



Domestic Abuse Policy

Responsibility	Head of Housing Management
Ratified by forum & date	Operations Committee January 2019
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1. Introduction

1.1 Domestic abuse can happen in any household or intimate relationship, on any income level and in any tenure. It is widespread, and known to be under-reported. Abuse has a negative impact on an individual's mental and/or physical well-being and also affects the emotional and social well-being of children, and any other dependants including pets, in the household. Children and dependants in families where there is domestic abuse are also at risk of abuse themselves. While the government definition of domestic abuse applies to those over 16 (both perpetrators and those abused), CHS's policy applies to those affected of any age.

Domestic abuse occurs in all communities regardless of age, disability, sex, gender reassignment, race religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity.

1.2 CHS Group (CHS) is opposed to all forms of domestic abuse, whether between partners / ex-partners or between other family members, and against adults in need of care and support, and will positively support those who are affected by it, both directly and indirectly. We will take action against the perpetrators of domestic abuse where we have the power to do so including tenancy action, and work with partner agencies to help to increase the choices for those who are abused and their households. CHS has a separate policy to support staff affected by domestic abuse.

2. Policy Aims

2.1 Our policy aims to achieve the following:

- To enable people to fulfil their aspirations, we will promote the welfare of all survivors of domestic abuse who come into contact with CHS Group.
- To embed across the organisation a culture where those affected by domestic abuse feel safe to approach us, are encouraged to talk and are listened to, thus enabling them to make informed decisions about their lives and live more independently.
- To ensure we provide timely and effective guidance by working in partnership with relevant agencies to respond to any cases of abuse that may arise.
- To enhance the safety and security of those affected (e.g. by arranging enhanced security to their home) and also support them to increase their confidence, resilience and empower themselves to live independently.
- Provide employees with clear and practical guidance to ensure we support and protect survivors of abuse, allowing them to have more information about their choices so that they feel empowered to fulfil their ambitions.
- To work in partnership with appropriate agencies to support or signpost perpetrators of domestic abuse who recognise and seek to change their behaviour to increase their motivation, skills and knowledge and build confidence and resilience to combat their abusive behaviour patterns.

3. Definition of Domestic Abuse

3.1 The Home Office definition of Domestic abuse¹ is :

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour 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 -

¹ To be amended as a statutory government-wide definition in the passage of the 2018 Domestic Abuse Bill

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*
- *Harassment and stalking*
- *Digital or online abuse*

3.2 The most prevalent type of domestic abuse is partner abuse or abuse by a family member. The definition also covers abuse such as adolescent to parent violence and abuse – see home office guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732573/APVA.pdf

3.3 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.

3.4 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 the other person. This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender, sexual orientation or ethnic group. There may be multiple perpetrators, usually family members who are defined as: mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step family.

3.5 Domestic abuse is rarely a one-off incident and should be seen as a pattern of abusive and controlling behaviour through which the perpetrator seeks power over the other person. The figures show that although domestic abuse can be perpetrated by women towards men; it consists mainly of abuse by men against women (British Crime Survey). Women are more likely to be injured, repeatedly abused, and murdered. Male perpetrators are far more likely to abuse post-separation than women and this is the most high-risk situation for women (Second London Domestic Abuse Strategy, Nov 2005).

3.6 Women are more likely than men to experience multiple incidents of abuse, different types of domestic abuse (intimate partner violence, sexual assault and stalking) and in particular sexual violence. Any woman can experience domestic abuse but some women who experience other forms of oppression and discrimination face further barriers to disclosing abuse and finding help.

4. Legal Framework – see appendix 1

4.1 There is a range of civil and criminal action that can be taken to protect people from domestic abuse. These vary according to the circumstances of individuals. Some of these are outlined in appendix 1 but CHS will always advise that legal advice is taken. Legal Aid has been restricted in recent years and advice can be sought here: <http://rightsofwomen.org.uk/get-information/violence-against-women-and-international-law/domestic-violence-injunctions/>

5.0 Policy Commitment:

5.1 At CHS Group, we believe that our customers and householders should not live in fear of violence or abuse from a partner, former partner or any other member of their household.

5.2 People experiencing domestic abuse will be treated in a sympathetic, supportive and non-judgemental way. A person's disclosure alone is sufficient for them to be given advice and assistance as a matter of priority by staff.

5.3 We will:

- Ensure that both staff and customers understand that we will support them if they are experiencing domestic abuse. We will achieve this via good communications, publicity and awareness raising both internally and externally in relation to domestic abuse.
- Ensure that people experiencing domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next. This may include housing management options such as facilitating tenancy changes to allow the survivor to exclude the perpetrator, or moving home – set out in the staff Toolkit.
- Support people who are / have experienced abuse to rebuild their lives by working in partnership with them and other support agencies.
- Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- Support survivors to employ the use of civil and criminal laws which can offer them protection and also act as a preventative measure to avoid further abuse.
- Ensure that people experiencing abuse are not deterred from reporting abuse.
- Seek appropriate support solutions for perpetrators of domestic abuse to prevent abuse recurring, while protecting the interests of the survivor which may include helping to ensure the perpetrator is excluded from the home.
- Follow the relevant child protection / Safeguarding Children procedures if we believe a child is at risk due to an abusive relationship.
- Follow the relevant Safeguarding Adults procedure if we believe a vulnerable adult is at risk due to an abusive relationship.
- Provide support and guidance to employees experiencing domestic abuse.*
- Not tolerate domestic abuse from our employees and provide support to any member of staff who is a survivor, or a perpetrator of domestic abuse to address their behaviour.*

*See Employee Domestic Abuse Policy and Procedure

6.0 Equality and Diversity

6.1 We are committed to the principles of equality and diversity throughout the organisation. In the context of dealing with domestic abuse cases, we aim to:

- Meet the needs and choices of people from all backgrounds and take into consideration age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity.
- Ensure our service is responsive and meets the needs of our existing and prospective customers.
- Understand the cultural implications and barriers to reporting domestic abuse.
- Ensure that all sections of the community in which we work have equal access to our service.

6.2 Our Domestic Abuse Policy and Toolkit will ensure that customers are treated as individuals and with fairness and respect.

7.0 Recording & Data Protection

7.1 All records regarding domestic abuse are held on the CHS Housing IT system using the Domestic Abuse classification. All personal data held by CHS will be held and processed according to the General Data Protection Regulation 2016 and the Data Protection Act 2018.

8.0 Monitoring and Review

8.1 This policy will be reviewed every 2 years or in line with business needs or changes in regulation and/or legislation. The Toolkit for staff will be updated on a more frequent basis as good practice guidance and learning from cases evolves.

8.2 Cases will be monitored on a range of Quality Assurance Indicators (QAs) and outcomes which include:

- Number of cases opened
- Involvement of specialist agencies and groups, including Multi Agency Risk Assessment Conference (MARAC)
- Evaluation / satisfaction with the service from survivors

Appendix 1

Legal framework

Part IV of the **Family Law Act 1996** (FLA 1996) provides a civil remedy for molestation, abuse and occupation. The court can grant occupation orders to exclude a perpetrator from the home altogether or prevent them from re-entering the home or coming within a certain area of the home. A non-molestation order is used to restrain someone from causing or threatening abuse to the applicant or any children. Applications can be made on-notice or ex-parte (without notifying the respondent) where there is a risk of harm. A Power of Arrest can be attached to an order, especially where the court finds that there has been abuse or a threat of it.

The **Protection from Harassment Act 1997** contains both criminal and civil remedies for domestic abuse. Its main advantage has been its availability to those who have not lived with their abusive partner or had children with them - however this is improved by the Domestic Abuse Crime and Victims Act 2004 (see below). Civil remedies include injunctions and seeking damages for harassment offences. Breach of an order is a criminal offence.

The **Housing Act 1996** allows CHS as a landlord to apply for a possession order (using Ground 2A for secure tenants or ground 14A for assured tenants) where the tenant has been violent. It depends on the tenant who is experiencing domestic abuse leaving the property with no intention of returning. It does not enable the survivor of abuse to stay in the property, but is a way of regaining possession of the home when the perpetrator remains in occupation.

The **Domestic Abuse Crime and Victims Act 2004** introduces stronger protection for survivors with measures such as making it an arrestable offence to breach a non-molestation order, making common assault an arrestable offence, setting up a register of civil orders, extending protection to same-sex couples and permitting non-molestation orders for couples who have never co-habited.

The **Crime and Security Act 2010** Sections 24-33 of the Act relate to Domestic Violence Protection Notices and Orders (DVPNs and DVPOs).

A Domestic Violence Protection Notice and Order is aimed at perpetrators who present an on-going risk of violence to the survivor with the objective of securing a co-ordinated approach across agencies for the protection of survivors and the management of perpetrators. The DVPN / DVPO provides immediate emergency protection for the survivor allowing them protected space to explore the options available to them and make informed decisions regarding their safety.

Anti-Social Behaviour, Crime and Policing Act 2014 makes provision for a civil injunction to prevent anti-social behaviour. Part 2 makes provision for an order on conviction to prevent behaviour which causes harassment, alarm or distress. An injunction may be granted on the application of the chief officer of police for a police area. A housing provider may make an application only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions.

The **Care Act 2014** emphasises promoting wellbeing and prevention of needs. Wellbeing has a broad definition, including personal dignity, physical mental health, protection from abuse and neglect and control over day to day life, participation in work, education or training.

Clause 2 of the Act places a duty on local authorities to prevent, reduce and delay needs for care and support. This includes providing or arranging for the provision of services in their area which will prevent or delay the development of or reduce the need for support by carers.

The **Serious Crime Act 2015** (Section 76) created a new offence of *controlling or coercive* behaviour in an intimate or family relationship. Controlling or coercive behaviour towards another can include or be committed in conjunction with a range of other offences. A pattern of controlling or coercive behaviour can be well established before an incident is reported. Behaviour of the perpetrator can include:

- Isolating a person from their family or friends
- Depriving them of their basic needs
- Monitoring their time
- Monitoring a person via online communication tools or using spyware
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- Depriving them access to support services, such as specialist support or medical services
- Repeatedly putting them down such as telling them they are worthless
- Enforcing rules and activity which humiliate, degrade or dehumanise the other person
- Forcing the other person to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- Financial abuse including control of finances, such as only allowing a person a punitive amount
- Control ability to go to school or place of study
- Taking wages, benefits or allowances
- Threats to hurt or kill
- Threats to harm a child
- Threats to reveal or publish private information (e.g. threatening to 'out' someone)
- Threats to hurt or physically harming a family pet
- Assault
- Criminal damage (such as destruction of household goods)
- Preventing a person from being able to attend school, college or university
- Family 'dishonour'
- Reputational damage
- Disclosure of sexual orientation
- Disclosure of HIV status or other medical conditions without consent
- Limiting access to family, friends and finances

Clare's Law 2017 (also known as Domestic Violence Disclosure Scheme (DVDS)) gives people the right to ask police if their partner has been violent and if they are at risk.

Homelessness Reduction Act 2017 - includes two new duties to the original statutory rehousing duty:

- Duty to prevent homelessness
- Duty to relieve homelessness

General Data Protection Regulation (2018) expands the rights of individuals to control how their personal **data** is collected and processed, and places a range of new obligations on organisations to be more accountable for **data protection**.

Domestic Abuse Bill – In late 2018, progressing through Parliament. Changes expected to include making breach of DVPO a criminal offence; DA commissioner to be appointed to hold the government to account; Economic abuse to be recognised; Survivors of DA to be automatically permitted special measures in court.

There has been extensive consultation on this bill with DA specialists and service providers including how best to ensure refuge and supported housing provision for survivors is properly funded.

Appendix 2

Potential signs of domestic abuse (Extract from Women's Aid website)

- **Destructive criticism and verbal abuse:** shouting/mocking/accusing/name calling/verbally threatening
- **Pressure tactics:** sulking, threatening to withhold money, disconnect the telephone, take the car away, commit suicide, take the children away, report you to welfare agencies unless you comply with his demands regarding bringing up the children, lying to your friends and family about you, telling you that you have no choice in any decisions.
- **Disrespect:** persistently putting you down in front of other people, not listening or responding when you talk, interrupting your telephone calls, taking money from your purse without asking, refusing to help with childcare or housework.
- **Breaking trust:** lying to you, withholding information from you, being jealous, having other relationships, breaking promises and shared agreements.
- **Isolation:** monitoring or blocking your telephone calls, telling you where you can and cannot go, preventing you from seeing friends and relatives.
- **Harassment:** following you, checking up on you, opening your mail, repeatedly checking to see who has telephoned you, embarrassing you in public.
- **Threats:** making angry gestures, using physical size to intimidate, shouting you down, destroying your possessions, breaking things, punching walls, wielding a knife or a gun, threatening to kill or harm you and the children.
- **Sexual abuse:** using force, threats or intimidation to make you perform sexual acts, having sex with you when you don't want to have sex, any degrading treatment based on your sexual orientation.
- **Physical abuse:** punching, slapping, hitting, biting, pinching, kicking, pulling hair out, pushing, shoving, burning, strangling.
- **Denial:** saying the abuse doesn't happen, saying you caused the abusive behaviour, being publicly gentle and patient, crying and begging for forgiveness, saying it will never happen again.