

Housing domestic abuse policy

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Contents

Introduction	2
Aims	2
Tenancy agreement	2
Definition	2
Who can experience domestic abuse?	3
Behaviour examples of domestic abuse	3
Female genital mutilation.....	4
Forced marriage	4
Supporting victims.....	4
Security measures	5
Accommodation and rehousing.....	5
Emergency move outside of Luton	5
Joint tenants	6
Action against perpetrators	6
Multi-agency working	7
Confidentiality and consent.....	7
Information exchange	7
Equality and diversity	8
Training	8
Monitoring	8
Review	8

Introduction

Luton Council takes a zero-tolerance approach to domestic abuse. We will treat all reports with the utmost sensitivity and take a victim-centred approach to all cases, with the aim of reducing the risks posed to the victim and any affected household members.

We will work closely with partner agencies to respond effectively to cases of domestic abuse. We fully support the Chartered Institute of Housing's "Make a

Stand" campaign which aims to ensure that all social housing providers across the UK are fully committed to tackling domestic abuse in our homes.

This policy applies to domestic abuse experienced by or perpetrated by our tenants, or members of their household.

Aims

This policy aims to:

- provide an appropriate and effective response to domestic abuse
- enable staff to confidently support victims
- take action against perpetrators using legal remedies where appropriate
- ensure we work closely with partner agencies and contribute to local initiatives to raise awareness of domestic abuse

Tenancy agreement

Our [tenancy agreement](#) for all introductory and secure tenants' sets out clearly that:

- domestic abuse will not be tolerated
- action will be taken against known perpetrators which may lead to eviction

Definition

The government 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. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

We have adopted the government's definition in this policy.

Controlling behaviour is a range of acts designed to:

- make a person subordinate and/or dependent by isolating them from sources of support
- exploit their resources and capacities for personal gain
- deprive them of the means needed for independence, resistance and escape
- regulate their everyday behaviour

Coercive behaviour is an act or a pattern of acts of:

- assault
- threats
- humiliation
- intimidation
- other abuse that is used to harm, punish, or frighten their victim

Domestic abuse is rarely a one-off event and is often used systematically to gain power and control over the victim, with the violence and abuse increasing in frequency and severity over time.

Abuse perpetrated by a person over the age of 16 is a domestic abuse issue, while abuse committed against a person under the age of 16 is a child safeguarding issue.

Domestic abuse often involves safeguarding issues. Refer to the council's website for [further information on our approach to safeguarding](#).

Who can experience domestic abuse?

Any person can experience domestic abuse, regardless of age, culture, race, ethnicity, gender, sexuality, religion or other characteristics.

Domestic abuse not only occurs in intimate partner relationships, but also includes violence between family and household members.

Victims of domestic abuse may:

- be isolated
- feel ashamed
- feel disempowered
- need extensive support

Domestic abuse also includes incidents of:

- 'honour'-based violence
- forced marriage
- female genital mutilation

Domestic abuse may be a manifestation of hate behaviour directed at the victim due to certain personal characteristics.

Behaviour examples of domestic abuse

Examples of behaviour that amount to domestic abuse include:

- physical abuse such as slapping, pushing, kicking, punching, stabbing, attempted murder or murder
- sexual abuse such as rape and sexual assault
- emotional or psychological abuse such as intimidation, bullying, isolation, verbal abuse, humiliation, degradation, not allowing visitors
- destruction of belongings
- threat of legal sanctions such as:
 - deportation
 - custody of children
 - financial abuse
 - denial of rights or restriction of personal freedom including withholding money, medical help or travel/immigration documents

- using coercion and intimidation to control someone such as forcing someone to marry or taking someone abroad against their will

Female genital mutilation

Female genital mutilation (FGM), also known as female circumcision, involves procedures that include the partial or total removal of the external female genital organs for non-medical reasons. The practice is extremely painful and has serious health consequences both at the time of mutilation and in later life.

It is an offence to:

- perform FGM
- assist a female to carry out FGM on herself
- assist anyone (whether a UK national or not) to carry out FGM on a UK national anywhere in the world
- fail to protect a girl aged 16 or under from FGM

Where FGM is reported to us, we will respond to the report in accordance with this policy and the safeguarding policy. We'll cooperate with relevant agencies and refer victims to appropriate sources of support.

Forced marriage

A forced marriage is where one or both people do not (or cannot, in cases of individuals lacking capacity) consent to the marriage and pressure or abuse is used to compel them to enter into the marriage.

The pressure put on people to marry against their will can be:

- physical including threats, actual physical violence and sexual violence
- emotional and psychological - when someone is made to feel they're bringing shame on their family
- financial abuse - taking a victim's wages or not giving them any money

Where forced marriage concerns are reported to us, we'll respond to the report in accordance with this policy and the safeguarding policy. We'll cooperate with relevant agencies and refer victims to appropriate sources of support.

Supporting victims

If a victim reports domestic abuse in person they'll be seen immediately by a member of staff. If they make a disclosure by other means, they will be offered a meeting within one working day, or at a later time that is convenient for them.

A DASH (domestic abuse, stalking and honour based violence) risk assessment will be carried out and the score will direct the investigating officer to the action that needs to be taken. We'll respond to disclosures of domestic abuse by:

- treating all complaints of domestic violence and abuse seriously
- taking a victim-centred approach to reports of domestic abuse
- giving priority to the safety of victims and their household
- ensuring confidentiality
- working with specialist agencies to manage the victim's safety
- taking or supporting legal action against perpetrators where appropriate

Victims will be referred with their consent to other agencies that provide support including:

- police
- domestic abuse support agencies
- victim support
- national domestic violence helplines
- legal advice (normally accessed via a support agency)
- children's services

Victims will be supported as necessary in accessing any of the above services.

Security measures

We can take other action to assist victims such as:

- repairing damage to the property ensuring that the victim is not rehoused where it has been caused as a result of domestic abuse
- offering extra security at the property
- making a referral to Women's Aid or in the case of a male victim to relevant support agencies.

Security measures may be arranged and provided at our discretion, or a referral made to an external agency for assistance.

Accommodation and rehousing

We recognise that housing is normally a key issue in domestic abuse cases. We understand that many victims may not wish to move in order to:

- maintain local and family connections
- avoid disruption to their children and their schooling

We'll work with the victim to take action to manage the risks posed to them while remaining at home and, where possible, we'll support the rights of the victim to ensure that they are not deprived of accommodation.

In cases where there is evidence that it is not safe for the victim and their family to remain in their home but it is safe for a move within Luton, a report to the Housing Review Panel will be prepared by the investigating officer. This could be the housing officer or the antisocial behaviour officer.

The report, and will include evidence that it is safe for the victim and their family to remain in Luton.

Where it is not safe for person or family to remain in the home, temporary accommodation may be provided on a short term basis until suitable accommodation is offered.

Whilst all tenants can apply for a transfer of accommodation, tenants will not be afforded priority for an in-borough transfer on the grounds of domestic abuse where an allocation of accommodation within Luton would place the victim at continued risk.

When assessing the appropriateness of an in-borough transfer, due regard will be given to assessments of risk undertaken by involved agencies including the police.

Emergency move outside of Luton

In some cases a move outside of Luton is the safest option for the victim and their family. Advice will be given as to how a homeless application can be made to another local authority.

Applications to [Homefinder UK](#) will support applicants to access social housing in other local authority areas.

In extreme cases we'll try to arrange short term temporary accommodation out of the area. However this can only be provided for a very short period of time.

Tenants will not be encouraged to end their tenancy until they've secured alternative permanent or have had a full homelessness duty accepted to.

Where applicable, the tenant will be advised to apply for benefits on both properties as the rent will be payable on both whilst the tenancies are live.

Joint tenants

Where the victim and perpetrator have a joint tenancy we cannot intervene to decide which party should occupy the property. We'll refer the victim to obtain independent legal advice on their options, which include:

- seeking an occupation order
- a court order to transfer the tenancy to their sole name

Where the perpetrator is the tenant and they remain in the family home, we'll take court action to get possession of the property, providing that we have the required evidence. We'll give regard to the victim and any children as to their housing need.

Any decision will be based on the risk posed to the victim and the suitability of the property for their housing needs.

Action against perpetrators

We'll provide information to support victims to take their own legal action against perpetrators of domestic abuse and help them access advice about their options.

Where the perpetrator is a named council tenant, we may initiate legal action against them in accordance with our antisocial behaviour policy.

Where the perpetrator is not a tenant, we'll refer the victim to access appropriate support to increase their safety and seek advice on taking legal action.

Any action taken will be pursued in consultation with the victim as far as is reasonable. The overriding consideration of any intervention taken by us is to reduce the risk to the victim and others.

Legal action will not be pursued where this is likely to increase the risk to the victim, The decision will be taken in conjunction with the police or support services.

Civil remedies available:

- possession proceedings
- injunctions

We'll also assist victims to access support from specialist support agencies which can advise them on specialist legal remedies, including:

- non-molestation orders
- occupation orders
- restraining orders

Where it's in the interests of the victim we may, in some circumstances where there is evidence of domestic abuse, look to house the perpetrator in a one bedroom property on the condition that they do not commit further offences against the victim and receive support.

Multi-agency working

We'll encourage a joint and coordinated approach to addressing domestic abuse in Luton. We'll liaise with:

- the police
- voluntary agencies
- community groups

We'll work to improve channels of communication and promote any initiatives to protect and support victims of domestic violence and abuse.

We will participate in multi agency risk assessment conferences (MARACs) to support and protect victims and will follow all reasonable recommendations made.

MARACs bring agencies together to share information and manage victim safety in high-risk cases.

Agencies participating in MARACs include:

- the police
- social services
- community mental health services
- other NHS professionals
- relevant local authority departments

Confidentiality and consent

All staff will respect confidentiality when dealing with reports of domestic abuse.

There are some circumstances in which we are required by law to disclose information given to us. For example:

- in cases involving safeguarding children or vulnerable adults
- for the purposes of the prevention and detection of crime

We'll discuss this obligation with the person making the disclosure where possible.

Where we're under a duty to disclose safeguarding concerns, we'll refer the matter to the relevant agency in accordance with our safeguarding policy.

Information exchange

Together with our relevant partner agencies, we may share information for the purpose of the prevention and detection of crime under:

- [section 115 of the Crime and Disorder Act 1998](#)
- various provisions of the [Data Protection Act 2018](#)
- [General Data Protection Regulations \(GDPR\) 2018](#)

We'll participate in information sharing protocols, where appropriate, to enable us and key local agencies to exchange information for use in reducing and addressing domestic abuse. Where appropriate, a warning flag will be placed on the property address where the perpetrator remains.

Equality and diversity

We'll ensure that this policy is applied fairly and consistently.

We will not directly or indirectly discriminate against any person or group of people, in line with our equality and diversity charter.

We will act sensitively towards the diverse needs of individuals and communities and will take positive action where appropriate.

We'll monitor the sex, age, race and sexual orientation of victims of domestic abuse.

Training

We'll provide all staff responsible for implementing this policy with comprehensive training as required.

We're committed to ensuring that relevant frontline staff are trained to:

- respond effectively to reports of domestic violence and abuse
- feel confident in handling cases and supporting victims

Monitoring

In accordance with our antisocial behaviour policy we'll monitor:

- reports of domestic abuse received
- action taken
- outcomes achieved
- case management

Review

We'll formally review this policy every two years, unless changes in legislation or regulation require an earlier review.