

Domestic Abuse Policy

Policy ref:

Procedure author /holder Director of Neighbourhoods

Date approved: 21 August 2024

Approved by: Executive Team

Effective date: August 2024

Review date: August 2027

1 Purpose and anticipated outcomes

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

This policy supports our intention to:

- Provide a fair, confidential and empathetic response to all customers who are experiencing any form of domestic abuse.
- Give colleagues the information and support they need to understand the important role they can play in identifying and responding to domestic abuse.
- Take firm and effective action against perpetrators wherever possible.
- Support colleagues who are likely to come into contact with someone who is or who has suffered domestic abuse as part of their daily work.
- Support colleagues who personally experience domestic abuse or violence.
- Meet legal and regulatory requirements.

The policy supports our values:

- Customer focussed - We work with our customers to find solutions and do what we say we will do.
- Together we deliver - We work together to improve outcomes.
- We are committed to safety.
- We communicate effectively.
- We do the right thing.
- We collaborate with others - internally and with external partners.
- We manage ourselves by making safeguarding everyone's responsibility to reduce harm and minimise risk.

Our policy will help us achieve the following outcomes:

- Customers who feel safe
- Customers who trust us
- Customers who understand their responsibilities and those we have as their landlord
- Customers who can sustain their tenancies and strong relationships with our partners

Domestic Abuse accounts for around 1 in 10 of all reported violent crimes. In any one year there are around 2.3 million victims of Domestic Abuse in those aged 16-74, two-thirds of whom are women (Statistics taken from the Home Office, 2021).

2 Scope and definitions

2.1 Scope

This policy applies to those households who use LiveWest's services, including applicants for re-housing as a result of domestic abuse, and LiveWest colleagues. This policy also applies to members of the public who wish to report domestic abuse involving our customers.

We will also apply this policy where we provide a housing management service to other organisations.

2.2 Definitions

Section 1 - Definition of "domestic abuse" from Domestic Abuse Act 2021:-

<https://www.gov.uk/government/publications/domestic-abuse-act-2021>

- (1) This section defines "domestic abuse" for the purposes of this Act.
 - (2) Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if—
 - A and B are each aged 16 or over and are personally connected to each other, and
 - the behaviour is abusive.
 - (3) 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; and it does not matter whether the behaviour consists of a single incident or a course of conduct.
 - (4) "Economic abuse" means 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.
 - (5) For the purposes of this Act A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child).
-

- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”, see section 2.

Section 2 - Definition of “personally connected”

- (1) For the purposes of this 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;
 - 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 (see subsection (2));
 - they are relatives.
- (2) For the purposes of subsection (1), a person has a parental relationship in relation to a child if—
 - the person is a parent of the child, or
 - the person has parental responsibility for the child.
- (3) In this section—
 - “child” means a person under the age of 18 years;
 - “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
 - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Section 3 - Children as victims of domestic abuse

- (1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.
- (2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who—
 - sees or hears, or experiences the effects of, the abuse, and
 - is related to A or B.
- (3) A child is related to a person for the purposes of subsection (2) if—
 - the person is a parent of, or has parental responsibility for, the child, or
 - the child and the person are relatives.
- (4) In this section—
 - “child” means a person under the age of 18 years;
 - “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
 - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Domestic Abuse includes but is not limited to:

- Physical violence – slapping, pushing, kicking, stabbing, damage to property or items of sentimental value, attempted murder or murder.
- Sexual violence – any non-consensual sexual activity including: rape, sexual assault, coercive sexual activity or refusing safe sex.
- Coercive control – using a pattern of behaviour over time to exert power and control, can be used to isolate and intimidate individuals (see below)
- Emotional/ psychological abuse –intimidation, social isolation, verbal abuse, humiliation, constant criticism or enforced trivial routines.
- Economic abuse – controlling/ withholding access to money or resources, stealing, depriving or taking control of money, running up debts, withholding benefits books or bank cards.
- Female Genital Mutilation – also referred to as ‘cutting’ or ‘female circumcision’.
- Tech abuse – abusive behaviour via various forms of technology, demanding access to devices, controlling access, using technology to monitor an individual.

Anyone can experience Domestic Abuse. Home Office research indicates that whilst the majority of abuse is against women, it also occurs in Lesbian, Gay, Bi-sexual and Transgender relationships, in heterosexual relationships where men are abused by women and by grown up children against their parents.

3 About this policy

3.1 General Principles

Where any form of Domestic Abuse is suspected or reported, we will make sure we give sensitive advice and support and take effective and appropriate action.

We will ensure incidents can be confidentially reported in a number of ways, including in person to a colleague, via telephone, email, online through our website <https://www.livewest.co.uk/my-home/solve-an-issue/domestic-abuse> or in writing.

We will work with customers impacted by domestic abuse to identify relevant organisations who are able to help, and work with partners to ensure the best outcome for those suffering Domestic Abuse.

We will also deal sensitively with reports of domestic abuse received from third parties, support agencies or advocate groups or that are raised by the Domestic Abuse Multi Agency Risk Assessment Conferences, (MARAC).

We recognise reports of anti-social behaviour could also be a result of domestic abuse and it's not always clear who the perpetrator is. We will work with our customers to establish facts so we can support and advise accordingly.

3.2 Support for victims

We will adopt a victim/survivor-centred approach when dealing with all cases of domestic abuse. We will aim to ensure that the victim/survivor and any witnesses feel confident that all matters will be dealt with in a safe and confidential manner. Teams within LiveWest will work together and in partnership with other agencies to provide the best service to those impacted. We will take appropriate supportive or legal action after taking into account the views of the victim/survivor.

Colleagues will be able to access information on local agencies and projects that can help via the 'Bright Sky' app available to download. <https://www.hestia.org/brightsky>

Also, the National Domestic Violence Helpline is a free, confidential helpline run by Refuge for anyone experiencing domestic abuse and is available 24 hours a day, seven days a week:

- <https://www.nationaldahelpline.org.uk/>
- Tel: 0808 2000 247

We will discreetly discuss personal safety and tenancy issues with the customer to establish facts. This may include reporting to the Police to seek a DVPO (Domestic Violence Protection Order) or legal options ranging from obtaining an injunction, Non-Molestation Order, Occupancy Order to possible eviction of an alleged perpetrator.

Where necessary we will use an independent interpreter and Language Line. We will brief them on the need for confidentiality and sensitivity in domestic abuse cases. Children, family and ideally members of the same community will not be used for interpreting if not wished by the victim/survivor.

We recognise that adults with decision making capacity can decide to report abuse or leave abusive relationships or they can choose not to. We will respect their decisions and support them to minimise harm accordingly.

There are, however, some instances when this approach is not applicable and adult at risk and child protection issues must take priority over and above an adult's right to choose to remain in a violent relationship. Professional judgement will be exercised and recorded in these circumstances if a Safeguarding risk is identified which needs to be escalated through formal processes.

Specific advocacy and support may be needed for those with mental health problems or learning difficulties.

3.3 Safety and confidentiality

Our approach to safety sits within our Safeguarding procedures and any reported domestic abuse will be managed under this process to ensure confidential recording of information which observes our responsibilities under General Data Protection Regulations (GDPR) 2018.

The victim/survivor's safety is of paramount importance and will be considered when options are looked at and discussed. We will ensure that the victim/survivor knows we want to assist them but on their terms. If the victim wants to remain in their home we will give safety advice, provide additional security measures or use the local homelessness prevention scheme, where supported by local authorities, and dependent on our landlord responsibilities. We can also consider a move under our Exceptional Transfer process in severe situations if there is immediate threat and unmanageable danger to life.

We will notify/report to the police if required and make referrals to other agencies that can provide support and participate fully with local MARAC meetings. Where there are children in the household that we consider are put at risk by the domestic abuse, a formal Safeguarding referral will always be made.

We will offer support to contact external agencies who can advise on decisions that may need to be taken. For safety, we will arrange convenient times and places for meetings and telephone contact, which may be away from the home or office environment and only when the perpetrator is not present.

Issues of domestic abuse will not be discussed in a joint meeting with partners, where the perpetrator may be present or with children in the room.

3.4 Approach to alleged perpetrators

Where possible, we will complete a case review to consider the terms of the tenancy and action available against perpetrators based on the circumstances of the case and where considered safe and appropriate to do so without placing victims/survivors at greater risk, we will take prompt and effective action against people perpetrating domestic abuse as set out in the Tenancy Agreement:-

Domestic abuse: You must not use or threaten to use violence or abuse against any other person living with you, nor against yours or their children. If you do, and that person or their children have to leave the property because of violence, or threats of violence or abuse against them, we may take steps to exclude and/or evict you from your home.

Domestic violence and abuse includes 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

When the perpetrator is a tenant, we will consider action which could lead to eviction when there has been evidenced serious and/or persistent incidents.

We will consider additional issues around joint tenancies, including restricting access to tenancy files and working with Domestic Abuse Specialists and the family court where there are tenancy disputes.

We will give support or advice to perpetrators as necessary to find the best local solutions from By and For agencies if they are in the area and the perpetrator has a willingness to change their behaviours. Website for perpetrators to find help and courses <http://respect.uk.net/>

3.5 Housing and tenancy management

Where it is considered that the victim is in acute danger, and cannot move to family or friends, we will liaise with local authority departments or specialist agencies to make a direct referral for a suitable property or for refuge accommodation.

Emergency repair(s) and graffiti removal required because of domestic abuse incidents will be completed within twenty-four hours for those parts of the property or common parts for which we are responsible.

We will consider each incident separately where there has been damage to the home and will agree on the work to be carried out. We will usually seek to recharge those responsible for property damage, if known, and take any other action available to us to recover the costs. Details of repairs and the Crime Reference number (CRN) for reported incidents will be recorded.

Where the customer is a leaseholder or shared owner, we will provide support and advice if requested. This will include information about local homelessness prevention schemes and support services.

The Homeownership and Homebuy Sales Teams will provide support and advice on the sales process if shared owners involved in cases of domestic abuse or harassment need to make a decision regarding selling property and moving away from the area.

3.6 Tenancy issues

As part of the 'Make a Stand' pledge with the Chartered Institute of Housing, we will respond to domestic abuse in different tenancy situations. The options below provide guidance in each situation:

A joint tenancy

- We will accept notice to end the tenancy signed by only one joint tenant where the tenancy agreement permits it and consider offering an alternative sole tenancy to the victim/survivor if this is required. Where the tenancy does not permit and ending the tenancy is the most appropriate route, we will consider appropriate harm reduction options to minimise risk as part of Domestic Abuse Case Management to ensure any actions are compliant with our duty to act fairly to both joint tenants.

- The provisions in the Domestic Abuse Act 2021 will ensure that where the victim/survivor had a joint lifetime tenancy with the perpetrator, a new sole tenancy will also be on a lifetime basis. Victims/survivors will be supported to access specialist support to consider either Police Orders (DVPO/DVPN) or Civil Orders to take injunctive action.

A sole tenancy where the alleged perpetrator is the tenant

- We will support victim/survivors to seek legal advice to understand their rights and eligibility to apply to the Courts for an Occupation Order or an Exclusion Order if this is what they want.
- We will explore possible sanctuary options for victims/survivors of Domestic Abuse, such as added security to their homes if they wish to stay, or rehousing if they do not, ensuring that the victim/survivor is awarded with the relevant support and advice to aid their move.
- Where we have been working with our partner agencies and have sufficient evidence that the perpetrator has the sole tenancy, then we will consider taking legal action to take possession of the tenancy where appropriate.
- If the victim expresses a wish to move, we will support them to register with their Local Authority who have a duty to provide immediate, temporary accommodation under the Housing Act 1996 and Homelessness Act 2002. The Local Authority works with specialist agencies to provide sanctuary/refuge accommodation for victims/survivors fleeing domestic abuse. We can also consider supporting victims/survivors through the Exceptional Transfer process.

A sole tenancy where the person experiencing domestic abuse is the tenant

- If the person experiencing abuse wants the perpetrator to leave the home, we will provide support to them in conjunction with partner agencies e.g. Police and access to specialist Domestic Abuse services locally to seek protection orders to reduce risk.
- We can also provide additional security measures to the home such as lock changes, fireproof letter boxes, ring doorbells, security lighting. We work with other agencies such as Police, Fire, other agencies that provide security, spy holes, extra fences to make the people feel safe.
- If necessary, we will work with specialist services to find alternative accommodation.
- We can also consider supporting victims/survivors through the Exceptional Transfer process to move customers within our own housing stock where there is an unmanageable risk of harm.

3.7 Training and support for our colleagues and external partners

We are committed to and will provide regular ongoing training for employees, partnership agents and contractors so they have a clear understanding of the complexity of domestic abuse and to have clarity about roles working with customers.

We will make our contractors aware of how to report suspected abuse to us, that has been observed or heard and needs to be investigated through our Safeguarding Reporting processes. All records regarding the Domestic Abuse Safeguarding case will be stored electronically on the Cx system with additional confidentiality by creating the case to be "Private to Owner" which means only staff closely engaged with the case can access the records and add to them, for example MARAC notes. These records can be shared with the victim/survivor as required if evidence is required for legal purposes.

3.8 Colleagues experiencing domestic abuse

Where a colleague experiences domestic abuse in their personal lives, they can seek initial support from their line manager. Further support and guidance can also be offered by either a Domestic Abuse Champion or one of our Wellbeing Champions.

Support will be impartial and relevant steps taken to ensure the colleague is protected within the workplace. Relevant referrals will be made to outside agencies if required and Safeguarding procedures followed if needed.

Colleagues that are supporting the victim/survivor will be reminded of their duty of confidentiality and the additional implications that this may pose ensuring all minutes of MARAC's are stored discreetly/electronically on LiveWest People Services systems and their details not being discussed in an open office.

We also provide wellbeing advice and guidance via our [Wellbeing portal](#)

Where we establish that a colleague is a perpetrator of domestic abuse, we will discuss their individual situation, and any impact on their role, with People Services. Decisions will be made on a case by case basis.

4 Service standards, monitoring and review

4.1 Service standards

We treat all complaints of domestic abuse seriously and will visit or otherwise communicate by the safest method within one working day, unless requested not to by the victim/survivor.

Our Domestic Abuse Policy will be regularly promoted to colleagues, contractors and customers Through our website, OurSpace, Team Talks, Safeguarding training.

We will participate fully with local Multi Agency Risk Assessment Conferences, (MARACs) and any ensuing actions <http://www.safelives.org.uk/practice-support/resources-marac-meetings> to ensure the victim/survivor voice is represented and wishes shared.

4.2 Records

Details and records of incidents will be treated as confidential.

Details relating to joint tenants will be filed independently of one another.

All concerns relating to Domestic Abuse will be reported through the Assure Safeguarding portal internally which ensures confidential record-keeping on digital systems and restricted access to cases to only include staff involved in that customer's harm reduction management of the case.

4.3 Performance Monitoring

This policy will be made widely available to customers and stakeholders via an appropriate range of online and printed communication platforms.

Operational procedures and guidance issued under this policy will guide how LiveWest staff categorise, investigate, and resolve reports of Domestic Abuse.

We will review customer feedback only where safe to do so and not place victims/survivors at risk, look for trends and hotspots and identify areas for service improvement on a continuous basis to improve the quality of our service and safety of our neighbourhoods.

This policy will be reviewed every three years or earlier in line with any legislative, regulatory, or good practice changes.

5 Legal considerations

We will ensure that our policy complies with legislation, regulation and good practice requirements.

The principal acts and good practice applying are:

- The Domestic Abuse Act 2021
- Social Housing Act 2023
- Regulatory Framework for Social Housing
- The Housing Acts, 1985, 1988, 1996, 2004
- The Homelessness Act, 2002
- The Homelessness Reduction Act 2017
- The Family Law Act, 1996
- Adoption and Children Act 2002
- Equality Act 2010
- The Gender Equality Duty Law, 2006
- Civil Partnership Act, 2004
- The Crime and Disorder Act, 1998, (specifically s.115)
- Serious Crime Act 2015 (s.76)
- Protection from Harassment Act, 1997
- Protection of Freedom Act, 2012
- Data Protection Act, 1998, GDPR 2018
- Safeguarding Children Act 2004
- Care Act 2014
- Health and Care Act 2022

We recognise that domestic abuse can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic abuse affects both male and female victims, including those in lesbian, gay, bisexual and transgender (LGBT) relationships. We are committed to supporting individuals experiencing domestic abuse regardless of gender or sexuality.

6 Linked/associated policies and other references

Associated Policies include:

- ASB Procedure
- Health and Safety Policy and Procedure
- Compliments, Complaints and Feedback Policy and Procedure
- Allocations and Lettings Policy
- Exceptional Transfer Procedure
- Data Protection Compliance Policy
- Equality Diversity and Inclusion Policy
- Safeguarding Children and Young People Policy and Procedure
- Safeguarding Adults at Risk Policy and Procedure
- Vulnerability Policy

Version Control

Version No	Date	By Whom	Comments
2	21 August 2024	Director of Neighbourhoods	Full Policy Review