

Housing Services Domestic Abuse Policy

V0.1

Document Control

Document details

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Lead Officer	Peter Doherty – Housing Services Manager
Approved by	Neil Stubbings – Head of Housing Services Councillor Damien White – Lead member for Housing Services
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Version history

Version	Change	Date	Dissemination
V0.1			
V0.2			

Approval history

Version	Change	Date	Approving body
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V0.2			

Equality analysis record

Date	Completed by	Review date
July 2015	Una Manley	January 2018

1. Introduction

Purpose

Housing Services has an important role in reducing the incidence of domestic abuse and in providing support to victims of domestic abuse. We recognise that domestic abuse is unacceptable. We will not tolerate it; violence and abuse in relationships is an abuse of power as well as likely to be a criminal offence.

This policy recognises that while domestic abuse is not restricted to a specific gender, race, religion or class. It is important to ensure that appropriate service responses are in place to support all victims of domestic abuse. Housing Services will seek to ensure that services are able to meet individuals' needs with a consistent approach in line with good practice and relevant legislation.

The Policy aims to:

- ensure that the service meets the housing needs of those experiencing domestic violence;
- ensure that Housing Services response is appropriate to the needs of the individual and in line with good practice to provide secure and safe accommodation;
- outline our responsibilities and the support that is available to people who are experiencing domestic abuse; and
- raise awareness of the issue across our whole workforce, and within other Council services that engage directly with our customers, and enable relevant employees to provide appropriate support

The policy also explains how we will hold perpetrators to account for their behaviour in such a way that not only acts as a future deterrent for them, but also a deterrent to potential abusers.

This policy outlines the service provision that Housing Services can offer to domestic abuse survivors. Havering's Violence against Women and Girls (VAWG) group is responsible for the overall strategic direction of the Council in relation to domestic abuse, and the actions that relate to this. It has been written to complement the VAWG's strategic approach and while it refers specifically to Housing Services, this policy is tenure neutral and will be used by our colleagues in Liberty Housing.

Scope

This policy covers the provision of Housing including advice and support in both tenancy and leasehold matters and partnership working with agencies concerned with domestic abuse. It feeds into Havering's Corporate Plan and the London Borough of Havering's Violence against Women and Girls Strategy 2015 – 17.

The delivery of the policy may vary across the various service areas within Housing Services but the policy intentions and objectives will remain the same.

Aims, objectives and outcomes

Housing Services plays an important role in reducing the incidence of domestic abuse and in supporting survivors of domestic abuse.

We believe that none of our tenants and leaseholders should live in fear of violence and

abuse from a spouse or partner, former spouse or partner, or other member of their household. Housing Services and Havering Council will not tolerate any act of domestic abuse against any of its tenants or leaseholders.

We are committed to tackling domestic abuse in all its forms by:

- Taking a victim orientated approach and having in place systems that deal with incidents of domestic abuse efficiently and effectively
- Supporting those who have experienced domestic abuse and providing a fair, consistent and sympathetic service, within the constraints of the law
- Providing victims with information about services available to them
- Working effectively in partnership with internal and external stakeholders to tackle incidents of domestic abuse
- Allocating victims their own designated member of staff of the same sex, if they prefer
- Offering a range of options to victims of domestic abuse, such as management transfers, additional security measures and advice on how to find secure temporary accommodation.
- Providing officers with the training and support to take appropriate action to understand how they can assist in reducing domestic abuse

There are a range of responses and enforcement actions available to us which we will consider using in appropriate circumstances:

- Possession proceedings under the Housing Act 1988
- Referral to the police for criminal prosecution
- Injunctions and exclusion orders
- Issue warnings to enforce tenancy conditions

We will maintain confidentiality in dealing with cases of domestic abuse. We will seek permission from those reporting domestic abuse before disclosing information to any other party.

The service is committed to investigating and tackling all alleged incidents of domestic abuse. Housing Services recognise that effective and co-ordinated action will improve the quality of life for the victims of domestic abuse.

While the majority of victims are female, we know that anyone can be a victim of domestic abuse. Domestic abuse against men is a hidden issue, and many victims feel too ashamed or embarrassed to seek help - fearing they may not be believed or will face criticism. Despite this, male victims are increasingly speaking out and looking for domestic abuse help, but the services and resources available to them are still considerably fewer than those available to women. Male and same sex victims have the same rights, they will receive exactly the same level of support from us and we can help victims to access relevant specialist services.

We will seek to accommodate specific cultural and faith issues and fully recognise so called "honour" based violence as a form of domestic abuse which carries a very high level of risk.

Disability, physical or mental health problems can make victims especially vulnerable and we will work with specialist agencies to assess risk and make safety plans.

2. Policy

Domestic abuse has a devastating effect on victims, their families and the wider community regardless of race, age, gender, sexual orientation or social background. This policy reflects that the overwhelming majority of survivors of domestic abuse who use existing services within Havering are women.

It should be recognised; however that domestic abuse occurs in lesbian, gay, bisexual and transgender relationships and that heterosexual men are abused by their partners or other family members.

Domestic abuse is still a largely hidden crime and difficult to assess. Measuring the true scale of the problem is not only hampered by the reluctance of victims to report their experiences but also the absence of a single criminal offence makes it less easy to decipher - there is not a specific criminal offence which encapsulates domestic abuse. There are, however, a number of possible offences for which perpetrators could be prosecuted depending on the specific acts, ranging from murder, rape and manslaughter through to assault, harassment and threatening behaviour.

Defining Domestic Violence & Abuse

In March 2013, following consultation, the Home Office introduced a new official definition of domestic violence and abuse to be used across government. The definition was expanded to include young people aged 16 to 17 and coercive or controlling behaviour.

'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 be, but is not limited to the following types of abuse: psychological, physical, sexual, financial and emotional.

Controlling behaviour is defined as 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 defined as "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, which is not a legal 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.

With effect from January 2016, controlling or coercive behaviour is defined under section 76 of the Serious Crime Act 2015 as causing someone to fear that violence will be used against them on at least two occasions, or generating serious alarm or distress that has a substantial effect on their usual day-to-day activities.

Cases can be heard in magistrates or crown courts, and the maximum sentence is five years imprisonment. Evidence can include emails, GPS tracking devices installed on

mobile phones, bank records, witness statements from family and friends and evidence of isolation.

A new mandatory reporting duty for FGM has also been introduced via the Serious Crime Act 2015, following a public consultation. The duty requires regulated health and social care professionals and teachers in England and Wales to report known cases of FGM in under 18-year-olds to the police. It came into force on 31 October 2015.

Female genital mutilation (FGM) involves procedures that include the partial or total removal of the external female genitalia for non-medical reasons. Carrying out FGM is a criminal offence under the Female Genital Mutilation Act 2003. It is also an offence for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.

Forced marriage is a hidden practice, where due to its nature the full scale of the issue is unknown. It can happen to both men and women, although most cases involve young women and girls aged between 16 and 25.

Honour Based Violence (HBV) can be distinguished from other forms of abuse as it is often committed by multiple perpetrators, often family members, with the approval of family and/or community members.

Housing Services recognises and acknowledges its legal duties and obligations under legislation relating to domestic violence:

- The Children Act 1989
- Housing Act 1996
- Family Law Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 1998
- Crime & Disorder Act 1998 S.17
- Freedom of Information Act 2000
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- Domestic Violence, Crime and Victims Act 2004
- Civil Partnership Act 2004
- Localism Act 2011
- Protection of Freedoms Act 2012
- Anti-Social Behaviour, Crime and Policing Act 2014
- Serious Crime Act 2015

The law on domestic abuse is extending and remains an on-going concern on the government's agenda, with the powers of the Police increasing. While a private member's bill entitled 'Domestic Violence (Legal Framework) Bill 2013-14' failed to make any further progress past the first reading in parliament, more tools have been made available to the police.

Protection of Freedoms Act 2012 (Stalking)

In November 2012, the Protection from Harassment Act 1997 was updated by provisions made in the Protection of Freedoms Act 2012, creating 2 new offences for stalking. The new offences were made under sections 2A and 4A of the 1997 Act and cover:

- Stalking; and
- stalking involving fear of violence or serious alarm and distress

The amendments also set out new police powers to enter and search premises (on provision of a warrant – section 2B).

Domestic Violence Disclosure Scheme

National roll-out of this scheme began in March 2014. Also known as 'Clare's Law' this scheme gives members of the public a 'right to ask' Police where they have a concern that their partner may pose a risk to them or where they are concerned that the partner of a member of their family or a friend may pose a risk to that individual.

If an application is made under the scheme, police and partner agencies will carry out checks and if they show that the partner has a record of abusive offences, or there is other information to indicate that there may be a risk from the partner, the police will consider sharing this information.

Domestic Violence Protection Orders (DVPOS)

Domestic Violence Protection Orders remove the onus from a victim to leave an abusive home. The onus now rests with the perpetrator to leave the scene of their abuse, and can prevent them from returning to a residence and from having contact with the victim for up to 28 days.

Criminalisation of forced marriage

The Anti-Social Behaviour, Crime and Policy Act (2014) made it a criminal offence to force a person to marry against their will (with effect from June 2014). The legislation applies in England and Wales and also applies to UK nationals overseas who are at risk of becoming the victim of a forced marriage.

Forced marriage can involve physical, psychological, emotional, financial and sexual abuse including being held unlawfully captive, assaulted and raped. The maximum penalty for the new offence of forced marriage is seven years imprisonment.

Law enforcement agencies will also be able to pursue perpetrators in other countries where a UK national is involved under new powers defined in legislation.

The responsibilities of Housing Services staff

Our staff will take a victim centred approach and assist in a confidential, sensitive and non-judgemental manner. When we receive a report of an incident of domestic abuse we will:

- Contact the resident within **1 working day** of receiving the report;
- Agree how we will keep in contact with the victim or the agency representing them and the frequency of this in case they need any further help;
- Provide information, advice and support;
- Discuss the options available to the resident;

- Make available an officer of the same sex to interview the victim where requested;
- Inform the victim of their legal rights in respect of the tenancy;
- Carry out repairs to make the property safe for occupation;
- Where appropriate, refer the victim to a specialist organisation to provide additional security to the home;
- Refer the victim for additional consideration of a sanctuary room which is a safe lockable room in the property that a victim can use if under threat of domestic violence abuse;
- Keep up to date and accurate records;
- Assist in a confidential and sensitive manner;
- Establish if there are any special needs that should be taken into account, such as, the need for an interpreter or sign language translator;
- Conduct interviews in private and if necessary in a place of safety;
- Refer cases involving child protection or vulnerable adults to the relevant services in line with the referral procedures;
- Make recommendations for a management transfer where appropriate.

Our first priority will be to put victims in touch with the local specialist domestic abuse services - the Police (Community Safety Team), Women's Aid, drop in centres and Victim Support who provide support and advocacy help.

Partnership Working

Domestic abuse cannot be tackled in isolation and a co-ordinated partnership approach is essential. This will involve working together to prevent, intervene and reduce the impact of domestic violence increasing the safety and wellbeing of the residents.

Housing Services is a member of the Havering Community Safety Partnership which works with other agencies and includes: Victim Support London, Havering Women's Aid, East London Rape Crisis Centre, Relate North East London and Women's Trust East London.

Agencies have a responsibility to work together to tackle domestic abuse and Housing Services plays an active role in the multi-agency approach. As a partner in the Community Safety Partnership, we are able to refer cases through the Multi-Agency Risk Assessment Conference (MARAC). At the MARAC, Housing Services liaise with their partner agencies and other council service areas to co-ordinate services for the highest risk domestic abuse cases to prevent repeat cases. By bringing all agencies involved in a case together to share information, a co-ordinated safety plan can be put together more quickly and effectively.

Housing Services encourages partnership working. We recognise that learning can be gained through and opportunities can be created to improve the experiences of tenants and leaseholders through working closely with other service providers.

As part of our commitment and alignment with Havering's Community Safety Partnership, Housing Services is determined to tie this policy into the four objectives of the London Borough of Havering's 'Violence against Women and Girls Strategy' (VAWG) 2014 – 2017.

Objective 1: 'Policy Development'

Revision of Housing Services Domestic Abuse policy

Housing Services domestic abuse policy has been updated to take into account recent legislative changes and the new Corporate VAWG strategy. With other legislative changes on the horizon, this policy will be reviewed regularly to ensure that service is fully conversant and compliant with any future legislative requirements. The service is keen to engage and raise awareness of domestic abuse among service users, staff and contractors.

Co-ordination of the Violence against Women and Girls Strategic Partnership

Housing Services has a designated representative who attends the Havering Community Safety Partnership meetings to keep Housing Services up to date about any significant issues which can and may affect both the service and our residents. We are committed to maintaining this representation and playing a significant role within this partnership

Development and delivery of a communications plan to tackle violence against women and girls

Housing Services Community Engagement Team deliver a variety of events throughout the year, and the work which our team undertake will link into the strategy's Communications Plan. The partnership should link in to, where appropriate, some of the events that the Community Engagement Team facilitates. Representatives from the Partnership can attend and offer not only a presence at appropriate events but advice and guidance to residents who may be affected.

Additionally, as part of the on-going information service that the reception area at Chippenham Road provide, leaflets and posters from appropriate agencies within the Partnership, should be made available and on display.

Neighbourhood Services will ensure that they maintain the correct contact details for all agencies within the Partnership, should they need to refer a tenant/leaseholder for support and advice.

Objective 2: Prevention of violence against women and girls

Training to identify, safeguard and sign post victims to support

Frontline officers require varying degrees of briefing or training to enable them to assist victims – depending on the officer's job roles. This will be built into Housing Services future training plans.

Raise awareness of local and Pan London domestic violence support services

The Community Engagement Team will be instrumental in raising the profile of the Partnership and the agencies that victims can approach for support. Similarly, customer access points across the Borough (as well as the reception area in Chippenham Road), should be able to provide information and details to affected tenants and leaseholders.

Objective 3 – Provision of intervention services for women experiencing violence and abuse

Offering safe and secure housing options for women fleeing domestic abuse

Housing Services will review the services' offering in terms of secure housing options to assist women fleeing domestic abuse.

Supporting women and girls through the criminal justice process

Frontline staff in Housing Services will be aware and able to signpost affected tenants and leaseholders to the appropriate agencies who offer this more specialist support service.

Working with local Safeguarding Partnerships to identify early child protection referrals.

All frontline Housing Services staff who work in the community need an awareness and understanding of the indications of a potential child safeguarding issue. Frontline staff will be empowered with the information to identify the signs of abuse and be confident in the mechanisms available to them to refer to local partners. Housing Services will ensure that staff know the correct links and referral processes across the local safeguarding agencies.

Objective 4 – Enforcement action against perpetrators

Continue to develop and strengthen a co-ordinated approach to detection, arrest, conviction and appropriate sentencing of perpetrators

Housing Services are reviewing our interaction with other agencies and looking to strengthen our links with partner agencies who detect, arrest, convict and sentence perpetrators of domestic abuse.

Disseminate best practice on addressing perpetrator behaviour

Again, as a member of the Community Safety Partnership, the service will be looking to share good practice with other agencies in the partnership. Potentially this could be extended out to share with colleagues on similar teams in other neighbouring Local Authorities.

Clampdown on traffickers, pimps and those who sexually exploit women and girls

Housing Services will examine if it is making effective use of the anti-social behaviour powers available to them when dealing with tenants and leaseholders who use council properties for these purposes; utilising all powers that it has to evict/remove them from the property. This will tie in with the overarching strategic purpose of the Community Safety Partnership as well as the Council's overall corporate stance, considering the legislative framework which prescribes the action available to Housing Services.

Provision of Accommodation and Homelessness

Within the London Borough of Havering's Allocations Scheme, there is scope to consider if a person fleeing domestic abuse is able to qualify for emergency rehousing.

As part of the procedure for assisting victims of abuse, staff must assess the risks to the victim and the options available to the individual at the time. There may be occasions when the victim is unable to remain in the property and alternative accommodation such as a safe house or emergency temporary accommodation will need to be secured to allow the Housing Advice and Homelessness team offer advice and assistance on all options available.

Temporary accommodation can include bed and breakfast accommodation (but not for women with children except in an emergency and even then, for a maximum of six weeks), and hostel and refuge accommodation. In the longer term, the authority may place a tenant into private rented accommodation or offer them social housing.

Under the Housing Act 1996 (as amended by the Homelessness Act 2002), a housing authority has a duty to provide temporary accommodation to households who they believe to be:

1. eligible (i.e. have the right to be in the UK and to access housing)
2. homeless or threatened with homelessness (including if remaining in their current accommodation would lead to domestic abuse), and
3. in priority need (for example, if the household includes children under the age of 16 or someone who is vulnerable).

A person has priority need if they are vulnerable as a result of having to leave accommodation because of violence from another person, or threats of violence from another person that are likely to be carried out.

- I. There are a number of steps that must occur in order to reach this position:
- II. There must be an actual occupation of accommodation
- III. There must be a cessation of occupation of that accommodation
- IV. The cessation must be caused by violence, or threats of violence which are likely to be carried out
- V. The person ceasing to occupy must be significantly more vulnerable than an ordinary person who happened to be in need of accommodation.
- VI. The vulnerability must result from the person ceasing to occupy the accommodation that they left because of violence, or threats of violence which are likely to be carried out.

The code of guidance which accompanies the Homelessness Act 2002, says the following about domestic abuse and priority need:

Having left accommodation because of violence

In section 10.28: "A person has a priority need if he or she is vulnerable (as set out in paragraph 10.13 above) as a result of having to leave accommodation because of violence from another person, or threats of violence from another person that are likely to be carried out. It will usually be apparent from the assessment of the reason for homelessness whether the applicant has had to leave accommodation because of violence or threats of violence (see Chapter 8 for further guidance on whether it is reasonable to continue to occupy accommodation). In cases involving violence, the safety of the applicant and ensuring confidentiality must be of paramount concern. It is not only domestic violence that is relevant, but all forms of violence, including racially motivated violence or threats of violence likely to be carried out. Inquiries of the perpetrators of violence should not be made. In assessing whether it is likely that threats of violence are likely to be carried out, a housing authority should only take into account the probability of violence, and not actions which the applicant could take (such as injunctions against the perpetrators). See Chapter 6 for further guidance on dealing with cases involving violence'.

In section 10.29: 'In considering whether applicants are vulnerable as a result of leaving accommodation because of violence or threats of violence likely to be carried out, a housing authority may wish to take into account the following factors:

- I. the nature of the violence or threats of violence (there may have been a single but significant incident or a number of incidents over an extended period of time which have had a cumulative effect);
- II. the impact and likely effects of the violence or threats of violence on the applicant's current and future well-being;
- III. whether the applicant has any existing support networks, particularly by way of family or friends.

Consideration of the Guidance accompanying the Housing Act 2002 should always be made when making decisions about homelessness presentations. There is no local connection requirement for survivors of domestic abuse; they can approach any local authority for housing.

The Code of Guidance advises that housing authorities need not obtain evidence of domestic abuse to provide support. However, Housing Advisors should still seek to collate as much information about the abuse as possible in order to best determine the applicant's needs and the most appropriate form of support. For example, professional agencies such as IDVAs, the survivor's doctor, social worker or the police may be able to provide collaborative statements that can be used to inform the applicant's homelessness assessment

Third party evidence from family and friends should never be requested if it may put the applicant at further risk. Applicants do not need to show an actual history of violence or abuse when submitting a homelessness application - an authority should only consider whether it is probable that continued occupation of the property would lead to violence or the threat of violence.

If a case officer suspects that an applicant may want to move for reasons other than domestic abuse, they should investigate these concerns, but the applicant's complaint must receive full and sensitive consideration until firm evidence is available to confirm that domestic abuse is not an issue. Such cases should be discussed with a senior manager before any investigation takes place. A written explanation of this decision should be recorded by the officer on the relevant system.

Action against perpetrators

Housing Services will take firm action against any tenant, or any other person, perpetrating domestic abuse against our tenants and leaseholders. Our multi-agency approach is intended to make sure that the full range of civil and criminal remedies can be pursued. We will where appropriate encourage victims to use restraining orders or injunctions to prevent domestic abuse or remove the abusive person from the household.

The action taken against perpetrators will depend upon the individual circumstances. This may include possession action against a perpetrator where other members of the household have left the home due to domestic abuse. Dependent upon the circumstances, this would provide an opportunity for the victim and children to either return to the home, or to provide the victim and children with an alternative permanent home and re let the original home to another family.

Eviction of perpetrator

In some circumstances, the victim of domestic abuse will leave the family home and seek protection elsewhere. They may want to stay with friends or family. Alternatively, Housing Services may place the victim into temporary accommodation. In these cases the perpetrator is often left in the family home.

Where the perpetrator is a tenant, and there is substantial evidence available, we may be able to take action through the court to evict the perpetrator. Depending on the situation, where there is a joint tenancy and the victim expresses a wish to remain in the family home, we may allow the victim to end the tenancy on behalf of both tenants. We can then

issue a new sole tenancy to the victim. Should the perpetrator refuse to leave the property at the end of the notice period, we will take legal action to evict the perpetrator.

If the victim does not wish to remain in the family home, we may be able to offer the option of a management transfer to an alternative property. In most circumstances this will mean issuing the tenant with an emergency referral under our Choice Based Lettings Scheme policy and allowing them to choose a suitable property through the Home Choice system.

Confidentiality

Staff should comply with the Data Protection Act 1998 in dealing with incidents of domestic abuse. The Service is committed to maintaining the highest standards of confidentiality in order to ensure the safety and wellbeing of both survivors and staff. Any information disclosed should be treated in the strictest confidence.

Where there is risk of harm due to domestic abuse, sharing information in this situation is made possible under the Crime and Disorder Act 1998 (Section 115), the Data Protection Act 1998 and Human Rights Act (Articles 2 and 3). Further information on sharing information is presented in Section 3.5.

Case notes should be clearly marked as confidential and stored in a secure area where necessary.

Ownership and authorisation

The Head of Housing Services has overall responsibility for the policy and for ensuring that its principles are understood. Third Tier Service Managers are responsible for ensuring the implementation of this policy and its principles. This is to be achieved through planning and implementing appropriate procedure and strategies to support the policy.

3. Related documents

This policy does not stand alone, but is linked to wider obligations and supports a range of related strategies and policies, in particular:

- Havering's Corporate Plan 2014 – 2015 (Living Ambition) Strategy
- Havering's Housing Strategy
- Anti-social Behaviour Policy
- Community Safety Strategy
- London Multi-Agency Safeguarding Adults Policy
- London Multi-Agency Safeguarding Children Policy
- Financial Inclusion Strategy
- Data Protection Policy
- Hate Crime Policy
- Lone Working Policy
- The London Mayoral Strategy on Violence against Women and Girls

4. Dissemination and communication

Housing Services will consult with tenants, leaseholders, relevant partners and all appropriate stakeholders to review this policy prior to publication. The policy will be available to view to the public on the internet and to Council Officers on the intranet.

We will use a range of methods to obtain feedback, including, community panels/focus

groups, mystery shopping, survey responses and service improvement groups. This enables us to tailor service delivery and improvements to reflect the needs of individual neighbourhoods, estates or streets, whilst maintaining focus on the sustainability of communities and tenancies.

5. Implementation

This policy will be available to view on the intranet and staff will discuss the implications and their understanding of it at briefings and team meeting. The policy will be available to view for the public on the Havering Website and for all Council Officers on the intranet.

6. Monitoring and review

Havering Council will monitor and review its performance and track the impact of our approach to ensure continuous improvement. Information will be collated on a regular basis to include:

- Demand for Housing Services resulting from alleged incidents of domestic abuse – including the number of presentations to the PASC of Homeless cases and requests for alternative accommodation by means of management transfer
- The outcomes of service demand
- Sources of referrals for Housing assistance
- Developing and establishing benchmarking in order to compare performance and cost of delivering the service including researching best practice to drive continual improvement.
- Working in partnership with residents and organisations at a local level to develop these services

The will be reviewed and modified every three years or as determined by legislation for continuous improvement.

7. Further information

Staffing and training

Cases involving domestic abuse require a complex set of skills for a member of staff to identify and effectively deal with a customer. All staff in the service, including those contracted by the service to deliver services in council tenants' homes, will receive basic training to increase the likelihood of them identifying domestic abuse and to assist them with responding to this.

In addition, relevant officers in the Housing Needs and Resident Services teams will be provided with a minimum package of training, which should cover:

- I. Relevant legislation, including the duty to rehouse survivors
- II. Council policy / procedure
- III. Keeping relevant and accurate case notes
- IV. Customer care and interviewing skills
- V. Preventative measures and early intervention methods
- VI. Referral routes to other agencies, including MARAC and Havering's Safeguarding Adults and Safeguarding Children teams, and signposting to support and advice provided by other partners.

This will be built into Housing Services future training plans, and the details shared with management in other Council services that directly engage with our customers

Equality Impact Assessment (EIA)

Document control

Title of activity:	<i>Domestic Abuse policy</i>
Type of activity:	<i>Policy</i>
Lead officer:	<i>Una Manley, Policy Development Officer, Housing Services</i>
Approved by:	<i>Neil Stubbings, Head of Housing Services Councillor Damien White, Lead member for Housing Services</i>
Date completed:	<i>July 2015</i>
Scheduled date for review:	<i>If applicable. Please provide a reason if it does not need to be reviewed</i>

The Corporate Policy & Diversity team requires **5 working days** to provide advice on EIAs.

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at diversity@haverling.gov.uk

About your activity

1	Title of activity	<i>Domestic Abuse policy</i>
2	Type of activity	<i>Policy</i>
3	Scope of activity	<p>This policy aims to ensure that the service meets the housing needs of these of those experiencing domestic abuse, that Housing Services response is appropriate to the needs of the individual, in line with good practice to provide secure and safe accommodation.</p> <p>This policy outlines our responsibilities and the support which is available to people who are experiencing domestic abuse. It aims to raise awareness of the issue across our whole workforce and enable relevant employees to provide support</p> <p>The policy also explains how we will hold perpetrators to account for their behaviour in such a way that not only acts as future deterrent for them, but also a deterrent to potential abusers</p>
4a	Is the activity new or changing?	<i>If the answer to any of these questions is 'yes', please continue to step 5.</i>
4b	Is the activity likely to have an impact on individuals or groups?	<i>If the answer to <u>all</u> of the questions is 'no', please go to step 6.</i>
5	If you answered yes:	<i>Please complete the EIA on the next page.</i>
6	If you answered no:	<p><i>Please provide a clear and robust explanation on why your activity does not require an EIA. This is essential in case the activity is challenged under the Equality Act 2010.</i></p> <p><i>Please keep this checklist for your audit trail.</i></p>

Completed by:	<i>Una Manley, Policy Development Officer, Housing Services. Children, Housing & Adults</i>
Date:	<i>31st July 2015</i>

The EIA

Background/context:

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We are committed to tackling domestic abuse in all its forms by:

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- Offering a range of options to victims of domestic abuse, such as management transfers, additional security measures and advice on how to find secure temporary accommodation
- Providing officers with the training and support to take appropriate action to understand how they can assist in reducing domestic abuse

The domestic abuse policy will have a positive impact for all residents who experience domestic abuse by demonstrating a multi-agency, flexible, sensitive and victim-centred approach. All incidents reported to Housing Services will be investigated with due regard to protected characteristics. We hope that our focus on domestic abuse and future work to highlight our zero tolerance approach will encourage reporting of domestic abuse incidents. Staff training relating to domestic abuse will be put in place to support policy and practice to keep our staff up to date with legislation and best practice.

Age: Consider the full range of age groups	
<i>Please tick (✓) the relevant box:</i>	Overall impact: <i>This policy will have positive impact across all age groups.</i>
Positive	✓
Neutral	
Negative	

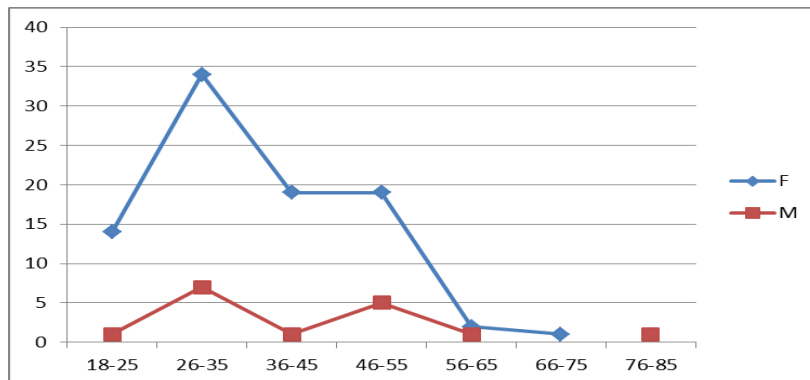
Evidence:

While people of all ages can be at risk of domestic violence and abuse, data shows that at both local and national level, that victims of domestic abuse tend to be in the younger age ranges. Particularly young women.

Although statistics from Housing Services do not include victims under the age of 18 as the majority of our tenants are over 18 years of age, we recognise that children of tenants who are victims of domestic abuse can also be affected by violence and abuse between their parents or other members of their household. Children who are exposed to domestic abuse in the home may suffer a range of severe and lasting effects. Several studies have found that children who witness domestic violence or abuse are likely to be affected by it as adults- either as victims or perpetrators. (Krug, Etienne et al, 2002).

Children if exposed to violence in the home may have difficulties in learning and limited social skills, exhibit violent or risky behavior, or suffer depression or anxiety.

At both a national and local level, the number of older people experiencing domestic violence is low compared to other age groups, although the low incidence should not be discounted. This could be attributable to the fact that older persons are unlikely to report their experiences because of generational attitudes to domestic violence and abuse. A study by Blood (2004) also suggested that this could also be due to a feeling that older persons feel they will not be believed if they approach agencies.



Age and gender of reported victims of domestic violence (Council Tenants)
Source: Homes & Housing, January 2015

According to the Office of National Statistics (2012/13), 8 million people in the United Kingdom (24.4%) between the ages of 16 – 59 have been the victims of domestic violence and 25% of young people have witnessed at least one episode of domestic violence/abuse by the age of 18.

Sources used:

Data from Housing Services Open Housing Management System (OHMS) January 2012 – January 2015 based on reported incidents of domestic violence.

World Health Organisation ‘Report on Violence & Health’ Krug, Etienne G., et al (2002)

‘Older women and domestic violence – A report for Help the Aged’ Blood, I. (2004)

Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions

Please tick (✓) the relevant box:

Positive

✓

Neutral

Negative

Overall impact:

This policy will have a positive impact

Evidence:

People with long-term illness or disability are more likely to be victims of domestic violence. This is not implying causation and data to this effect should be treated as indicative rather than conclusive (Smith et al, 2011)

Other research indicates that disabled women or those with mental health problems are at greater risk of victimisation. Disabled women may be twice as likely to be assaulted or raped, and more than half of all women with a disability may have experienced some form of domestic violence. (Smith et al, 2011). A further study, (Hague et al, 2008) for the Women’s Aid Foundation, found that at least half of all women in touch with mental health services have experienced domestic violence and will often face additional difficulties in attempting to access support. The report also included the following findings:

- *50% of disabled women have experienced domestic abuse compared with 25% of non-disabled women*
- *Disabled women are twice as likely to be assaulted or raped as non-disabled women*
- *Both men and women with a limiting illness or disabilities are more likely to experience partner violence*
- *Disabled people are more likely to endure it for longer because appropriate support is not available.*

Someone who is less able and experiencing domestic violence or abuse will find it harder to protect themselves, access sources of help or remove themselves from the abusive situation. The abuser may be their partner, family member, a carer or personal assistant. They might be subject to physical, psychological, sexual or financial abuse. In addition, they may have care or medicine withheld or undertaken in a negative or abusive manner. The abuser may also refuse the victim help with their daily needs like bathing dressing or eating. Mobility or sensory devices might be removed from them which they need in order to maintain their independence. The abuser could be claiming state benefits on the victims’ behalf, controlling their finances or might be using their disability to taunt or degrade the victim.

Sources used:

Homicides, Firearm Offences and Intimate Violence 2009/10 – Smith. K, Coleman. K, (2011)

Disabled women and domestic violence: Making the links Women’s Aid– Hague, G, Thiara, R, and Magowan, P (2008)

Sex/gender: Consider both men and women

Please tick (✓) the relevant box:

Overall impact:

This policy will have a positive impact on both genders

Positive

✓

Neutral

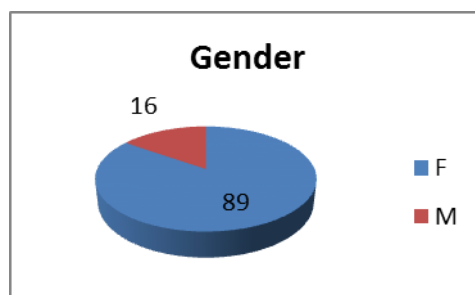
Negative

Evidence:

According to the Office of National Statistics (ONS) Crime Survey for England & Wales (2013), 7.3% of women and 5% of men reported experiencing domestic violence. The prevalence of domestic violence is highest among women in the 20-24 year age range. In Havering, gender based violence and sexual violence disproportionately affects women – affecting an estimated 17% of Havering females aged 16-59

Most of the reported incidents of domestic violence and abuse crimes among all residents and tenure types in Havering concern non-physical violence (46% includes harassment, verbal and emotional abuse), followed by physical violence with injury (29%). The majority of victims reporting to the police were women (79%), ranging from 86% for intimate partner violence to 70% for parental abuse and 64% for other forms of domestic violence. (Police Crime Reporting Information System, 2011.)

The most recent set of recorded data concerning the number of incidents of domestic violence for Housing Services, over a three year period, shows more women reported incidents of domestic violence or abuse to the service.



Gender of victims reporting incidents of domestic violence (Council Tenants)
Source: Homes & Housing, January 2015

Women are more likely to experience severe forms of violence throughout their life and are more likely to be victims of sexual violence (Hester, 2013). In Havering, domestic violence is the leading cause of ill health for women aged 19 – 44, greater than cancer, war and motor vehicle accidents. (Home Office London, 2005).

FGM and honour- based violence are not recorded in the ONS Crime Survey for England & Wales. However, a report from the Foundation for Women’s Health, Research and Development estimated that 66,000 women aged 16-49 have been subjected to FGM.

Sources used:

Who does what to who? Gender and domestic violence perpetrators. From the Scottish Journal of Criminal Justice Studies volume 19. Hester, M (2013)

Police Crime Reporting Information System, Havering 2011

Havering Community Safety Partnership Strategic Assessment

Domestic Violence: A national report – Home Office London (2005)

Data from Housing Services Open Housing Management System (OHMS) January 2012 – January 2015 based on reported incidents of domestic violence.

Ethnicity/race: Consider the impact on different ethnic groups and nationalities

Please tick (✓) the relevant box:

Positive	✓
Neutral	
Negative	

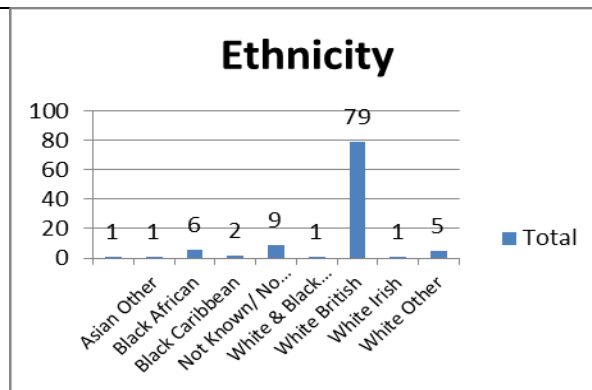
Overall impact:
This policy has a positive impact on this protected characteristic

Evidence:

Domestic abuse affects people from all ethnic groups, and there is no evidence to suggest that some ethnic communities are more at risk than others. There is a difficulty in obtaining statistical data. This in part may be due to barriers which prevent them from reporting incidents of domestic violence. Women from BME groups may be more isolated or may have to overcome religious or cultural pressures and might be afraid of bringing shame to their family honour.

The form of abuse may however, vary. In some communities, domestic violence may be perpetrated by extended family members or it may include forced marriage or FGM.

Some cultural beliefs can act as barriers to seeking help – for some Asian families these include izzat (honour) and sharam (reputation) which play a role in controlling women and children’s behaviour, just as stigma and shame prevent many seeking help. Such beliefs can limit their choices as they become concerned about others in close-knit communities finding out.



Ethnicity of victims reporting incidents of domestic violence (Council Tenants)
Source: Housing Services, January 2015

Sources used:

Data from Housing Services Open Housing Management System (OHMS) January 2012 – January 2015 based on reported incidents of domestic violence.

Religion/faith: Consider people from different religions or beliefs including those with no religion or belief

Please tick (✓) the relevant box:

Positive



Overall impact:

This policy will have a positive impact on residents from this protected characteristic.

Neutral

Negative

Evidence:

Certain types of violence do disproportionately impact upon women and girls from some communities. Women and girls from a black, minority-ethnic (BME) background may find it more difficult to leave an abusive situation due to cultural or religious beliefs, or the lack of an appropriate support service. Religion and faith can play a major role in how victims deal with domestic violence. Victims may look towards their faith leaders for help or turn to others with similar religious belief. Often victims may use these supports before seeking usual support agencies/domestic violence services.

Forced marriages, female genital mutilation (FGM) and so called 'honour-based' violence (HBV) are more likely to be prevalent (although not limited to) certain communities including BME communities, religious or national boundaries.

In their 2007 study, Dorkenoo et al cited that 66,000 women in the UK had their genitals mutilated; this is believed to be an underestimate because of increases in immigration since the 2001 census which provided the basis for this estimate. On a local level, police data shows that from April 2011 up to April 2012 while 20,000 girls under the age of 15

were identified as potentially at risk of FGM in England and Wales.

Between 2001 and 2004 there were 47 maternities in Havering with identified FGM, this was the lowest total of all 32 London Boroughs.

The number of incidents reported to the police is unavailable nationally. The Metropolitan Police website states that there were 75 'incidents' reported between June 2009 and May 2011, of which just 2 were investigated as crimes. The Metropolitan Police 'Violence Against Women and Girls' report for December 2013 shows that there were 116 incidents of FGM between April and December 2013, an increase of 58.9% when compared with the same period the previous year. Of those incidents 24% (28) were recorded as criminal offences, and 14% (4) were substantiated. However, no prosecutions have been brought under the legislation prohibiting FGM which has been in place since 1985. This data is not broken down to an individual borough level.

There are no reliable estimates on the extent of forced marriage within the United Kingdom. In 2012, the Forced Marriage Unit (FMU) which is a joint initiative between the Home Office and the Foreign and Commonwealth Office gave advice and support in 1,485 instances related to possible forced marriage. There has been an average of 1,630 reports per year nationally since 2008, with those aged 16-25 being identified as most at-risk.

The police Crime Recording Information System (CRIS) includes a crime flag to identify forced marriages. In the past three years there has been one forced marriage crime recorded in Havering in November 2012.

There has been an average of 185-200 honour based violence crimes reported to and recorded by the Metropolitan Police annually since 2009. In the past three years there has been three crimes recorded in Havering of honour based. These offences date back to August, September and October 2011. In each case the victim was recorded as female, under the age of 21 and of Asian ethnic appearance and the suspects were male relatives (including brother, cousin and uncle). One incident was a direct consequence of a failed forced marriage. There are three further offences which are described as HV but without the correct flag entered on the CRIS record.

Sources used:

Dorkenoo, El., Morrison, L., and Macfarlane, A., A statistical study to estimate the prevalence of FGM in England and Wales, FORWARD (Foundation for Women's Health, Research and Development) (2007)

Strickland, P Forced marriage, Home Affairs Briefing (2013)

House of Commons debate:

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120110/text/120110w0004.htm#12011076000484>

Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual							
<p><i>Please tick (✓) the relevant box:</i></p> <table border="1"> <tr> <td>Positive</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Neutral</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Negative</td> <td><input type="checkbox"/></td> </tr> </table>		Positive	<input type="checkbox"/>	Neutral	<input type="checkbox"/>	Negative	<input type="checkbox"/>
Positive	<input type="checkbox"/>						
Neutral	<input type="checkbox"/>						
Negative	<input type="checkbox"/>						
<p>Overall impact: <i>This policy will impact positively on residents from this protected characteristic</i></p>							
<p>Evidence: <i>While there is a significant amount of research that discusses violence between women and men, increasing research demonstrates that partner abuse is as common and as severe among same sex couples as among heterosexual couples. Lack of visibility makes it different for lesbian, gay, bisexual and transgender (LBGT) people to report incidents or feel protected by the mechanisms and agencies which exist to protect people from domestic violence. LBGT people may experience specific barriers when seeking support (Bhula, 2012). These barriers include:</i></p> <ul style="list-style-type: none"> • <i>Real or perceived homophobia from service providers</i> • <i>The need to 'out' oneself to access service</i> • <i>The potential impact of internalized homo/bi/phobia</i> • <i>A lack of appropriate and specialist services and training</i> • <i>A lack of confidence in the Criminal Justice system</i> <p><i>Estimates of prevalence vary usually because of the methodological difficulties of conducting research within LGBT communities. Within the UK there is limited research into the issue. One national survey into prevalence among Lesbians and Gay men reported that 29% of men and 22% of women had experienced domestic abuse. Of these, 24% of men and 19% of women experience recurrent abuse (Henderson, 2003).</i></p> <p><i>At a local level, we do not record these statistics or figures on the sexual orientation of victims of domestic violence and abuse.</i></p>							
<p>Sources used: Henderson, L. Prevalence of Domestic Violence among Lesbians and Gay Men: London (2003)</p>							

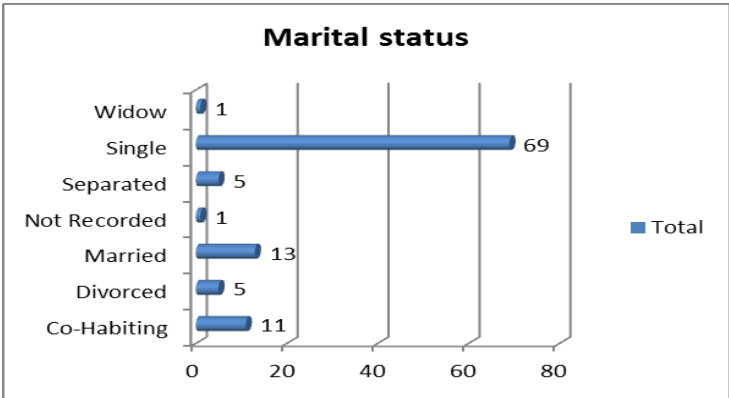
Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth	
<i>Please tick (✓) the relevant box:</i>	Overall impact: <i>This policy will have a positive impact on this protected characteristics</i>
Positive	<input checked="" type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: <i>Trans people can experience domestic violence and abuse from a same or opposite sex partner, regardless of the gender of their partner. They may experience barriers to disclosure, which could include where an abuser may threaten to disclose the victims' gender identity to their employer, family, friends or community without their consent, which can act as a deterrent to seeking help.</i> <i>Trans people may feel discrimination when accessing services, especially single sex services which may be inaccessible for some trans people.</i>	
Sources used: Housing Services does not collect data in respect of this protected characteristic when recording incidents of domestic violence. National statistics tend to group data relating to transgender people with Lesbian, Gay & Bisexual people making it difficult to gain an accurate picture of the true extent among the transgender community.	

Marriage/civil partnership: Consider people in a marriage or civil partnership	
<i>Please tick (✓) the relevant box:</i>	
Positive	✓
Neutral	
Negative	

Overall impact:
This policy will have a positive impact for residents from this protected characteristic

Evidence:
There have been studies which suggest that people who are separated, divorced or widowed may have higher odds of being a victim of domestic abuse and violence compared with other marital status groups (Smith et al, 2011). However, data from the incidents reported Housing Services in the last three years suggests otherwise with the majority of victims identified as single.

This may be because people prefer to identify themselves as single rather than define themselves within one of the other marital status groups.



*Marital status of victims reporting incidents of domestic violence (Council Tenants)
 Source: Housing Services, January 2015*

Sources used:
 Data from Homes & Housing’s Open Housing Management System (OHMS) January 2012 – January 2015 based on reported incidents of domestic violence

 Homicides, Firearm Offences and Intimate Violence 2009/10 (Supplementary Volume 2 to Crime in England and Wales 2009/10) Home Office Statistical Bulletin 01/11. Smith, K. Coleman, K, Eder.S and Hall, P (2011)

Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave

<i>Please tick (✓) the relevant box:</i>		Overall impact: <i>This policy will have a positive impact</i>
Positive	<input checked="" type="checkbox"/>	
Neutral	<input type="checkbox"/>	
Negative	<input type="checkbox"/>	

Evidence:
Studies such as those by Lewis & Drife (2001,2005) show that 30% of domestic violence begins in pregnancy and up to 9% of women are thought to be abused during pregnancy or after giving birth (Taft, 2002), however, this data was obtained on a national level and we do not hold such data on our council tenants or leaseholders.

A further study (Harrykisson et al, 2008) indicates that 70% of teenage mothers are in violent relationship.

Domestic Violence perpetrated during pregnancy include late entry to pre-natal care, low birth weight, premature labour and fetal trauma

Housing Services does not record the number of incidents involving tenants or leaseholders with this protected characteristic. Evidence has been collected from previous national studies.

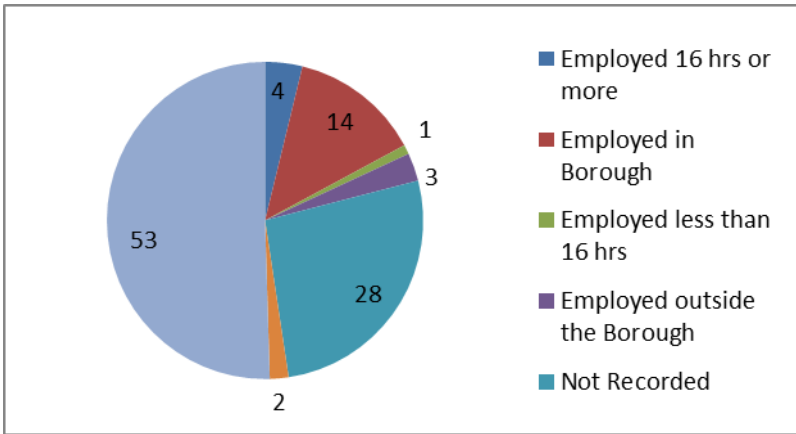
Sources used:
 Home Affairs Committee - Domestic violence, forced marriage and ‘honour-based’ violence: Volume 1, 2008: Lewis & Drife (2001,2005) and Taft (2002)

Prevalence and patterns of intimate violence among adolescent mothers during the postpartum period. Harrykisson et al (2008)

Socio-economic status: Consider those who are from low income or financially excluded backgrounds	
<i>Please tick (✓) the relevant box:</i>	
Positive	✓
Neutral	
Negative	

Overall impact:
This policy will have a positive impact on all residents

Evidence:
While there are strong links between deprivation and domestic violence, there are no deterministic statistics which provide an absolute correlation between the two. A study by Stanley et al (2011) found that there is increasing evidence in the UK demonstrating a predictive association between domestic violence and poverty.



*Employment status of victims reporting incidents of domestic violence (Council Tenants)
 Source: Homes & Housing, January 2015*

Studies that have examined domestic violence across social classes show a strong relationship between financial status and a woman's risk of victimisation: as social class increases, the likelihood of domestic violence decreases. This does not mean that middle-class and wealthier women are immune from domestic violence, they may just be able to keep the extent of the violence better hidden

Employment is one of the most commonly used indicators of financial health and stability. Studies that examine women's employment in relation to domestic violence show that women who have experienced domestic violence do not differ in their desire to work from women without a history of employment. Women who experience domestic violence also report more physical and psychological health problems that, in turn, may affect employment.

Abusive partners may deliberately sabotage the victims efforts to find and sustain work. There are contradictory findings regarding whether employment has protective effects for the victim or whether it precipitates or aggravates domestic violence. Studies suggest that it is important to examine partners' relative employment status, rather than simply the employment status of the female partner, as well as norms of male dominance, in order to understand the complex relationship between employment and domestic violence, more nuanced research on this topic is needed.

Sources used:

Data from Housing Services Open Housing Management System (OHMS) January 2012
– January 2015 based on reported incidents of domestic violence

Action Plan

After considering the potential impact on each of the protected groups as a result of the Domestic Abuse Policy, there aren't any negative impacts to mitigate for any of the protected groups.

Protected characteristic	Identified negative impact	Action taken to mitigate impact*	Outcomes and monitoring**	Timescale	Lead officer

* You should include details of any future consultations you will undertake to mitigate negative impacts

** Monitoring: You should state how the negative impact will be monitored; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).