



CUSTOMER DOMESTIC ABUSE POLICY

Document Control

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1. SCOPE

This policy aims to ensure that all customers understand Domestic Abuse and outlines Derby Homes' response to Domestic Abuse for our customers.

The Policy outlines how we will tackle Domestic Abuse whether that be offering support and guidance to victims/ survivors or dealing with perpetrators.

The Policy relates to all Derby Homes customers.

2. AIM OF THE DOMESTIC ABUSE POLICY

Derby Homes believes that Domestic Abuse is unacceptable and will not be tolerated.

Domestic Abuse often has consequences for the housing situation of those affected and victims/ survivors will frequently turn to their landlords for help.

Derby Homes aims to:

- Increase awareness and understanding of Domestic Abuse amongst our customers, staff, contractors and within Derby's communities
- Improve the safety and welfare of adults and children who are affected
- Improve Derby Homes' response to Domestic Abuse
- Offer support to customers, regardless of their background
- Hold perpetrators of abuse to account for their actions
- Encourage and maintain multi-agency working to ensure a seamless service to victims/ survivors and their children and families
- Ensure that staff have regular training relevant to their roles and that good practice is shared with staff and customers as part of ongoing learning
- Update processes to fall in line with any new legislation
- Monitor and review Domestic Abuse cases to ensure good practice is followed and positive outcomes are achieved.

3. KEY TERMS AND DEFINITIONS

Domestic Abuse is a serious social and criminal problem that has significant human and financial consequences for individuals, families and communities.

"Definition of "Domestic Abuse" as per the 2021 Domestic Abuse Act

(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) A and B are each aged 16 or over and are personally connected to each other, and

(b) the behaviour is abusive.

(3) Behaviour is "abusive" if it consists of any of the following—

(a) physical or sexual abuse;

(b) violent or threatening behaviour;

(c) controlling or coercive behaviour;

(d) economic abuse (see subsection (4));

(e) 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—

(a) acquire, use or maintain money or other property, or

(b) 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).”

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—

(a) they are, or have been, married to each other.

(b) they are, or have been, civil partners of each other.

(c) they have agreed to marry one another (whether or not the agreement has been terminated);

(d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(e) they are, or have been, in an intimate personal relationship with each other.

(f) 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));

(g) they are relatives.

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.

This policy complies with Derby Homes Equality and Diversity Policy which sets out Derby Homes’ commitment to recognising diversity and providing services that take account of these issues.

Domestic Abuse is very common. It can affect one in four women and one in six men in their lifetimes, regardless of age, social class, race, disability or lifestyle. Certain characteristics may make someone more vulnerable to abuse, such as a physical disability, a language barrier, immigration status etc. Derby Homes recognises the need to take these barriers in to account when looking into Domestic Abuse and offering support services to victims and survivors.

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).

Domestic Abuse and Disabled People

Disabled people can be abused by partners, family members and paid carers. If you are disabled and experiencing abuse, it is common for abusers to use your impairments to control and hurt you through:

- a) **Physical Abuse** – deliberately ignoring your care needs, pushing you onto the floor when you are unable to get back up, hitting you when you are unable to get away or defend yourself
- b) **Emotional Abuse** – saying you couldn't cope without them, saying that no one else would want you because of impairments, humiliating you because you need help to use the toilet or other basic care and failing to provide it, removing aids which help you to be independent
- c) **Sexual Abuse** – disabled women in particular are twice as likely to be raped or assaulted
- d) **Financial Abuse** – controlling your finances, taking your money without you knowing or agreeing, spending your disability benefits on themselves

Domestic Abuse and The Law

Many forms of abuse are a crime, such as, harassment, assault, criminal damage, attempted murder, rape, false imprisonment, threats to kill and more recently, controlling and coercive behaviour and so called 'revenge porn'. Not all Domestic Abuse is criminal, but there is recourse through civil law, via injunctions and non-molestation orders, for example.

What is coercive control?

Coercive control is when a person with whom you are **personally connected**, repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared.

The following types of behaviour are examples of coercive control:

- isolating you from your friends and family
- controlling how much money you have and how you spend it
- monitoring your activities and your movements

- repeatedly putting you down, calling you names or telling you that you are worthless
- threatening to harm or kill you or your child
- threatening to publish information about you or to report you to the police or the authorities
- damaging your property or household goods
- forcing you to take part in criminal activity or child abuse

The Domestic Abuse Act 2021 places further duties on Local Authorities and other Partner agencies in order to protect and support victims and survivors of Domestic Abuse, it also recognises for the first time that children who witness Domestic Abuse are direct victims themselves and services must be put in place to protect them.

4. DERBY HOMES POLICY ON DOMESTIC ABUSE

Derby Homes will:

- Pledge its commitment to take claims of Domestic Abuse seriously and handle any disclosures in a way that is non-judgemental and does not place the victim/ survivor at greater risk.
- Whilst recognising that Domestic Abuse disproportionately affects women and girls, support victims/ survivors irrespective of gender, sexuality, age, disability, ethnicity, religion, social background and any other protected characteristic defined within the Equality Act 2010, responding in an anti-discriminatory manner.
- Ensure those affected by Domestic Abuse are provided with support and protection, including temporary accommodation if it is appropriate.
- Refer victims/ survivors to our in-house support teams who are able to work with partners to manage their safety and accommodation needs.
- Ensure that customers are made aware of how to report Domestic Abuse by continually updating our website and sending out messages in the quarterly newsletter.
- Work with Partners to ensure the best outcome for those suffering Domestic Abuse.
- Provide a supportive and enabling environment, which encourages people to report Domestic Abuse.
- Hold perpetrators accountable for their actions and take action against them where we have the power to do so, which may include taking injunctive action.
- Support victims whereby trespass is a contributory factor to the Domestic Abuse they are experiencing
- Be victim/ survivor led, trying where possible to enable a person's choices whilst ensuring the safety of themselves and their children.

- Be open and honest around confidentiality, ensuring that victims/ survivors understand the basis on which we will be required to share relevant information with partners.
- Explore possible 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 needs to aid their move.
- Consider additional issues around joint tenancies, including restricting access to tenancy files and possible assignment of tenancy.
- Where property damage has been caused by a perpetrator of Domestic Abuse, review the evidence provided by the victim/ survivor and the Police and consider if the charge to the victim should be waived.
- Provide support to victims/ survivors regardless of the level of risk, understanding the importance of preventative work.

Service Provision

Victims and Survivors of Domestic Abuse can expect:

- To speak to a member of staff in a private and safe environment of their choice and via an agreed safe contact method.
- To be listened to and empowered to make their own decisions, whilst focussing on the safety of the person and their children.
- The option to receive support, where possible, from a member of staff of a specific gender or the same ethnic origin.
- An independent signer or interpreter to be present at appointments if required.
- Support from a Derby Homes' Complex Needs Officer who is experienced in supporting victims/ survivors of Domestic Abuse.
- An agreed action plan to support the needs of the victim/ survivor which will be reviewed with them at regular intervals.
- Signposting to an appropriate specialist Domestic Abuse support service if this is required.
- Help to improve security at home if the victim/ survivor wishes to remain in their property or assistance with moving.

Confidentiality and Data Protection

Derby Homes will not divulge information, without the consent of the person experiencing Domestic Abuse, unless required to do so by law or unless the information is necessary to protect a child or an adult at risk.

To operate efficiently, Derby Homes must collect and use information about people with whom it works. These may include tenants and residents, the general public, clients, customers, suppliers, current, past and prospective employees and Board Members.

Derby Homes will ensure that it treats personal information lawfully and correctly. To this end Derby Homes fully endorses and adheres to the Principles of Data Protection as set out in the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and the Data Protection Act 2018 ('Data Protection Law').

Partnerships

Domestic Abuse is very complex. People involved may have disabilities, mental health problems, drug and alcohol dependency or additional needs. It is essential to work with other agencies who have the necessary expertise.

Through collaborative working with partner agencies in the City and County we are updated on new legislation and have the opportunity to influence the delivery of the City's strategic plan.

Contacts

Derby Homes will signpost external sources of help and support to employees and managers including information on:

- The Refuge Website <https://www.refuge.org.uk/>
- Respect <https://www.respect.uk.net/>, lead on the development of safe, effective work with perpetrators, male victims, and young people using violence in their close relationships.
- the National Domestic Abuse Helpline <https://www.nationaldahelpline.org.uk/> which provides advice for those experiencing Domestic Abuse
- The Independent Domestic Violence Adviser service hosted by Find the Glow <https://findtheglow.org.uk/> and providing Domestic Abuse support services.

Further details of these agencies including website and contact details can be found in the Domestic Abuse Guidance and Toolkit, but also on the Domestic Abuse page on the Intranet

Domestic Abuse and Rehousing

Derby Homes and Derby City Council support victims/ survivors of Domestic Abuse by awarding a priority need for rehousing through the Allocations Policy and will also take a homeless application from anyone suffering Domestic Abuse who is considered at risk in their home.

Under the Domestic Abuse Act 2021, a homeless or threatened with homeless applicant who has experienced Domestic Abuse will be in priority need under the homelessness legislation. Alternative temporary accommodation will be

made available when needed to keep the applicant or their family members safe.

Victims/ survivors can approach any Local Authority for assistance without the need for a local connection if it is unsafe for the applicant or household member to remain in their home area. In these circumstances, under homelessness legislation, they will not be referred to an area where they or a member of their household would be at risk of harm.

Conversely, those who perpetrate Domestic Abuse may be deemed unsuitable for acceptance on to the housing register due to unacceptable behaviour towards others.

The Tenancy Agreement

Derby Homes makes it explicit in the conditions of tenancy that Domestic Abuse will not be tolerated:-

'You or anyone living with you at/or visiting your home, must not inflict violence or threaten violence against, any other person, either living with you or in another Council home. You must not harass or use physical, mental, emotional or sexual abuse against anyone residing in, visiting or otherwise engaged in lawful activity within the locality.'

A tenant who is evidenced to be a perpetrator of Domestic Abuse may be dealt with by means of tenancy enforcement action (Notice of Seeking Possession or Notice of Possession Proceedings) or by means of a Civil Injunction.

Local authorities have the power to terminate a tenancy and evict the perpetrator. The possession grounds are widely drawn and include where the victim has fled the house as a result of Domestic Abuse, and where serious criminal offences have been committed.

The power to seek a court order to bring the tenancy to an end and evict the perpetrator means that the landlord could then grant a new tenancy to the victim in their home. The provisions in the Domestic Abuse Act will ensure that where the victim had a joint lifetime tenancy with the perpetrator, the new sole tenancy will also be on a lifetime basis.

5. MONITORING, EVALUATION AND REVIEW

We will continuously monitor instances of Domestic Abuse and evaluate our practices. This will be achieved via regular case audits and through evaluation of our services by victims/ survivors.

We will review the policy every 3 years or in line with relevant changes to Legislation. This will help to raise awareness among both staff and our customers and indicate that Domestic Abuse is taken seriously by Derby Homes. It will also ensure that the Policy is embedded within the organisation.

Policies remain empty rhetoric unless appropriate training and supervision are provided to integrate the policy into practices.

6. RELATED DOCUMENTS

- Safeguarding Policy
- Domestic Abuse Procedure
- Domestic Abuse Guidance
- Domestic Abuse in the Workplace Policy
- Allocations Policy
- Anti-Social Behaviour Policy
- Equalities Policy
- Lone Working Policy
- Data Protection Policy
- Discretionary Allocations Policy