

Domestic Abuse Policy

Lead Manager:	Senior Neighbourhood Officers
Responsible Senior Manager:	Head of Neighbourhoods
Approved By:	Senior Management Team
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1. Introduction

This Policy sets out how Shropshire Towns and Rural (STAR) Housing will take steps to assist and support any person either experiencing or threatened with domestic abuse; it will apply to all of our customers including occupants living with our tenants.

Domestic abuse remains a largely hidden crime and measuring its true scale is complex. Domestic abuse can happen in all communities regardless of gender, age, disability, race, religion or belief, sexual orientation, marriage or civil partnership, pregnancy or maternity.

However, we are aware that domestic abuse disproportionately affects women and is mainly perpetrated by men and is twice as likely to happen to women with disabilities. There is also evidence that men's experiences of domestic abuse are significantly underreported.

As a Social Housing provider we are in a position to recognise the signs of domestic abuse and it is, therefore, essential that we take all reports of domestic abuse seriously and work positively and pro-actively with the survivor and our partners to offer support.

2. Definition of Domestic Abuse

For the first time, Section 1 of the Domestic Abuse Act 2021 introduces a statutory definition of domestic abuse. This recognises a wide range of abusive, coercive or controlling behaviours beyond the use of physical violence. It builds on the expansive approach formulated by Lady Hale in *Yemshaw v Hounslow* LBC [2011] UKSC 3.

The behaviour of a person ("A") toward another person ("B") will now be "*domestic abuse*" if:

- 2.1. A's behaviour toward B is "*abusive*"; and
- 2.2. A and B are both over the age of 16 and are "*personally connected*" to each other.

Abusive Behaviour.

A person's behaviour is defined as "*abusive*" if it consists of:

- 2.2.1. Physical or sexual abuse;
- 2.2.2. Violent or threatening behaviour;
- 2.2.3. Controlling or coercive behaviour;
- 2.2.4. Economic abuse, defined by s.1 (4) as "*behaviour that has a substantial adverse effect on B's ability to ... acquire, use or maintain money or other property, or [to] obtain goods or services*";
- 2.2.5. Psychological, emotional or other abuse.

"Abusive" behaviour can consist of a single incident or a course of conduct. Furthermore, behaviour can be abusive towards B even if it consists of conduct directed towards another person, such as B's child.

Whilst there is no statutory definition of “controlling or coercive” behaviour or “psychological abuse”, paragraph 12 of the DDA’s Explanatory Notes suggest that:

“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.”

3. We Will:

- 3.1. **Get our response right first time** by ensuring victims / survivors can contact us quickly and easily to report abuse. All staff have the knowledge to respond correctly to victims / survivors of domestic abuse and to also be able to signpost to specialist services.
- 3.2. **Take a survivor-centred approach** in responding to and encouraging those experiencing domestic abuse to report it and be confident that complaints will be treated seriously, sympathetically and in confidence.
- 3.3. **Will refer to both our in house and specialist support services** to ensure:
 - 3.3.1. Any individual that has a protected characteristic can access specialist support.
 - 3.3.2. LGBTQ+ individuals can speak to a support officer of the same sexual orientation and, if need be, signposted to an appropriate organisation.
 - 3.3.3. Victims of all ages, especially adolescents and older survivors can access support.
 - 3.3.4. People with disabilities receive specialist support.
- 3.4. **Adopt a proactive multi-agency approach** with all relevant agencies, working together to ensure the safety of those suffering from domestic abuse.
- 3.5. **Attend MARAC** (Multi Agency Risk Assessment Conference) we will continue to attend, support and contribute to MARAC when invited and carry out any target hardening safety works to the properties we manage where identified by West Mercia Police. We will also respond quickly to requests to find alternative accommodation when approached.
- 3.6. **Be flexible in our approach** in responding to incidents of domestic abuse, taking into account the varying circumstances of victims / survivors and the differing courses of appropriate action available to the victim / survivor.
- 3.7. **Hold perpetrators accountable for their abusive behaviour**, where possible and appropriate, and we will work with perpetrators of domestic abuse who want to change their behaviour. If necessary, we will take action to stop perpetrators continuing to abuse and ensure that they are held accountable through the courts. We will ask the Police to prosecute for criminal damage and take action to evict the perpetrator of domestic abuse

using the powers available under the Housing Acts. When making decisions on prosecution, we will always take into consideration the wishes of the victim / survivor and their future housing needs.

- 3.8. **Keep consistent, accurate and relevant records** to ensure that the victim / survivor does not have to constantly repeat the same information. This may need to be agreed with other agencies.
- 3.9. **Assist and guide victims / survivors to obtain support**, providing advice to victims / survivors, and working with stakeholders to ensure consistent and ongoing support.
- 3.10. **Safeguarding**; our approach is to prevent and reduce the risk of harm to adults and children who are experiencing or are at risk from abuse or neglect by completing safeguarding referrals that have recognised links to domestic abuse, acting in line with our safeguarding policies and procedures.
- 3.11. **Stay safe at home** where the victim / survivor wishes to remain in their home and maintain their local support networks. We will use the STAR Housing budget for extra locks and/or security lighting. This may also include using legal tools to remove the perpetrator from the property, or signposting to the Police for panic alarms.
- 3.12. **Assist victims / survivors to find alternative accommodation** if it is not possible for the victims / survivors to stay safe at home. We will support their decision to move and utilise our direct let process in consultation with Shropshire Council Housing Options Team, Women's Aid, and West Mercia Police. We will also liaise with other housing providers to ensure the survivor moves as quickly as possible to a safe property with the same security of tenure.
- 3.13. **Support victims / survivors to fulfil their aspirations** by ensuring that housing support is provided for them to continue to live well and referrals are made to specialist services, when the need is identified.
- 3.14. **Publicise and promote**; we will ensure that clear messages are publicised through our website, social media, and organisational publications and information is displayed in communal areas stating that we will not tolerate domestic abuse and try to reach out to victim / survivors who experience barriers to reporting or accessing services.
- 3.15. **Ensure that all staff** undertake training to understand domestic abuse, to enable them to respond appropriately and if they see or feel that something is not quite right they will feel empowered to report this to an appropriate person.
- 3.16. **Staff safety** will be ensured by a separate domestic abuse Policy for STAR Housing employees suffering from domestic abuse and will be completed in 2021.

- 3.17. **Nominate a STAR Housing Domestic Abuse Lead / Champion** who will have the knowledge to lead and oversee our response to domestic abuse.

4. GDPR

All information gathered as part of our approach to managing cases of domestic abuse will be stored on our systems securely. However, we may have to share information with agencies including the Police or Social Services when a child or adult is at potential risk of harm. For children this includes emotional harm and neglect.

For cases which meet the MARAC risk threshold or, if we have Child Protection concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the victim / survivor, we will make referrals to our own Housing Support Team and/or other relevant support agencies.

5. Case Management and Timescales

We will aim to contact any residents who are the victim / survivor of domestic abuse within twenty four working hours of the abuse being reported. We will agree any requests for a case to be managed by a staff member the same gender as the victim / survivor.

Where a Shropshire Council property has been damaged and the safety of the occupant(s) is at risk, we will carry out emergency repairs within twenty four hours, including locks (if permitted).

All domestic abuse cases will be recorded on our systems and survivors will be flagged as vulnerable. Perpetrators will be flagged as such to identify any potential risk.

6. Consultation

STAR Housing will consult on a regular basis with staff, outside agencies and tenant groups and Area Panels to promote continuous improvement and develop good practice in this Policy.

7. Review

STAR Housing will review this Policy on a three yearly basis, unless changes in legislation or regulation require an earlier review.

8. Training

STAR Housing will provide all staff responsible for implementing this Policy with comprehensive training.

8.1. Training may be given to:

8.1.1. New staff

- 8.1.2. Existing staff on an annual basis as a refresher/update, as required
- 8.1.3. All relevant staff after changes to Policy and/or legislation
- 8.1.4. At any other times, as identified by the Senior Neighbourhoods Officer
- 8.1.5. To relevant outside agencies

9. Equality and Diversity

- 9.1. We will ensure that this Policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, age, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity Policy.
- 9.2. When applying this Policy, we will act sensitively towards the diverse needs of individuals and communities.
- 9.3. When applying this Policy, we will take the necessary positive action to reduce discrimination and harassment in local communities.
- 9.4. This Policy and any other related publications of STAR Housing are available on request in other formats (e.g. in an alternative language, in Braille, on tape, in large type).