

# **Group Policy**

## **Domestic Abuse**

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Important notice:  
Printed paper copies of this procedure are **uncontrolled**.  
The current version of this procedure is available on the Group intranet site

Version Number	Date Amended	Comments	Date Approved	Author	Approved by
1	Jun 2010	New Group policy	14/12/2010	MP	Board

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## 1. Glossary

ASB	Anti-Social Behaviour
Domestic Abuse	Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate with partners or family members, regardless of gender or sexuality
EDI	Equality, Diversity and Inclusion
FIP	Family Intervention Programmes – Government scheme to support individual families to address the cause of ASB
MHA	Medina Housing Association
Perpetrator	Someone committing domestic abuse
SCP	Signpost Care Partnerships
SHA	Signpost Housing Association
SHG	Spectrum Housing Group
TSA	Tenant Services Authority
WCHA	Western Challenge Housing Association

**The information contained in this policy is available in other languages, Braille or large print on request**

## 2. Introduction

Spectrum Housing Group (SHG) believes that everyone has the right to a home which is free from abuse, but we recognise that people may be subjected to abuse within the home.

This policy sets out the service that residents can expect to receive from SHG following reports of domestic abuse.

Residents who suffer from domestic abuse can contact SHG by:

- Telephone
- Visit one of our offices
- Write to us
- Email us
- Visit our website at [www.spectrumhousing.co.uk](http://www.spectrumhousing.co.uk)
- Contact a member of staff

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## 2.1 What is domestic abuse?

Abuse by one person against another will be considered to be domestic abuse if there is or has been a relationship between the parties, such as:

- Married couples/Civil partnerships
- Partners, same or different sex
- Family members

The nature of the abuse may be physical, psychological, emotional, sexual or financial and the abuse may take place inside or outside the home. Examples of domestic abuse include (and this list is not intended to be exhaustive):

- Actual physical violence or threat of violence
- Verbal abuse or intimidation
- Constant ridiculing or criticism
- Threats of taking the children away
- Threats of preventing contact with friends or family
- 'Honour based violence'
- Forced marriage
- Genital mutilation
- Financial Abuse

Abuse between unrelated parties will be treated as harassment and will be managed in line with the SHG Anti-Social Behaviour policy and related procedures.

## 2.2 Other Agencies definitions

Domestic abuse has been defined by the charity Refuge as:

*The abuse of one partner within an intimate or family relationship. It is the repeated, random and habitual use of intimidation to control a partner. The abuse can be physical, emotional, psychological, financial or sexual. Anyone forced to alter their behaviour because they are frightened of their partner's reaction is being abused ([www.refuge.org.uk](http://www.refuge.org.uk)).*

The Government defines domestic abuse as:

*Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality ([www.crimereduction.homeoffice.gov.uk](http://www.crimereduction.homeoffice.gov.uk)).*

SHG considers both definitions to be valid.

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### 3. SHG's approach to domestic abuse

Notification of domestic abuse will not always be explicit. A resident may request an urgent transfer or even simply an urgent repair without mentioning the cause.

SHG will put the wishes of the sufferer/s of abuse at the centre of our approach. We want victims of such abuse to feel in control of their situation, so we will always endeavour to agree the way forward with them at all times.

Allegations of abuse can be made by either party against the other. Where there are conflicting allegations and/or evidence, the approach will be to establish a safe, secure, status quo through temporary housing and/or legal remedies such as injunctions. Once this is established, the Family Court can be left to gather all the facts to enable it to make a decision with regard to all the issues that will affect the family.

SHG will work in partnership with other agencies and organisations to help sufferers of abuse. We will provide information on all other agencies/organisations that can provide support to victims (see Appendix A). We will always advise victims of abuse to contact the Police or appropriate agency, but we will not normally do so ourselves, unless asked to by the victim. Wherever possible we will respect the individual wishes of the victim.

However, in certain circumstances, for example if we feel that a child's safety is at risk, or if we believe that a victim of domestic violence is a vulnerable adult, then we may be under a statutory duty to intervene. Our response in such circumstances will be influenced by the Spectrum Group's Policy on Protecting Vulnerable Adults and Children from Abuse.

Our Officers receive regular training on domestic abuse issues to make sure they can give up-to-date, relevant advice.

#### 3.1 What SHG will do

We will:

- Treat all enquiries in confidence
- Take any concerns seriously
- Be non-judgmental and respect the wishes of a victim whenever possible
- Explore housing options available
- Provide information on other agencies/organisations that can help
- Consider any specific circumstances

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- Listen
- Provide a male or female member of staff if requested
- Use a professional interpreter if required
- Keep the victim informed of action being taken by SHG

### 3.2 What SHG won't do

We won't:

- Lead or tell a victim of abuse what to do next
- Pressure victims into agreeing to anything that makes them uncomfortable
- Ask victims to provide evidence of abuse they have suffered, unless it is absolutely necessary to assist SHG in Civil Proceedings against the perpetrator and appropriate evidence cannot be obtained from an alternative source.

### 3.3 How can SHG help?

SHG as a landlord can only assist directly in matters that affect the family's housing situation but can provide information on other agencies and organisations that offer support for people suffering domestic abuse.

SHG's help will depend on specific circumstances. There are several options available to victims of abuse, and we can discuss these. We will not make the decision or pressure a victim of abuse into making a particular decision, and usually we will not do anything without first agreeing this with the victim subject to the Protection from abuse and safeguarding of vulnerable adults procedure WOP94PR.

SHG can offer practical support in three ways:

- Provide support where victims of abuse wish to stay in their own homes
- Give advice on re-housing options
- Advise how victims of abuse can seek emergency accommodation

### 3.4 How can SHG help victims of abuse stay in their own homes?

Where SHG has been advised by the Police, Social Services or other involved agency of domestic abuse, we can provide additional security to the property. For example we can ensure windows and doors have adequate locks or even supply specific security doors where necessary. Where repairs are required after an incident of abuse that puts the security of the property at risk we will treat these as an emergency.

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A Housing Officer will discuss tenancy issues with victims at an agreed location where they feel safe. They will ensure that victims are fully aware of their options and provide information or liaise with other agencies or organisations on their behalf.

SHG will ensure that any repairs that need to be carried out as a result of domestic abuse are carried out in accordance with our repair obligations.

Whilst it would not be our normal practice to recharge for repairs under these circumstances, we will require a Police Crime Reference Number.

However, should the perpetrator be a tenant at the property, we will usually pursue the costs of any repairs needed under our policies for resident recharges.

### **3.5 Tenancy issues**

For legal reasons, SHG advice will depend on who actually holds the tenancy. As landlord we can offer limited advice, but in the first instance we will recommend that the victim obtains independent legal advice and pursues appropriate action in the Family Court. Depending on the exact circumstances of the case, we may also consider commencing legal action against the perpetrator ourselves. This could include proceedings for possession of the property based on ground 14A (Domestic Violence) or any other relevant grounds set out in Schedule 2 of the Housing Act 1988, as amended by the Housing Act 1996.

#### **3.5.1 *If the tenancy is solely in the perpetrator's name***

There are legal Orders, such as Injunctions that can protect victims of abuse from abusive partners or relatives.

If there is any dispute over who is entitled to remain living at the property, this will be decided in the Family Court and the involved parties will be advised to seek independent legal advice. Other agencies may also be able to assist (see Section 12).

#### **3.5.2 *If the tenancy is solely in the victim's name***

Where the perpetrator refuses to leave the property the tenant can apply for an 'Ouster Order' and/or an 'Injunction' to prevent the perpetrator from re-entering the property. SHG can liaise with other agencies / organisations to assist but will urge the victim to seek independent legal advice.

The tenant could also end their tenancy if they no longer wish to live at the property, however, SHG would always advise taking independent legal advice first as there are implications in following this course of action.

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### **3.5.3 *If the tenancy is in joint names***

Where a tenancy is in joint names, SHG will recommend that victims of abuse seek specialist legal advice from a specialist in Family Law.

It may be possible to apply to Court to have the tenancy transferred into their sole name, for example or for either tenant to serve Notice to end the tenancy.

There are implications to either action and whilst SHG can give details, we will also urge victims to seek their own independent legal advice.

## **4. Payment of Rent**

SHG will offer victims of abuse support and guidance to help make their claims for support and benefits. All enquiries or advice on rent should be directed to the relevant Spectrum Officer. Advice can be given over the phone or in person at an agreed location.

- Where the perpetrator has left the property and is liable but is not paying the rent, housing benefit should be applied for by the remaining occupant to prevent arrears accumulating.
- Where a victim of domestic abuse has been forced to leave a property, for example staying in a refuge, but intends to return to their home, they are entitled to claim housing benefit to cover rent for both homes for up to 52 weeks.
- Where a tenant has fled the property due to domestic abuse and has no intention of returning, they will still be responsible for paying the rent during the notice period and should be urged to claim housing benefit for this period to ensure that no arrears accrue.
- Wherever a resident leaves a property even temporarily the local authority Housing Benefits office should be contacted. They can give specific advice to the resident on their circumstances.

SHG will also take these circumstances into consideration when pursuing former tenant arrears.

## **5. Property Move**

There will be occasions where a victim of abuse is advised by the Police or supporting agency, to leave the property permanently.

If SHG has a waiting list for their own stock, in an area that the victim is prepared to move to, the victim will be able to join the waiting list and be awarded points under our Selection and Allocation policy. Any offer of

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housing will be subject to the terms of this Policy.

Where an internal transfer is not available SHG will engage with the local authority to help victims to access other waiting lists. Local Authorities will expect any urgent move to be supported by a statement from the Police.

### **5.1 Emergency or immediate move**

Where it is necessary for a victim of domestic abuse to seek emergency accommodation SHG will provide information (see Appendix A) or liaise on their behalf with other agencies / organisations.

## **6. Confidentiality and Privacy**

We will respect the confidentiality of all victims reporting domestic abuse in accordance with our Confidentiality, Privacy and Data Protection policy.

Any information given to us will be treated in confidence. It will not be passed to any individual or external agency without the permission of the person who gave the information. Essentially personal data (information relating to an individual including only address details) can only be disclosed for the purposes of considering action under the Crime and Disorder Act, to prevent a crime / fear of crime and or any form of abuse to a child.

There are exceptions to this:

- Where there is a health and safety risk and disclosure of the information would alleviate this risk.
- Where the resident is considered to be a vulnerable adult i.e. is aged 18 or over and is or may be in need of community care, health or support services. In most circumstances we will still gain consent before referral to another agency unless the victim is in physical danger and/or it is our considered assessment that the victim is unable or incapable of making an informed decision for themselves.
- Where a child is considered to be at risk.

Whilst partnerships and multi-agency liaison is essentially about sharing information, the Data Protection Legislation and agencies individual policies on confidentiality are still applicable.

## **7. Health & Safety**

We will always consider the safety of staff dealing with incidents of domestic abuse as well as those of the victim.

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Housing Officers will follow SHG's Health & Safety Policy and Lone Working Policy, at all times when managing reports of domestic violence. They will also consider the health & safety of all parties involved in any one case and the wider community.

## **8. Equality, Diversity and Inclusion**

This policy has been developed to support SHG's commitment to equality of access and quality of service delivery and includes:

- Ensuring that no customer is disadvantaged irrespective of their race, age, gender (including gender reassignment), religion or belief, colour, ethnic or national origin, sexual orientation, marital status, age, disability, or social position in accordance with SHG Equality, Diversity and Inclusion Policy
- Ensuring specific communication or support requirements and equal access to the service is available
- Identifying and addressing any inequality of access to the service
- Recording and monitoring incidents of abuse and the actions taken to ensure no individual or group is excluded.

### **8.1 Equality Impact Assessment**

This policy has had an equality impact assessment which has concluded this policy does not discriminate either directly or indirectly and does not disadvantage any individual or group.

## **9. Related Documents**

This policy should be cross-referenced with the following policies and procedures:

- SHG Equality, Diversity and Inclusion Policy
- SHG Single Equality Scheme Policy
- SHG Harassment Policy
- SHG Protection of Vulnerable Adults and Children Policy
- SHG Confidentiality, Privacy and Data Protection Policy
- SHG Health and Safety policy
- SHG Complaints Policy
- ASB Procedures

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## 10. Legislation, Regulation & Guidance

- The Domestic Violence, Crime and Victims Act 2004
- The Protection from Harassment Act 1997
- The Family Law Act 1996
- The Data Protection Act 1998
- Human Rights Act 1998
- Anti-Social Behaviour Act 1998
- The Housing Act 1996

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## Appendix A Support Organisations

### Women's Aid Federation

National charity for women and children experiencing physical, sexual, or emotional abuse in their homes.

☎ – 0808 2000 247 (24hrs)  
<http://www.womensaid.org.uk/>

National Domestic Violence Helpline – 0845 7023 468 (10am-8pm)

### Parentline Plus

UK-Wide helpline for anyone caring for children and young people.

☎ – 0808 800 2222 (24hrs)  
<http://www.parentlineplus.org.uk>

### Childline

Comfort, advice and protection for any child or young person with any problem.

☎ – 0800 1111 (24hrs)  
<http://www.childline.org.uk>

### Kiran – Asian Women's Aid

Advice, support, refuge and outreach help for Asian women and children.

☎ – 0208 558 1986  
<http://www.kiranproject.org.uk>

### Samaritans

Confidential, non-judgemental emotional support for people experiencing feelings of distress or despair.

☎ – 08457 909 090 (24hrs)  
<http://www.samaritans.org>

### Southall Black Sisters

Information and advice for black and Asian women on domestic violence and related issues.

☎: 0208 571 0800 (10am-5pm)

General Enquiry – 0208 571 9595 (9am-4pm)  
<http://www.southallblacksisters.org.uk>

### NSPCC

Child protection helpline for anyone concerned about the safety of a child. Asian Language service also available.

☎ – 0808 800 5000 (24hrs)  
<http://www.nspcc.org.uk>

### Everyman Project

Counselling, support and advice for men who are violent or concerned about their violence, and anyone affected by that violence.

☎ – 0207 263 8884 (Mon 10am-2pm, Tues 10am-3pm, Wed & Thurs 10am-5pm)  
<http://www.everymanproject.co.uk>

### Victim Support Line

Confidential free advice, and support for victims and witnesses of crime.

☎ – 0845 3030 900  
<http://www.victimsupport.org.uk>

### Mankind

Help and support for male victims of domestic abuse. Offers a chance to men to talk about their experience.

☎ – 01823 334244  
<http://www.mankind.org.uk>  
[admin@mankind.org.uk](mailto:admin@mankind.org.uk)

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**Island Women's Refuge**

Offering a safe house, 24hr helpline and outreach programme for women and their children fleeing domestic violence.

☎: 01983 825981

**Jigsaw**

For women who have suffered sexual abuse.

☎: 01983 868380

**Asian Women's Refuge Southampton**

Works with victims of DV in the Southampton area.

☎: 02380 437692

**Bournemouth Women's Refuge**

Also managed by Bournemouth Churches HA.

☎: 01202 547755 (24hrs)

**Self Help Project**

Based in Street, Somerset.

☎: 01458 446690

**Portsmouth Domestic Violence Advice Line**

247 Fratton Road

☎: 02392 876500

**The Law Centre**

Exchange House  
St Cross Lane  
Newport  
Isle Of Wight

☎: 01983 524715

**Southampton's Women's Aid**

Offers advice and accommodation to victims of DV. Also offers a telephone helpline and drop in centre for 5-13 year olds and all women.

☎: 02380 671626 & 02380 338881  
Freephone – 0800 801 0334

**Poole Refuge**

Managed by Bournemouth Churches HA.  
Space for Men.

☎: 01202 748488 (24hrs)

**No Limits**

Support, information and counselling in the Southampton area for 13-25 year-olds.

☎: 02380 224224

**Parkman House**

South Gloucestershire DV Forum.

Lime Kiln Close  
Stoke Gifford  
Bristol  
BS34 8SQ

☎: 01454 868761  
Fax: 01454 868767

**Portsmouth Women's Refuge (24hr access)**

☎: 02392 291034

**Respect – Men’s Domestic Violence  
Advice Line**

Offering support and advice to male victims.

☎: 0808 8010327

(Mon - Wed 10-1 and 2-5)

[info@mensadvice.org.uk](mailto:info@mensadvice.org.uk)

**Next Link Domestic Abuse Services  
(Bristol)**

☎: 0117 925 0680 (Mon-Fri 9am-5pm)

[enquiries@nextlinkhousing.co.uk](mailto:enquiries@nextlinkhousing.co.uk)

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