



DOMESTIC ABUSE POLICY

Document Control

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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 will frequently turn to their landlords for help.

This policy aims to ensure that all staff understand domestic abuse and give a consistent service when offering guidance and support.

The Policy is also for employees who may be suffering domestic abuse.

Derby Homes aims to:

- Increase awareness and understanding of domestic abuse in the workplace and within Derby's communities
- Improve the safety and welfare of adults and children who are affected
- Improve Derby Homes' response to domestic abuse
- Encourage and maintain multi-agency working to ensure a seamless service to victims, survivors and their children
- Ensure that staff have regular training relevant to their roles
- 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.

INTRODUCTION

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

The Home Office defines domestic abuse as:

Any incident or pattern of incidents of controlling, coercive or 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.

This can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial, emotional.

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 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.

This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

The definition has been widened by the Government to incorporate violence by family members as well as between adults who are or were intimate partners. It should also be noted that this could include a vulnerable person, adult or child, who is living in an environment where they are witnessing abuse.

The Government is also explicit in including forced marriages and so called 'honour based violence' in this definition.

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
- Restricting freedom – controlling who a person sees or where they go, what they wear and do, stalking, imprisonment or forced marriage
- Emotional /psychological abuse –intimidation, social isolation, verbal abuse, humiliation, constant criticism or enforced trivial routines
- Economic abuse – 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'.

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. It accounts for around 1 in 10 of all reported violent crimes. In any one year there are over 1.8 million separate incidents of physical violence or threats of violence against women from their partners or former partners. (ONS 2016 year end data)

DOMESTIC ABUSE AND THE LAW

The 1998 Crime and Disorder Act (section 17) imposed a duty on local authorities and the Police to prevent crime and disorder in its areas. As a

result, each local authority area has an inter-agency Crime and Reduction Partnership.

Derby Homes has established good partnerships with other relevant support agencies such as the Derby City Independent Domestic Violence Advocates, Refuge Outreach, Police and Safeguarding teams and will work with those partners to investigate high risk cases through the Multi Agency Risk Assessment Conference (MARAC). This process assists victims of domestic abuse to stay safe and make positive changes for themselves and their children. Derby Homes are represented at MARAC meetings in the city to share relevant information with partner agencies and to contribute to the safeguarding of high risk victims.

Domestic abuse is included in overall strategies to reduce crime.

Victims of domestic abuse have recourse to criminal law and also civil law. Although there is no specific criminal offence for domestic abuse, many forms are a crime: harassment, assault, criminal damage, attempted murder, rape and false imprisonment. Not all domestic abuse is criminal however, but there is recourse through civil law: injunctions and non-molestation orders, for example.

Derby Homes Policy on Domestic Abuse

Derby Homes will:

- Pledge its commitment to take claims of domestic abuse seriously.
- Train all staff on domestic abuse and its implications.
- Raise awareness of issues surrounding Domestic Abuse and support services available to victims both within the organisation and to our customers.
- Ensure those affected by domestic abuse are provided with support and protection, including temporary accommodation if it's appropriate.
- Refer victims to our in house support teams who are able to work with partners to manage the safety and accommodation needs of the victim.
- Recognise that children living in households where domestic abuse is occurring are at risk & refer cases involving child protection or vulnerable adults to the relevant services in line with Derby Homes' referral procedures.
- Work with Partners to ensure the best outcome for those suffering domestic abuse.
- Keep accurate and up-to-date records.
- 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.

- Not tolerate domestic abuse by employees, provide a supportive environment for any staff experiencing abuse to talk to us about it and offer them assistance wherever possible.
- Be sensitive to gender, cultural and religious issues.
- Respect the person's choices.
- Put the person and their children's safety first and ensure confidentiality.
- Explore possible options for victims 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 is awarded with the relevant needs to aid their move.
- Consider additional issues around joint tenancies, including restricting access to tenancy files, possible assignment of tenancy.
- Where property damage has been caused by a perpetrator of domestic abuse, review the evidence provided by the victim and the Police and consider if the charge to the victim should be waived.
- Provide support for staff who work with people experiencing domestic abuse.
- Ensure appropriate support is put in place for those victims who are identified as being at high risk of serious harm or homicide by using the SafeLives (formerly CAADA) DASH risk assessment form and making referrals into the MARAC (multi agency risk assessment conference) and IDVA service where necessary.
- Ensure that we are represented at MARAC meetings to discuss the needs of high risk victims.

Confidentiality

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 vulnerable adult or child.

Partnerships

Domestic abuse is very complex. People involved may have disabilities, mental health problems, drug and alcohol dependency or special 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.

Service Provision

Victims and Survivors of Domestic abuse can expect:

- To speak to a member of staff in a private and safe environment.
- A signer or interpreter to be present if appropriate.
- Support from a staff member of the same sex or ethnic origin if required.

- Support from a Derby Homes' Complex Needs Officer (Domestic Abuse) if appropriate.
- To be listened to and allowed to make their own decisions.
- Signposting to an appropriate Domestic Abuse support service if this is required.
- Help to improve security at home or assistance with moving.

Domestic Abuse and Housing

Derby City Council supports victims of domestic abuse by awarding priority for rehousing through the Allocations Policy rather than treating as homeless. Conversely, those who perpetrate Domestic abuse may be considered to have behaved 'unacceptably' and deemed unsuitable for housing.

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.'

Domestic Abuse and the Workplace

How domestic violence and abuse can affect the workplace

Domestic abuse not only impacts on the wellbeing of employees, but it affects the financial strength and success of the organisations they work for. Seventy-five per cent of those experiencing domestic violence and abuse are targeted at work. Fifty-eight per cent of abused women miss at least 3 days a month because of domestic violence and abuse. It's often possible for perpetrators to use workplace resources such as phones, email and other means to threaten, harass or abuse their current or former partner.

Domestic abuse follows employees to work affecting productivity, performance, attendance, and the emotional and physical health of our employees. Employees experiencing domestic abuse may have to go through disciplinary action, sometimes losing their jobs simply because their behaviour may be misinterpreted, for example being late or absent on a regular basis or not contacting their employer when they are not coming in to work. It can also lead to abuse in the workplace. In addition, colleagues may be affected and fear for their own safety

Yet for some, the workplace is their safe haven and offers routes to support and vital resources to help those who are experiencing domestic violence and abuse. In addition, a steady income is often the key to a survivor/victim's

economic independence and their opportunities to escape from an abusive relationship.

Our duty of care to our employees

Under the Human Rights Act, we have a legal obligation to protect the human rights of individuals and to make sure that their human rights are not being violated by violence and abuse.

Our Duty under the Equality Act also means we must pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity for protected groups
- foster good relations.

There are four main areas of health and safety law relevant to violence at work:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1992
- The reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- The Health and Safety (Consultation with Employers) Regulations 1996

As a caring employer we value our employees' health, safety and wellbeing, and we feel it is essential to have a domestic violence and abuse workplace policy, procedure and guidelines to support any of our employees affected by domestic violence and abuse.

Managers' responsibilities are:

- listening and believing
- not judging
- keeping a confidential record of all discussions
- trying not to deal with specialist issues yourself, but signposting individuals to the professional support that is available and making it clear through this policy and your own actions, that employees will be supported
- making sure that access to this policy is available to every employee, including those without access to a personal computer
- responding appropriately and effectively where domestic abuse is identified
- maximising safety for all employees doing their duties
- carrying out a stress risk assessment
- considering and discussing the range of support that we can give
- encouraging and supporting individuals to access Derby Homes' Employee Assistance Programme and other specialist agencies who can help

- finding out from HR what to do next if it is known that a council employee has committed domestic abuse
- acting with integrity and being accountable for your own actions
- considering safeguarding issues and acting as necessary
- being aware that domestic abuse can start or get worse during pregnancy, football tournaments or national holidays

Employees' responsibilities are:

- having a duty to follow this policy and procedure and if you don't understand anything, speak to your manager or the Safeguarding Lead
- being supportive and non-judgmental towards colleagues
- maintaining confidentiality – do not discuss sensitive issues about colleagues
- reporting any incidents of unwelcome conduct, harassment or intimidation which you become aware of at work by an alleged perpetrator
- reporting any safeguarding concerns to a manager as a matter of urgency.

Employees who are survivors/ victims of domestic abuse

As a survivor/ victim of domestic abuse, you may feel you are unable to talk to anyone about your situation. You may be afraid or worried about the consequences that this might have on you, your family, your home, your job, or your income. You don't have to keep this to yourself – help and support are available to you. Confidential help and support is available via the Employee Assistance programme. Or you may want to talk to your manager, HR or the Safeguarding Lead.

Responding appropriately to survivors/victims of domestic abuse

It's really important that managers have a sensitive and non-judgmental approach when dealing with employees who are experiencing domestic abuse. This can include:

- taking the employee at face value and offering time to listen to them
- making sure any discussions about the employee's situation takes place in private, clearly stating the extent and boundaries of confidentiality
- understanding that the employee may not wish to approach their line manager and may choose to involve others, such as a colleague, a trade union representative, HR etc. It may be appropriate to offer the option of speaking to another colleague or someone from our HR team who will be able to advise the employee and line manager of what can be done
- being aware that there may be additional issues faced by the employee because of for example, age, disability, race, religion or belief, gender,

pregnancy, sexual orientation, or trans gender. They may be the carer of an abusive partner. We know managers are not expected to understand all the many cultural or emotional differences in every situation. But managers are obliged to treat people with respect and dignity in responding to any additional needs – and there is help for you in dealing with these situations

- being non-judgmental - the employee may need some time to decide what to do any may try many different options over a period of time. We know from research that it can take several years to break free from a violent and abusive relationship. So, it would be wrong to assume that because the individual returns or stays in a violent relationship that it wasn't severe, didn't happen or they didn't want it to stop
- being aware of what support is available and exploring these options with the employee. But, if the employee does not want you to contact these other agencies, you must respect their wishes.

Employees who are perpetrators of domestic abuse

Domestic abuse is a very serious issue that can lead to criminal conviction. If you are hurting someone and want help to stop your behaviour, you should contact the Respect National Helpline

Behaviour outside of work, whether or not it leads to a criminal conviction can lead to disciplinary action being taken against you. This is because of the impact it may have on your suitability to carry out your role and it can also undermine public confidence in the Derby Homes and the Council. Where appropriate, there will be an investigation of the facts as far as possible and a decision made as to whether the conduct is sufficiently serious to warrant disciplinary action being taken against you.

When deciding on any disciplinary action, we will take into account and consider:

- the nature of any criminal justice proceedings and/convictions
- the nature of the conduct and the nature of your work
- the extent to which your role involves contact with other employees or members of the public
- whether you may be a risk to other employees or members of the public.

Responding appropriately to employees when both the alleged perpetrator and survivor/victim work for Derby Homes or the Council

In this situation, additional consideration will need to be given and managers must ask for help from HR team. Also:

- confidentiality is extremely important, but where safeguarding concerns are raised there may be a need to take action which may breach this
- give consideration to moving one or both of the employees - any move of the survivor/victim must respect their feelings as well as their safety. You must not move the survivor/victim without their full consent
- we have a duty of care to both employees and so a separate HR Services individual will be allocated for each employee to maintain impartiality.

Monitoring, Evaluation and Review

We will monitor instances of domestic abuse and evaluate our practices. We will review the policy every 3 years.

This will to help raise awareness among both staff and service users, 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.