

Domestic Abuse Policy

Housing Management

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1. **Headline messages**

- **No one should live in fear of, or experience, domestic abuse or abuse in any form.**
- **We are committed to supporting any resident who reports domestic abuse.**
- **We will ensure that our victim centred support is delivered in a sensitive manner with an emphasis on timeliness, regular communication, the provision of advice and appropriate referrals, and clear outcomes.**

2. **Aims of the policy**

This policy sets out how we will identify and respond to domestic abuse (DA), both in respect of victims and perpetrators. It sets out definitions, our regulatory responsibilities, the tool available, and the service standards we will meet.

3. **Scope**

The policy and associated procedures are applicable to all parts of L&Q.

We will log reports of DA but their responsibilities in terms of case management, enforcement and rehousing will vary according to the type of tenure. For example, leaseholders or tenants in private rented sector properties will not be eligible for internal transfers.

In services where there are separate management arrangements and responsibilities, for example, L&Q Living, refuges and supported housing properties, their policies and procedures, where present, will take precedence.

4. **Policy approach**

L&Q recognises that DA is widespread and traditionally under-reported and will undertake our responsibilities seriously and will identify DA and manage all reports of DA.

No one should live in fear of DVA and we will take steps to advise, and support any resident suffering from or threatened with DA.

Vulnerable Residents

We will ensure that the needs of vulnerable residents are identified and assessed to enable them to live safely and independently within their homes. We will ensure we deliver our services and support in line with our Vulnerable Residents' policy, Safeguarding of Adults and Children, Hate Related Incidents and Anti-social Behaviour Policy.

4.1 Definitions

Domestic Abuse (DA)

Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if:

- a) A and B are each aged 16 or over and are personally connected to each other, and
- b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse (see subsection (4));
- psychological, emotional or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct.

Economic abuse

Economic abuse is any behaviour that has a substantial adverse effect on B’s ability to;

- acquire, use or maintain money or other property, or
- obtain goods or services.

Domestic Abuse can be the abuser’s behaviour and conduct directed at another person connected to the Victim/Survivor (for example, B’s child). References to being abusive towards another person are to be read in accordance with this.

Personally Connected

For the purposes of the DA Act, two people are “personally connected” to each other if any of the following applies:

- they are, or have been, married to each other.
- they are, or have been, civil partners of each other. A “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
- they have agreed to marry one another (whether or not the agreement has been terminated).
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated).
- they are, or have been, in an intimate personal relationship with each other.
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child.
- they are relatives. “relative” as defined in section 63(1) of the Family Law Act 1996.

A person has a parental relationship (“parental responsibility” has the same meaning as in the Children Act 1989) in relation to a child if:

- the person is a parent of the child, or
- the person has parental responsibility for the child.

The definition of a “child” is a person under the age of 18 years

Children as victims of domestic abuse

A child is related to a person for the purposes of subsection if:

- a) the person is a parent of, or has parental responsibility for, the child, or
- b) the child and the person are relatives.

A child is considered a victim of domestic abuse if they:

- a) see or hears, or experiences the effects of, the abuse, and
- b) is related to A or B.

4.2 General approach

We will believe customers who disclose DA to us and prioritise their immediate safety. We take a trauma approach to DA. We will give residents the right to choose the actions and outcomes that are safe for them. We recognise that there is no ‘typical’ perpetrator and no ‘typical’ victim.

DA ‘champions’ will be identified in each region to provide specialist guidance to staff to ensure policy and procedures are followed effectively.

We will respond to disclosure of DA by assessing the risk to the victim and agreeing actions with the victim to reduce the risk.

4.3 Identifying DA

We recognise the barriers to seeking help for DA and that victims will often feel isolated and fearful of reporting the abuse.

We want our residents to have confidence in the way we manage and progress reported cases, so we will adopt a harm centred approach to domestic abuse. This means that if a victim/survivor, witness or a member of staff perceives the incident to be domestic abuse it will be treated as such and responded to in accordance with this policy.

L&Q colleagues may encounter evidence of DA in their roles, and we will provide training to make them aware of the signs of DA.

Reports of DA or any risks identified will be investigated in line with L&Q’s procedures. All cases will be assessed using the Domestic Abuse, Stalking, Harassment and Honour (DASH) risk assessment. The DASH is a nationally recognised multi-agency tool focused on keeping victims and their children safe and ensuring perpetrators are proactively identified and managed. Using this assessment tool, we create a common language and help practitioners identify those who are at high risk of harm and whose cases should be referred to a MARAC meeting in order to manage their risk.

We will provide guidance and instruction to our contractors on DA, including how to report any concerns they have.

4.4 Supporting victims and witnesses

We will handle cases sensitively and will act on reports and/or evidence provided by the victim even if it is unconfirmed or unsubstantiated. Colleagues will approach all cases in a non-judgemental way. The safety and security of residents reporting DA will be prioritised.

We will offer victims/survivors an interview at a suitable and safe location and identify any risk factors with the aim of reducing and managing any risks. We will do this using a trauma informed approach. This includes but is not limited to offering an interview with an officer of the same gender (where possible) and providing independent interpreter and translation services where required.

L&Q will consider the most appropriate options available when supporting victims, prioritising their short and long term safety and this may include:

- Advice and referrals to domestic abuse support services and advice lines.
- Making safeguarding referrals if appropriate/necessary. This will include a referral to Children's Social Services when a child has witnessed or is exposed to DA.
- Empowering victims to take positive action where appropriate (e.g. support to gather evidence or to take legal action against the perpetrator).
- Where it is practicable for the victim to remain in their home, every effort will be made to provide additional improvements to the security of their home where appropriate.
- Support in obtaining injunctions and other legal remedies.
- Consider the range of housing options available, including supporting victims in seeking temporary accommodation, refuges, sanctuary schemes or permanent re-housing, where appropriate.
- Where other statutory agencies consider the victim/survivor would be at serious risk of harm if they remained in their home, the Trust will consider if it is appropriate to:
 - Request temporary re-housing via the local authority
 - Offer a management transfer to another available property
 - Seek an appropriate reciprocal re-housing arrangement, with another social housing landlord, or
 - Seek support through specialist refuges to provide temporary accommodation
- All MARAC recommendations will be adhered to

Where we feel that specialist agencies are better placed to provide support, this information will be made available to the victim and/or their advocate and where appropriate support will be provided to assist them to get the help they need.

4.5 Partnership working

We will work in partnership with other agencies to deliver a co-ordinated community response for victims and/ or the perpetrator. This can include, for example, working with the police, local authority, support services, and legal representatives.

Where appropriate, including where cases which meet the threshold of a Multi-Agency Risk Assessment Conference (MARAC) or if we have safeguarding concerns, we will have a legal duty to refer this information with the relevant agency.

Information sharing protocols will be put in place with partner organisations so that information may be shared to effectively manage cases.

4.6 Perpetrators

We will hold perpetrators to account and will take action where appropriate and safe, this could include possession actions. Where we do not take legal action, we will signpost victims to the legal options available to them.

Working with perpetrators is a specialist area and we will work in partnership with agencies such as social services and the police when considering actions to take. If a perpetrator is identified as vulnerable, we will take this into account when managing the case, while prioritising the safety of the victim.

4.7 Occupants who aren't tenants

We have a duty of care to provide the same level of service whether they are a tenant or an occupant. We will conduct a risk assessment, provide the same support and make the necessary referrals.

4.8 Historical cases

We recognise the impact of trauma on victim/survivors of domestic abuse. This often means that victim/survivors carry on living the trauma and therefore we need to take steps to make sure they feel safe in their homes, (i.e. lock change requests should be treated the same as any other request in a DA case).

4.9 Confidentiality

We will treat all reports confidentially and offer anonymity for victims and witnesses. We will make sure that there is a clear agreement on how to contact the complainant so as not to put them at further risk.

Where we feel the case can be best progressed by sharing information with other agencies, we will discuss this with the victim.

Sometimes we will have to break confidentiality to comply with the law. For example, if we have reason to believe that someone is at risk of significant harm, we may need to involve the police.

If we suspect that a child or young person is at risk we must inform social services. If a court directs that information is disclosed, we will comply with the direction. In instances where we break confidentiality, we will inform the victim why we are doing this and who we are informing.

Appendices

1. Assurance

Compliance with the policy will be assessed through considering the following:

- Acting in accordance with the customer promise, specifically: we will keep you safe; we'll listen and act; and we'll make it easy for you to deal with us.
- Complete accurate record keeping – right information, right systems, evidenced by: clear notes; all contacts in D365; any vulnerability and service adjustments information in Arena support flags; documents uploaded; forms/notices completed accurately
- Communication including tone of voice and empathy
- Timeliness – actions in line with agreed timeframes; regular contact for progress updates.
- Signposting and referrals to support agencies are made as appropriate.
- Where appropriate, work in partnership with other agencies to develop and deliver a co-ordinated action plan.

2. Legislation and Regulation

The **Domestic Abuse Act 2021** including the establishment and powers of a Domestic Abuse Commissioner

The **Crime and Disorder Act 1998** places a duty on housing associations to work in partnership with the police and authorities to tackle crime and disorder.

The **Domestic Violence, Crime and Victims Act 2004** created orders relating to safety and tenure, including non-molestation and occupation orders

The **Crime and Security Act 2010** introduced domestic violence protection orders. It also introduced the disclosure scheme for requesting police to provide details of previous offending behaviour.

The **Children and Adoption Act 2002** defined harm to children, including suffering on witnessing DVA

The **Crime and Security Act 2010** introduced domestic violence protection orders. It also introduced the disclosure scheme for requesting police to provide details of previous offending behaviour.

The **Protection from Harassment Act 1997** protects victims of harassment by allowing them to obtain civil protection orders against the person harassing them.

The **Care Act 2014** sets out a new statutory basis for safeguarding adults and the legal duties that local authorities will have to fulfil in their lead and coordination roles.

3. Equality Impact

L&Q is committed to valuing and promoting equality, diversity, and inclusion. We have a duty to eliminate unfair treatment and discrimination in the services we provide to our customers. Treating everyone fairly, with dignity and respect. Applying empathy and understanding to their needs and lived experiences. We will work with others, and/or other organisations for support in considering the 9 protected characteristics of the Equality Act 2010 to ensure that residents are not compromised, disadvantaged, or placed at risk. The 9 Protected Characteristics are: Age, Disability, Race, Religion & Belief, Sex, Gender reassignment, Sexual Orientation, Civil Partnership, Pregnancy & Maternity.

This also applies to residents who are vulnerable or may be deemed to have a medical or disability need in the short or long term. We will consider the residents' voice when decision making, providing information, choices and communication that is fitting to meet the diverse needs of [our] tenants, whatever their identity, background, or beliefs.

All staff are expected to share this commitment in line with our values.

- People: We care about the happiness and wellbeing of our customers and our employees.
- Passion: We approach everything with energy, drive, determination, and enthusiasm.
- Inclusion: We draw strength from our differences and work collaboratively.
- Responsibility: We own problems and deliver effective, lasting solutions.
- Impact: We measure what we do by the difference we make.

Policy controls sheet

Date of approval: October 2023

Approved by: Sharon Murphy, Head of Housing Specialisms

Effective date: October 2023

Next Review date: October 2025

Author: Service Improvement, Quality Assurance

Policy owned by: Director, Housing Management

Associated documents: Domestic Violence SOP, ASB Policy and SOP, Hate Crime Policy and SOP.

Main changes	Key points
Policy has been amended to include definitions of domestic abuse to mirror the Domestic Abuse Act 2021.	amendments have been made under the 'Definitions' section to include definition of Domestic abuse, Personally Connected, Economic abuse and Children as victims of domestic abuse.
Introduction of the DASH risk assessment in replacements of the Person-Centred Risk Assessment used previously.	Minor amendment to section 'Identifying DA' to mark the introduction of DASH risk assessment tool.
Reviewed by: Laura Cravitz, Domestic Abuse Specialist, 22nd September 2023	
Approved by: Sharon Murphy, Head of Housing Specialisms,	

Main changes	Key points
L&Q and THT's policy have been aligned and reviewed	<ul style="list-style-type: none"> • Policies have been aligned and reviewed to ensure that all information is accurate and up to date. • Lines have been added to L&Q's policy with minor amendments to the aligned policy. • Changed 'victim-centred' to 'trauma informed' • Changed 'DVA' to 'DA'. • Added a bullet to include safeguarding and to Social Services referrals where children are affected. • Line added to MARAC recommendations will be adhered to when supported victims. • Policy has been amended to include reference to customers with vulnerabilities.
Reviewed by: M Griffiths, Housing Quality Assurance	
Approved by: Sharon Murphy, Head of Housing Specialisms 1st April 2023	

Main changes <ul style="list-style-type: none"> • Reformatted for the new branded template • Policy assurance criteria added • Reference to the Domestic Abuse Act 2021 	Key points As per main changes
Reviewed by: T Powell, Policy and Assurance Approved by: Jennifer Marius, Head of Housing, January 2022	

Reviewed by: Judith Tovey, Policy Team Approved by: Policy Manager Date: December 2017	Main changes and why (i.e. change in legislation, change in internal processes) Policies merged ML December 2017. This policy is the product of the merger between East Thames and L&Q. Content was taken from the following documents: <ul style="list-style-type: none"> • East Thames Domestic Abuse Policy Dec 2014 • L&Q Domestic Violence and Abuse Policy Jun 2015
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