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DOMESTIC ABUSE POLICY

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Summary

This Policy details how we manage reports and cases of domestic abuse; what may constitute domestic abuse; how we work with partners to seek an effective resolution; and how we aim to support complainants and deal with respondents in line with effective use of legal tools at our disposal in line with Housing Law and our tenancy agreements.

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PART TWO

Policy

Intent

The Group is committed to taking all reasonable steps possible to combat the reality and impact of Domestic Abuse (DA) for individuals being abused; for children and vulnerable adults affected by DA and to challenge the behaviour of alleged perpetrators.

Longhurst Group (LG) is clear that any form of DA is unacceptable and will not tolerate or condone such behaviour whilst delivering our Housing Management Service. LG believes that no one should live in fear of DA and will take steps to offer advice, assistance and support to any person suffering from or threatened with domestic abuse.

Our customers should not live in fear of abuse or violence from a partner, former partner, or other member of their household. This policy sets out how we will assist and support any person suffering from or threatened with domestic violence and/or abuse. It applies to all LG customers, including Shared Owners, who are victims of domestic violence/abuse perpetrated by a spouse or partner, former spouse or partner, or other member of their household/family. The perpetrator may be someone living in the same property as the victim; or be a visitor to his or her home, estate or neighbourhood.

This policy should be read in conjunction with LG Safeguarding and Anti-Social Behaviour Policies.

The Group recognises that DA is a crime and does not respect race, geography, social background, or other similar factors or special characteristics. The Group also recognises that DA often remains a 'hidden' issue in our society but with a greater number of victim/survivors living within social housing.

The key objectives of this policy are to;

- understand and define what DA is;
- detail the legal and regulatory framework that provide us with the tools to respond to DA and that we are required to comply with;
- outline our approach and commitment to dealing with DA effectively and efficiently as a Group and with our Partners;
- monitor performance to assess the quality and effectiveness of service.

Principles

We believe that our customers and those residing within our properties should not live in fear of violence or abuse. We take DA seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of DA. We will:

- provide clear information on how to report DA and enable residents to report DA to us in a variety of ways or via a third party such as a police officer or IDVA (Independent Domestic Violence Advocate);
- adopt a flexible and sensitive approach in investigating and responding to incidents of DA in order to take into account the varying circumstances of victims;
- agree an action plan with the victim, monitor the situation and review at a frequency agreed with them;
- work in partnership with the Police, local authority and other external agencies and support agencies in order to deal with the effects of DA and attend and share information with Multi Agency Risk Assessment Conferences (MARAC) where appropriate;

- provide improved security to a victim's home (e.g. security lights, window locks) where a need is identified;
- ensure that people experiencing DA access appropriate services as early as possible and are given advice to allow them to make choices about what to do next;
- follow the relevant child protection/ safeguarding procedures if we believe a child/ vulnerable adult is at risk due to an abusive relationship;
- publicise our approach to raise awareness amongst staff and residents, with the aim of increasing reports of DA.

Scope

This policy applies to all parts of the Longhurst Group ("the Group" / LG).

This policy applies to all customers who hold a tenancy, lease or freehold title with the Group.

Policy Details

What is Domestic Violence and Abuse? (DA)

The Government definition, which the Group will adopt, is:

'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:

- *Physical abuse;*
- *Sexual abuse;*
- *Emotional or psychological abuse;*
- *Financial abuse;*
- *Controlling behaviour;*
- *Coercive behaviour;*
- *Honour Based Violence (HBV) and forced marriage.*

Controlling behaviour

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.

Coercive 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.'

In addition to the above definition, which is not a legal definition, behaviour now also widely considered as domestic abuse include harassment, stalking and online or digital abuse.

Domestic abuse also exists as part of violence against women and girls, which also includes different forms of family violence such as forced marriage, female genital mutilation and so called "honour crimes" that are perpetrated primarily by family members, often with multiple perpetrators.

The Group recognises that HBV has many similarities to other forms of domestic violence/abuse, but it is also very different. We will apply the same principles when dealing with reported cases of HBV but recognise that additional sensitivity and indeed expertise in this area may be required.

Furthermore, domestic abuse is also prevalent within modern slavery, which encompasses acts such as domestic servitude, sexual exploitation (such as escort work, prostitution and pornography), debt bondage (being forced to work to pay off debts that realistically they never will be able to) and forced or compulsory labour and human trafficking.

Domestic violence/abuse can happen to anyone regardless of gender or transgender status, social group, class, economic status, age, race, disability, religion or geographic location. It is also recognised that cases of DA are under-reported and the victims are predominantly female.

The Domestic Abuse Act 2021

The Domestic Abuse Act 2021 became law in April 2021 and marks a significant step towards providing further protections to the millions of people suffering from Domestic Abuse.

The Act has four main objectives relating to Domestic Abuse:

- To promote awareness.
- To protect and support victims.
- To transform the justice process.
- To improve performance of the justice system.

The are 7 key parts to Act as follows: Part one –

Creates a statutory definition of Domestic Abuse Under the Act the new legal definition of domestic abuse is defined as any incident or pattern of incidents of physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse between those aged 16 and over and personally connected to each other.

The act also recognises post-separation abuse through coercive and controlling behaviour. It no longer makes it a requirement for perpetrators and victims to either still be in a relationship or to still live together.

The act also recognises children as victims of domestic abuse. This is the first time that a child who sees or hears, or experiences domestic abuse, and is related to the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse in their own right.

Part Two – Domestic Abuse Commissioner

Nicole Jacobs has been appointed as the new Domestic Abuse Commissioner and has specific powers that will help to improve the response to Domestic Abuse. The new role will help drive consistency and better performance in the response to domestic abuse across all local areas and hold both government and agencies to account.

Part Three – Powers for dealing with Domestic Abuse

The Act introduces a new civil Domestic Abuse Protection Notice (DAPN) and a new civil Domestic Abuse Protection Order (DAPO). These are alternative application routes to consolidate the existing array of protection orders relating to domestic abuse, such as Domestic Violence Protection Orders and non-molestation orders.

Part Four – Local Authority Support

The Act has placed a statutory duty on tier one local authorities to provide support to victims of domestic abuse and their children within refuges and other safe accommodation. Eligible homeless victims of domestic abuse will automatically have 'priority need' for homelessness assistance. The types of safe accommodation that will be covered are refuge accommodation, specialist safe

accommodation, dispersed accommodation, sanctuary schemes and move-on or second stage accommodation.

Part Five – Protection for victims and witnesses in court

Perpetrators will no longer be allowed to directly cross-examine their victims in the family and civil courts. Victims will also be given better access to special measures in the courtroom to help prevent intimidation – such as protective screens, giving evidence via video link, separate entrances and exits and waiting rooms.

Part Six – Offences involving violent or abusive behaviour

- The Act will extend the jurisdiction of the UK courts so that, where appropriate, UK nationals and residents who commit certain violent and sexual offences outside the UK may be brought to trial in the UK.
- It makes non-fatal strangulation a specific crime, creating a new offence of nonfatal strangulation.
- Clarify the law to further deter claims of “rough sex gone wrong” in cases involving death or serious injury.
- Threats to share intimate images is a crime – extending an offence to cover the threat to disclose intimate images.

Part Seven – Polygraph testing and Clare’s Law

The Act enables Domestic Abuse perpetrators to be subject to polygraph testing as a condition of their licence following their release from custody. The act also puts the guidance supporting the Domestic Violence Disclosure Scheme (Clare’s Law) on a statutory footing for the first time. The scheme allows the police to disclose information about individuals with a history of abusive or violent behaviour which would protect a potential victim from harm.

There are two avenues for disclosure under Clare’s Law: the ‘**right to ask**’, and the ‘**right to know**’.

‘**Right to ask**’ – a person can apply for a disclosure if they are concerned about whether a partner or potential partner has a history of abusive behaviour. Third parties can also seek a disclosure if they are worried that someone is at risk. When such an application is made, the police have to decide whether or not to disclose any history of violent or abusive behaviour on the basis of whether it could prevent further harm.

‘**Right to know**’ – this allows the police to make a proactive disclosure to a potential victim on their own initiative if they believe it could protect that person. The ‘right to know’ could arise following information received from a criminal investigation, or through a statutory or third sector agency.

Further information: <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>

Key statistics about domestic abuse in England and Wales

Official statistics show the number of incidents of domestic abuse recorded by the authorities every year. But the problem is much bigger than shown in official statistics, as many victims and children don’t tell anyone about the abuse, and they are not recorded as crimes.

- Each year nearly 2 million people in the UK suffer some form of domestic abuse - 1.3 million female victims (8.2% of the population) and 600,000 male victims (4%)
- Each year more than 100,000 people in the UK are at high and imminent risk of being murdered or seriously injured as a result of domestic abuse
- Women are much more likely than men to be the victims of high risk or severe domestic abuse: 95% of those going to Marac or accessing an Idva service are women

- Seven women a month are killed by a current or former partner in England and Wales
- 130,000 children live in homes where there is high-risk domestic abuse
- 62% of children living with domestic abuse are directly harmed by the perpetrator of the abuse, in addition to the harm caused by witnessing the abuse of others
- On average victims at high risk of serious harm or murder live with domestic abuse for 2-3 years before getting help
- 85% of victims sought help five times on average from professionals in the year before they got effective help to stop the abuse: **(Safelives Information)**

LEGAL AND REGULATORY FRAMEWORK

In responding to reports of DA we will ensure that we comply with all appropriate legislation and regulations. We will make full use of all powers made available to us and work in partnership with other agencies to ensure the effective use of any powers available to them to ensure a swift and effective response to any incidents of DA.

How do we support Customers who have disclosed they have been suffering domestic abuse?

We will adopt a victim-led approach in dealing with DA victims, look at each case through a DA lens and agree the action to be taken and encourage them to report incidents to the Police to pursue the possibility of a criminal investigation.

We recognise that it is important to provide access to support services for households who have suffered domestic abuse and recognise that a lack of choice of alternative or safe housing can influence whether a victim of DA returns to the alleged perpetrator. We will therefore work in partnership with other agencies to provide a supportive environment for victims of DA.

We recognise that households experiencing DA are often at risk of homelessness. To ensure that they suffer minimum disruption, i.e. looking at ways they can remain in their home, we will work in partnership with the Local Authority to assist in meeting the housing needs of those experiencing, or at risk from DA. *Where appropriate and necessary this could include giving consideration to a request from a customer (where there is supporting evidence), or an agency on their behalf, for a management transfer. Any offer of a transfer will be dependent on the availability of suitable accommodation and will be in accordance with the Transfer Policy. **This applies to customers who hold a tenancy only.*** Any offer of a transfer will be dependent on the availability of suitable accommodation and will be in accordance with the Transfer Policy. Customers who hold a tenancy will be offered an assured tenancy should they move into a new home with Longhurst Group. If emergency housing is needed, such as refuge accommodation, we will refer and/or signpost the customer appropriately.

In the case of joint occupancies, it should be noted that the perpetrator has the right of access to the occupancy file. Measures such as logging these cases as anonymous so that they are not associated with the occupancy and redacting confidential information will be taken to ensure that this is not seen by the perpetrator, or anyone representing the perpetrator. We recommend customers obtain their own legal advice. This is particularly important for housing advice for joint owners.

Rent arrears accrued by a survivor of domestic abuse should be pursued in accordance with Longhurst Groups Rent and Service Charge Arrears policy. Considerations will be given to the circumstances in which the arrears accrued. In some circumstances, Housing Benefit may be claimed on two addresses where the claimant has fled domestic abuse. We will make a referral to our specialist teams for money advice or other relevant internal teams for any required support relating to financial issues.

Residents who need to flee their home as a result of domestic abuse may be able to make a claim for assistance to Longhurst Groups Hardship Fund. This may include emergency provisions such as furniture, clothing or food.

We will give consideration to undertaking legal proceedings against the perpetrator and / or their tenancy where it is justified, appropriate and necessary to do so. In reaching this decision, the wishes of the victim will be taken into consideration, as well as the partnership driven solutions and support that may be available.

Where there are suspicions, allegations and/or evidence of DA, the implications for any children and vulnerable adults in the household must be considered, including the possibility that they may themselves be subject to abuse. In these situations, we will refer to and act in accordance with our Safeguarding policy.

Longhurst Group recognises that DA violence can happen in any relationship, regardless of ethnic group, income level, religion, education or sexual orientation. Abuse may occur between a married people, or between an unmarried people living together or in a dating relationship. It happens in heterosexual, gay and lesbian relationships.

A Multi Agency Risk Assessment Conference (MARAC) is a local, multi-agency victim-focused meeting where information is shared on the highest risk cases of domestic violence and abuse between different statutory and voluntary sector agencies. Whilst the majority of case studies focus

on females in line with the greater number of referrals and therefore a greater number of support agencies and networks are in place to reflect this, there are now a small number of support networks set up for males including Men's Advice Line and Survivors UK, specifically in place to support men experiencing DA.

Longhurst Group will treat any reports of DA that are quantified as a breach of tenancy in line with our tenancy agreement. We will seek to utilise the Ground 14A to apply for possession of the home which is detailed below;

'A married couple or common law couples live in the property and one of them is the tenant of the property and one of them has left the property because of violence or threats of violence from the other partner or a member of that partner's family who is also living in the property. The landlord must be a Housing Association/Trust etc. (but not a private landlord) to be able to use this ground. The court also has to be satisfied that the partner who has left the property is unlikely to return. Also the partner who has left must be served with a Notice seeking possession so they know about the possession proceedings'.

CONFIDENTIALITY

Victims will be encouraged to allow us to share information with other agencies, including the Police and local authority, to ensure that the full range of civil and criminal action can be pursued, and appropriate support provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies where we are required by law to do so, and in accordance with the Data Protection Act.

Where we do not have the victims' consent and we consider there is a high risk of serious harm to anyone involved, we may make a report to the Police without the victims' consent. The Group Safeguarding Lead, Head of Housing or Director of Housing and Customer Services has the authority to approve any such disclosure.

Roles and Responsibilities

Legal responsibility for the Domestic Abuse Policy is held jointly by the Longhurst Group Chief Executive and Executive Director of Customer Service

Operational responsibility for the Domestic Abuse Policy is held by the Director of Housing and Customer Services. Procedural responsibility for the Domestic Abuse Policy is held by Housing Managers/Team Leaders

Day-to-day responsibility for the Domestic Abuse Policy is held by Team Leaders, Housing Officers and ASB Advisors.

Training

Longhurst Group has made a commitment to tackle domestic abuse and is working towards The Domestic Abuse Housing Alliance (DAHA) accreditation. The accreditation is the UK benchmark for how housing providers and landlords should respond to domestic abuse in their neighbourhoods and communities.

In order to meet the DAHA accreditation standards, LG will be assessed against eight key standards, including policies and procedures, case management, risk management, equality and diversity, perpetrator management, partnership working, staff training and publicity and awareness.

All employees are responsible for ensuring the policy is incorporated into their working practices.

Appropriate training will be given to staff to raise their awareness and to equip them to implement this policy and its related procedures effectively.

Longhurst Group provides e-learning modules for all staff to access in respect of recognising the signs of DA and is part of frontline housing staff core training. Workshop sessions will be held with all housing staff to disseminate this policy and associated documents and procedure to ensure full awareness and compliance.

Monitoring, Evaluation and Review

Each company will carry out audits to monitor compliance. Regular checks will also be completed by our auditors.

This policy will be reviewed every three years. In addition, it will be reviewed:

- following information suggesting that the policy is not effective;
- to reflect any service enhancements; and/or
- following the introduction of relevant new legislation, regulations or guidance.

Equality and Diversity

The Group is committed to E,D&I and such will make reasonable adjustments to the policy to recognise, accommodate and support individual needs, where needed. This Policy adheres to the Group's approach to Equality and Diversity.

Group members will take a proactive approach to ensure that no individual or group is discriminated against or treated differently as a direct or indirect result of this Policy.

PART THREE

Appendices

- A. Risk Analysis
- B. Equality Analysis
- C. Policy Development Plan
- D. Policy Approval Control