proportionate even if the perpetrator has a vulnerability which increases the risk they pose.

In circumstances where there are tenancy matters to resolve with the perpetrator, contact should only be made after safety issues for the victim have been resolved.

Perpetrators will be recharged for the cost of any damage to the property resulting from their violence.

Further information can be obtained from the Council's Rechargeable Works Policy for Council Tenants and Leaseholders

The Council will also use legal measures – in partnership with the Police – against perpetrators where appropriate.

The Council may also utilise its powers to evict the perpetrator, where it is safe and proportionate to do so in accordance with Article 8 of the Human Rights Act. Such action will only be taken where the victim and their dependents are no longer in the accommodation. This will also only be done as a last resort and in accordance with the

statutory guidelines for mandatory possession (ground 7a); the discretionary ground for possession – domestic violence (ground 14a); and the discretionary ground for possession – anti-social behaviour (ground 14). Where possession has been granted by the court, the perpetrator will be deemed to be intentionally homeless.

The Tenancy Management team will consult specialist agencies before taking punitive action against the perpetrator to minimise any additional risk to the victim and any children.

If a perpetrator approaches staff for help to access guidance to stop to stop their abusive behaviour, staff should refer them to appropriate sources of advice, such as the Respect Phoneline on 0808 8024040 for advice and guidance

Working in collaboration with our partners

The Council is committed to working constructively with partners to prevent and tackle domestic abuse, while ensuring the safety of the victim and their children.

The Council will keep an up-to-date list of a range of local and national agencies that may be able to offer advice or support depending on victims or circumstances.
The Council will maintain strong partnership working and this includes being represented on agency meetings, such as Multi Agency Risk Assessment Conference (MARAC) to ensure that relevant information is shared between partners. Our role will be to provide relevant information in relation to the housing situation of the person who is experiencing domestic abuse, perpetrator or any other individual relevant to the referrals.

After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim.

The victim does not attend the meeting but is represented by an Independent Gender Violence Advisors (IGVA) or Independent Domestic Violence Advisors (IDVA) who speaks on their behalf and represents their views and wishes

The Council will also continue to be a member of the Community Safety Partnership and use that to influence strategic decision-making regarding support services available in the communities where residents live.

Where perpetrators of domestic abuse recognise and want to change their behaviour, the Council will work in partnership with appropriate agencies, to support them in doing this.

Data Protection and Confidentiality

All reports that include identifiable personal information will be processed in accordance with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulations. The Council will only disclose or share personal information where we are required to do so by law or where a lawful exemption applies; for example, for the purposes of a prosecution, a safeguarding concern, where it is in the public interest, or with the person's consent. Personal information is processed by Tendring District Council for a number of purposes. These can be found in the Privacy Notices which are available on the Council's website at www.tendringdc.gov.uk/privacy or on request.

Consent to share information is not needed where there is a safeguarding concern because a person is at risk. Housing staff should follow the Council's Safeguarding Policy and procedures for referral MARAC for cases assessed at being high risk of serious harm and homicide. Safeguarding referrals will be managed sensitively and we will consider the implications of further risk, particularly if family are identified as perpetrators.

Detailed records should be kept on all domestic abuse cases, including information on the outcome (including outcome for housing assistance, safeguarding and any other referrals) and reason for closing each case for monitoring purposes. Housing may also be required to share information with partner agencies (in accordance with the data protection and confidentiality policies).

Support and Training for Staff

The Council are committed to delivering high-quality services for residents and recognise that domestic abuse is a complex subject area. As a disclosure of domestic abuse can come through any point of contact, it is vital that staff have appropriate training.

To achieve this, the Council will:

- Provide training to make sure that all staff delivering housing services are equipped to recognise the early signs of domestic abuse and how to respond to any disclosures of Abuse;

- Ensure all housing staff are familiar with the correct process for making safeguarding referrals for children and adults at risk where appropriate

The Council has a duty of care to its employees and will take all reasonable steps to ensure a member of staff's health, safety, and wellbeing. Exposure to abuse and/or violence is not an acceptable part of the working day for any member of staff within the council's workforce.

Support will be provided to any member of staff who is threatened, verbally abused, and physically assaulted in the course of their duties.

For further information, refer to our Unacceptable Customer Behaviour Policy

Guidance for managers

Staff supporting victims and survivors of domestic abuse may find this work difficult and stressful.

Managers should provide an opportunity for staff to debrief after a distressing interview.

Managers should also direct staff to online learning modules and other forms of training on improving wellbeing for frontline staff and improving their awareness of domestic abuse and their ability to respond appropriately. Staff should also be reminded of the support available via the Employee Assistance Programme.

Managers need to be aware that staff may also personally be affected by domestic abuse and this may impact their ability to support tenants and residents. This may also prompt

disclosure by a member of staff that they are a victim of domestic abuse or have perpetrated abuse. In these circumstances, the manager should refer to and follow the Council's Domestic Abuse Policy.

Equalities Statement

The Council recognises that it delivers its housing services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

We want all tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminates discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics. Whatever measure is used will be proportionate and reasonable for tackling the abuse and will never be used as a result of a protected characteristic.
The Council remain clear that violence and abuse are always a choice made by the perpetrator and whilst discriminatory intervention towards the perpetrator will be avoided, the safety of the victim will always be maintained.

Monitoring

To monitor the effectiveness of this policy, the Council will monitor:

- The number of reports of domestic abuse received
- Demographic factors relating to the perpetrator and the person experiencing domestic abuse
- Case outcomes

Complaints Procedure

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide.

Further information can be obtained from the Council's Housing Complaints Policy.

Review of policy

This policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory which necessitate a review prior to this.