
Domestic Abuse Policy

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Contents

1.	A Clear Response to Domestic Abuse	4
2.	Definition of Domestic Abuse	4
3.	Background	6
4.	Legislation and Policy Links	7
5.	The Objectives of the Domestic Abuse Policy	7
6.	A Clear Procedure	8
7.	Accountability for Domestic Abuse Management	8
8.	Formal Frameworks	8
8.1.	Co-ordinated Action Against Domestic Abuse (CAADA)	8
8.2.	Multi-Agency Risk Assessment Conference (MARAC)	8
8.3.	Derbyshire Constabulary – Domestic Abuse Unit	9
8.4.	Multi-Agency Public Protection Arrangements (mappa)	9
8.5.	Domestic Abuse and Sexual Violence Governance Board	9
8.6.	Safeguarding Adults	9
8.7.	Safeguarding and Child Protection	9
9.	Partnerships	10
9.1.	Database of Support and Counselling Agencies	10
9.2.	The Elm Foundation	10
9.3.	Police	10
9.4.	Welfare Benefits Agencies	10
9.5.	Citizens' Advice and Law Centres	11
9.6.	Solicitors and Courts	11
9.7.	Probation Services	11
9.8.	Adult Social Care	11
9.9.	Specialist Domestic Abuse Support Agencies	11
10.	Raising Awareness of Domestic Abuse	12
10.1.	Understanding Potential Signs	12
10.2.	Non-judgemental Approach	13
10.3.	Prompt Action and Targets for Responses	14
10.4.	Supporting Current Tenants – Neighbourhood Services	14
10.5.	Other Household Members	14
10.6.	Contingency Plan	15
10.7.	Pre-tenancy Support – Allocations Team	15
10.8.	Confidentiality	16

10.9.	Lone Working	17
10.10.	Diversity.....	17
10.11.	Rent Arrears.....	17
10.12.	Welfare and Benefits	17
10.13.	Appropriate Relocation	18
10.14.	Housing Options.....	18
10.15.	Protection of Vacant Property.....	18
10.16.	Damage to Property	19
11.	Enforcement Action Against Perpetrators	19
11.1.	Rehabilitation.....	19
11.2.	Obtaining Possession	19
11.3.	Grounds for Possession	19
11.4.	Other Legal Remedies.....	20
11.5.	Impartial Advice	20
12.	Contact	20

Domestic Abuse Policy

1. A Clear Response to Domestic Abuse

The Council and Rykneld Homes Limited (RHL) have a responsibility to ensure residents can live without fear of abuse in or around their home and works in partnership with agencies to create sustainable tenancies and build communities where everyone is safe in their home.

This Policy encourages a consistent approach that reflects best practice and sets out how we will support survivors of domestic abuse, working collaboratively to enable victims and survivors to access a range of housing options, advice, information and support. We will take appropriate action to tackle perpetrators, and raise awareness of this issue within the community through promotion of the support services available.

As a housing provider, RHL is well placed to recognise signs of domestic abuse. It is essential that all reports of domestic abuse are taken seriously and we work pro-actively and positively with the victims/survivor. People experiencing domestic abuse will be treated in a sympathetic, supportive and non-judgemental way. A victim's disclosure alone is sufficient for them to be given advice and assistance as a matter of priority.

By responding effectively to domestic abuse we are also meeting several other priorities; preventing homelessness, child protection, safeguarding adults, poverty and inequality, and ensuring that people have safe and secure homes.

Domestic abuse is a serious crime and we are committed to supporting people, regardless of gender or sexual orientation, who find themselves at risk and will work in partnership with other agencies to tackle domestic abuse.

2. Definition of Domestic Abuse

The current cross-government definition of domestic abuse is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those age 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. This may include, but is not limited to, the following types of abuse:

- **Psychological** – controlling behaviour designed to make a person subordinate and/or dependent by isolating and manipulating them, criticising, intimidation, treating as inferior. Coercive control displays itself in a pattern of rules, consequences and punishment. Including threats to harm or kill family, friends or pets.
- **Physical threats or abuse** – this behaviour may include assault, threats, humiliation, abuse or intimidation used to harm, punish, or frighten a victim, can include hitting, punching, kicking, slapping, pushing or shoving, cutting or stabbing, use of weapons, restraining, strangulation and choking. Physical effects are often in areas of the body that are covered and hidden.

- **Sexual abuse** – may include unwelcome physical contact, threats, and non-consensual or forced sexual contact, passing on sexually transmitted diseases, preventing breastfeeding, threatened or actual sexual abuse of children, rape or threat to rape and forced prostitution.
- **Financial control** – or economic abuse may involve controlling a person's access to money, welfare benefits, or bank accounts to limit their freedom, running up debts in the victim/survivors name, having no say in how the money is spent and refusing to allow access to study or work in order to become financially independent. It also impacts on their ability to acquire, use or maintain economic resources such as food, clothing, mobile phone, transport, possessions or utilities.
- **Emotional** – may include acts designed to undermine a person's confidence and self-esteem to control their behaviour. Making derogatory remarks, making the person feel unattractive or calling a person 'stupid' or 'useless'.
- **Family and inter-generational abuse** – this differs from partner abuse, for example, the perpetrator could be the victim's child, grandchild, teenage or adult sibling. These can be complex due to family composition and safeguarding implications.
- **Discriminatory abuse** – may manifest itself like many of the other categories, but is motivated by oppressive and discriminatory attitude towards a person's disability, race, religion, age, appearance, gender, sexuality, mental health etc.

This definition also 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.

A victim in this context refers to anyone who has experienced domestic abuse and violence, and includes children witnessing abuse within the home.

Survivors may endure a range of abuse for long periods of time and often feel ashamed of the situation they find themselves in. It is quite common for a survivor to defend the perpetrator and try to hide or deny any abuse. It is our duty to understand the potential signs of abuse, to explain the support available, offer practical help *when survivors are ready*, and demonstrate full accountability for initiating prompt action to assess risks and provide support.

Often, one or more violent incidents are accompanied by an array of other types of abuse. They are less easily identified, yet establish a pattern of intimidation and control in a relationship and we need to be able to recognise this pattern.

Whatever the type of abuse, the behaviour will have a serious effect on the victim/survivor(s) and their children and a substantial adverse effect on their day to day activities.

3. Background

Domestic abuse is still a largely hidden crime and it is difficult to measure the true scale, it happens in all communities, regardless of background or beliefs.

On average, 2.6 people are killed by a current or former partner every week. For the year ending March 2019, 14% of all crimes reported were flagged as domestic abuse, and over 2.4 million adults experienced domestic abuse. Approximately 90% of domestic violence incidents were in family households, children were in the same or the next room; and in 50% of known domestic violence cases, children were also directly abused.

Feedback from Police has indicated that a victim will generally have been subjected to 50 incidents of abuse before reporting to the Police.

A coercive and controlling behaviour offence became law in 2015. Controlling behaviour includes a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capabilities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

The law helps protect victims by outlawing sustained patterns of behaviour that stop short of physical violence, but amount to extreme psychological and emotional abuse. Victims of coercive control can have every aspect of life controlled by their partner, often being subjected to daily intimidation and humiliation. This type of abuse is more likely to end in homicide.

Domestic Abuse violates human rights because it denies survivors their rights, including the right not to be treated in an inhuman and degrading way; the right to respect for private and family life including the right to physical and psychological integrity.

There are many myths about domestic abuse generally such as “they will be safer when they leave”, when in most cases the opposite is the case, a survivor leaving a perpetrator is the most dangerous time. The latest Femicide census found that 55% of women killed by their ex-partner or ex-spouse were killed within the first month of separation and 19% within the first year.

There is an expectation that survivors leave their home, rather than the perpetrator, but this means that domestic abuse survivors become homeless, forcing them to move multiple times, over and above the trauma of abuse, this also has a detrimental impact on their children, adding to isolation and loneliness, and the financial hardship of building a new life.

Many survivors are left with significant debt particularly following economic abuse which can affect them and their family for many years, these are seen as financial penalties which can amount to thousands of pounds and can have an impact on a person's ability to leave the situation.

Co-ordinated Community Response is required and RHL must work effectively and consistently with all departments and with all the other agencies who have responsibility to secure the safety of the victim/survivor and their children and hold perpetrators to account.

4. Legislation and Policy Links

A range of legislation and policy sets out the powers and responsibilities given to agencies and landlords:

- Domestic Violence, Crime and Victims Act 2004
- Family Law Act 1996
- Civil Partnership Act 2004
- Data Protection Act 2018
- Equality Act 2010
- Housing Act 1996
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Children Act 2004
- Adult Safeguarding Policy
- Child Safeguarding Policy
- Anti-Social Behaviour Policy
- Care Act 2014.

5. The Objectives of the Domestic Abuse Policy

This Policy sets out the key principles that will ensure a consistent approach in response to reports or concerns regarding potential domestic abuse, and promotes best practice to protect survivors and their children. Rykneld Homes will:

- Work within a regional framework to promote joined up case management
- Promote clear communication between internal colleagues and external support agencies
- Provide employees with training and clear practical guidance to ensure they are skilled and confident to handle cases, are alert to the signs of domestic abuse; understand the support that is available and the action they must take
- Set clear targets for prompt action in response to reports of domestic abuse
- Use clear procedures that prompt full investigation of the circumstances of a case and exploration of the options available, supported by accurate records of all action taken
- Provide a clear explanation of the options and choices for survivors, providing timely and effective guidance and advice by working with partner agencies
- Ensure a non-judgemental, survivor centred approach with agreed support plans to reduce risks
- Take appropriate action regarding perpetrators of domestic abuse and refer to appropriate agencies where perpetrators recognise and wish to seek help to change their behaviour
- Raise awareness of domestic abuse and the support available

- Set clear accountability for effective case management and co-ordination of strategic relationships regarding domestic abuse.

6. A Clear Procedure

The Domestic Abuse Policy is supported by clear guidance with a procedure that identifies the key steps that must be taken:

- Spotting the signs of domestic abuse
- Handling an initial report by telephone or in person
- Initiating an investigation and allocating the Case Officer responsible for case management
- Planning and conducting an interview with a survivor
- Exploring the options and support available
- Agreeing a support plan with the survivor
- Assessing the risk and reporting to Multi-Agency Risk Assessment Conference (MARAC – see below).

7. Accountability for Domestic Abuse Management

The Head of Neighbourhoods is the lead officer for domestic abuse and safeguarding at RHL, with responsibility for co-ordination of training and delivery of the Policy, for promoting effective partnership working with external agencies, and ensuring that risks are evaluated and reported through the formal frameworks set out below.

Everyone at RHL has a responsibility for ensuring that prompt action is taken in response to a report of domestic abuse and for initiating a case if a potential risk is identified.

8. Formal Frameworks

8.1. Co-ordinated Action Against Domestic Abuse (CAADA)

Is a national Charity supporting a strong multi-agency response to domestic abuse. CAADA recommendations for evaluating risks are incorporated into a Domestic Abuse, Stalking and Harassment Assessment (DASH), an assessment tool (used by MARAC below).

8.2. Multi-Agency Risk Assessment Conference (MARAC)

MARAC is a meeting where agencies share information about the risk of serious harm, or homicide to people experiencing domestic abuse. Safety plans are developed to support those most at risk. Combining up to date information with risk assessment of victims needs and link directly to appropriate services for all those involved in the case, including victim, children and perpetrator. These promote the safety and well-being of adults and children involved and reduce the likelihood of

repeat abuse. Rykneld Homes supports all MARAC meetings in order to co-ordinate our work with survivors.

Referrals to MARAC are sent via various professional bodies, Health Service, Police, Education, Social Services and Housing. A DASH form will be completed in order to evaluate the level of risk to the survivor and identify high risk cases of domestic abuse, stalking and 'honour'-based violence.

The DASH form is an integral part of the Domestic Abuse procedure at RHL and is used to ensure referrals are made to MARAC, where appropriate.

8.3. Derbyshire Constabulary – Domestic Abuse Unit

Derbyshire Constabulary has developed a Domestic Abuse Action Plan, which takes account of good practice recommendations in order to ensure consistent reporting of cases through the MARAC system.

8.4. Multi-Agency Public Protection Arrangements (MAPPA)

MAPPA are the means by which agencies in Derbyshire work together to protect communities from potential serious harm that some offenders may still present after being convicted of a crime. MAPPA is co-ordinated by Derbyshire Constabulary, the Probation Services and HM Prison Service.

Rykneld Homes will co-operate with MAPPA to manage known violent offenders that are a risk. Where appropriate, information will be shared through MAPPA meetings and plans agreed based on clear risk assessments provided by the responsible Authorities.

8.5. Domestic Abuse and Sexual Violence Governance Board

The Governance Board is co-ordinated by Derbyshire County Council (DCC) and exists to bring the activities of various organisations together through a Domestic Abuse Strategy for Derby City and the County. Its purpose is to help Derby and Derbyshire be a safer place to live, work and play and to make a positive difference for people affected by domestic abuse and sexual violence.

8.6. Safeguarding Adults

When dealing with Domestic Abuse cases, RHL will support the safeguarding of vulnerable adults by alerting the statutory agencies to any concerns. We will continue to liaise with North East Derbyshire District Council (NEDDC) and DCC to share good practice and work together to resolve any specific cases where a joint approach is required.

8.7. Safeguarding and Child Protection

When working with people experiencing domestic abuse, Officers will be trained to also consider the needs of children and evaluate risks.

Concerns regarding child protection in a domestic abuse case will be passed to the appropriate agencies in accordance with the Child Protection procedures and Safeguarding Children Policy.

9. Partnerships

9.1. Database of Support and Counselling Agencies

In order to increase Officer's awareness of the various agencies and services available to support survivors, RHL will maintain a central database within Domestic Abuse guidance as a reference point for colleagues as part of case management. Rykneld Homes will ensure effective partnership working with partners such as, but are not limited to:

9.2. The Elm Foundation

This charity, also incorporating Derbyshire Support and Advice for Men, provides specialist advice and support to women, men and children who are affected by domestic abuse. North East Derbyshire District Council and RHL have a close working relationship with this organisation to enable access to a range of services in the County, including refuges, floating support, counselling, art therapy, and specialist staff providing a helpline and drop in advice.

Where appropriate, RHL will liaise with the Housing Options team at NEDDC to explore options for rehousing survivors and to facilitate homelessness referrals due to fleeing domestic abuse. Rykneld Homes' Allocation team will prioritise and assess applications from survivors, offering appropriate advice, signposting and support, and prioritise applications accordingly following investigation.

9.3. Police

All Police stations have a dedicated Domestic Abuse Officer with responsibility for co-ordinating support for survivors and taking actions against perpetrators, where appropriate. The Police have the following duties:

- Must respond to calls for protection
- Can arrest an aggressive partner with or without the survivor's agreement
- Can arrest a person to prevent harm
- Work in partnership with MARAC to develop support plans
- Can issue Prevention Notices and follow up with Prevention Orders (issued via Court for 28 days), allowing time for other legal injunction remedies, see Section 11.4.
- To focus on early intervention to enable action to be taken in relation to coercive and controlling behaviour legislation (Police do not always need a victim statement to convict).

9.4. Welfare Benefits Agencies

To address uncertainty regarding a victim/survivor's ability to cope financially, RHL will explore their financial circumstances, explain the support that is available and agree a plan that enables them to gain financial independence, as appropriate.

There may be economic barriers for survivors and support and advice will be needed to overcome or resolve these; possibly from professionals in this field, such as Citizens Advice Bureau (CAB) and Law Centre:

- Loss of secure tenancy
- Coerced debts
- Personal belongings and furniture
- Liable for rent, former rent, bills and damage to property
- They may also experience damage to their credit ratings where debts have been incurred in their name by someone else.

9.5. Citizens' Advice and Law Centres

Tenants/applicants may need to make important decisions about their tenancy, shared assets, access to children and debts. Rykneld Homes cannot advise customers or make decisions on their behalf, but we will always encourage them to seek independent legal advice from agencies that are set up to provide this free of charge.

We will always try to set out the various options that are available in relation to the tenancy and explain their rights.

9.6. Solicitors and Courts

In cases of relationship breakdown, some remedies may only be achieved through a decision by a Court such as a non-molestation order, an occupancy order that excludes a perpetrator from a property or grants the tenancy to one party, or an order in relation to access to children.

We will explain options that are available for customers to seek advice, and where appropriate advise them to seek advice from a Solicitor.

9.7. Probation Services

Where a perpetrator is known to have previous convictions, we will work with Probation Services in order to share information regarding potential breaches of probation conditions.

9.8. Adult Social Care

In cases where survivors have existing support plans in place with a social worker, we will co-operate with Adult Social Care to agree a joined up approach. If a case requires a referral to Adult Social Care due to welfare concerns, we will refer and record this action.

9.9. Specialist Domestic Abuse Support Agencies

There is a range of services available to provide support and advice to survivors of domestic abuse in Derbyshire. We will work to develop strong links with all services available and ensure that survivors are able to access support when they need it. Information about current support services can be found in the Domestic Abuse Guidance.

10. Raising Awareness of Domestic Abuse

Rykneld Homes will use a range of marketing tools to promote understanding of domestic abuse both with staff and the public. We will use various media such as the internet, Facebook, twitter, posters and leaflets. Publicity materials will provide guidance to survivors on where help is available and the agencies that can provide support.

10.1. Understanding Potential Signs

Skilled people are essential to an effective domestic abuse service. Rykneld Homes will deliver regular training to everyone who has a duty to take action where domestic abuse is suspected or reported. Training will encourage Officers to be alert to the signs of abuse. A survivor may appear frightened of their partner, or wish to avoid certain topics when their partner is around as it causes anger.

- **Rent Arrears** – a tenant may wish to avoid discussion about rent arrears when their partner is at home. They may not have the money to pay rent as their partner withholds the money in the household. These may be quite innocent but should not be overlooked. We will ensure that awareness is raised within Rent/Income teams about this type of abuse in order to identify the signs, so as not to reinforce the perpetrators narrative and inadvertently give control to the perpetrator. Survivors of domestic abuse are four times more likely to receive an eviction when living with a perpetrator.
- **Repairs** – domestic abuse can involve physical violence as well as harassment and intimidation; this can result in damage to the property. This could range from emergency out of hours repairs requests, damage to doors (including front or bathroom) or walls, broken locks and damage to fixtures and fittings. In some cases, victims may be concerned about losing their tenancy and so may not report criminal damage.

Where it is identified at initial repair request that the damage could be resultant from domestic abuse the details will be referred to the appropriate Neighbourhood team for investigation, it is likely that the repair will be rechargeable and we will need to assess whether charges are appropriate and investigate accordingly to determine whether support can be provided to the customer.

A sensitive and non-judgemental approach should be taken to prevent any escalation of incidents, however, a face to face meeting may be beneficial, and possible further visits may prevent domestic abuse from escalation as the perpetrator will know that they are being monitored.

- **Anti-Social Behaviour (ASB)** – residents living with domestic abuse are four times more likely to have ASB complaints made against them. Domestic abuse can sometimes be hidden due to ASB issues, such as Police call-outs, neighbour concerns and noise nuisance, substance misuse or damage. In these instances, customers may be unlikely to disclose domestic abuse due to potential treatment and/or potential loss of tenancy. Rykneld Homes will respond in a way that ensures that victims/survivors are not put at further risk or blamed for the perpetrator's behaviour. We will never use mediation as a way of resolving tenancy issues or complaints relating to ASB where domestic abuse is suspected.

- **Relationship breakdown** – a tenant may be coerced to assign their tenancy following a relationship breakdown. Rykneld Homes will always endeavour to explore fully the reasons for wishing to assign their tenancy to a partner.
- **Social exclusion** – survivors may be prevented from using phones, (or phone calls may be monitored or on speaker when in use), a car or cut off from contact with family/friends. An abuser may act in a way that makes it difficult for RHL to speak to customers without the abuser present. It is important to exercise skill in handling these very sensitive situations.

A survivor may feel that they deserve the abuse because their abuser has conditioned them to think it is their fault. Survivors can feel numb and helpless as a result of constant criticism and humiliation. They may withdraw from friendships and contact due to embarrassment at their situation and have low self-esteem.

It is important for Officers to be alert to situations that could indicate domestic abuse. It is also important to note that disclosure may be made by a third party, e.g. family member, friend or neighbour. In these instances, the Officer should take as much information as possible and discuss with a Manager to determine the best course of action/investigation. Officers should also be aware that the third party may also require advice and support.

10.2. **Non-judgemental Approach**

Survivors may have endured prolonged abuse resulting in confusion and low self-esteem. It may take several attempts before a survivor successfully escapes abuse and they can sometimes repeat the cycle with different partners. It takes enormous courage to admit that there is a problem and a need for help. We may only get one chance to help. If RHL fails to act with sensitivity and empathy, the opportunity may never come again.

WE WILL NEVER:

- Take a judgmental approach to alleged survivors
- Make assumptions if a survivor refuses help offered
- Ask for information that is unreasonable or insensitive during investigation
- Close a case because the survivor returns to their abuser
- Make assumptions if a survivor has previously escaped abuse by moving to a new address.

The information gathered during interviews and investigations is the basis for decisions in case management and will inform the support plans. If information is limited we will exercise caution in order to protect survivors of abuse. We will follow guidelines and procedures, but not to the detriment of the person.

Due to fear of repercussions, a survivor may need encouragement to accept support and may initially deny a problem. Case management in domestic abuse requires skill and sensitivity to encourage a survivor to accept assistance.

10.3. Prompt Action and Targets for Responses

Any concerns regarding domestic abuse will be passed to the appropriate Neighbourhood team for urgent investigation. If an Officer is not available, the report will be passed to the Duty Housing Manager. Potential domestic abuse will be discussed with a Manager and the appropriate course of action to investigate agreed. Allocations Officers will investigate housing applications, but may refer transfers to the Neighbourhood team for their information, investigation and action in relation to tenancy management and support.

Initial reports of domestic abuse will be responded to within ONE WORKING DAY.

We will offer immediate advice and arrange a meeting for tenants who contact directly by telephone. If the survivor agrees we will visit within ONE WORKING DAY.

On initial contact we will provide a brief explanation of the services that are available to assist them and advice on the action that they can take.

Reports of suspected abuse received by third parties will be acted upon within ONE WORKING DAY of the report.

Emails or letters should not be responded to by email as this could expose a survivor to risk. If this is unavoidable, we should send a brief message to arrange direct contact. An appropriate method of communication must be established to ensure survivor safety.

Training will also include correct administration and reporting of the MARAC process to ensure that cases are investigated and escalated appropriately based on risk.

10.4. Supporting Current Tenants – Neighbourhood Services

The person who identifies a potential risk during a visit to an address or after receiving a report will communicate with the appropriate Neighbourhood team, their Manager or Community Sustainment Officer/Manager by *direct personal contact* to ensure that action is taken promptly.

A case will be allocated to the Case Officer through a *direct briefing* rather than by email or voicemail as this could result in delays. The person initiating the process will ensure an audit trail of actions is recorded. We will be sensitive to the victim/survivor's needs and ensure that they do not need to repeat their experience to different Officers. A Case Officer (one point of contact) will be appointed, however, in some cases it is recognised that this is not always possible.

10.5. Other Household Members

All details of other adult members of the household will be established and their relationship to the perpetrator.

Children – we will confirm the details of all the survivor's children and establish whether they are currently living with the survivor and how the situation affects them, and whether they are related to the perpetrator, and establish if they have legal access which may affect the level of risk.

If there is a risk to children, we will evaluate this and report to appropriate agencies where necessary.

Schools – we will work to understand how schools are involved, and with the permission of the survivor may contact teachers as part of a co-ordinated response to risks.

Support Network – we will establish the support network that the survivor has via family, friends or otherwise, and understand whether these will be incorporated into a support plan or could represent a risk.

10.6. **Contingency Plan**

Where appropriate, survivors will be advised to consider a plan in case they need to leave at short notice. It is useful to keep an emergency bag somewhere safe with a trusted friend or family:

- Clothes and toiletries for them and their children
- A child's favourite toy
- Keep a small amount of money available for taxis or transport
- Keep a mobile phone at hand
- Some form of identification
- Money, bankbooks, cheque book, credit and debit cards
- Keys for house, car, and place of work
- Cards for payment of Child Benefit and any other welfare benefits
- Prescribed medication
- Address book
- Family photographs, diary, jewellery, small items of sentimental value.

10.7. **Pre-tenancy Support – Allocations Team**

During the assessment and management of housing applications a risk of domestic abuse may be identified. An applicant may cite domestic abuse as a reason for needing to move or an Officer may have concerns following a conversation or verification visit.

In every case, the Allocations team will act promptly to arrange to make direct personal contact with the applicant to obtain further information and carry out a risk assessment with an agreed support plan. They will closely liaise with agencies that are supporting the customer and obtain further information, as necessary, to process the application.

Rykneld Homes will consider housing applications in line with NEDDC's Allocation Policy, process and prioritise applications appropriately.

In some instances, RHL will be required to work closely with the Council's Housing Options team where a homeless duty has been identified or where a customer owns their home and it has been identified that it would be unreasonable for the applicant to return to the property. In this situation, a referral to the Housing Options team for advice and assistance will be made, so that investigations can take place around other housing options available, including private rented.

In cases from owner-occupiers, a confirmation from a Solicitor or support agency will be required as follows:

- Background information relating to the incidents of violence and harassment
- Level and nature of support being received and from whom.

Each case will be considered individually in terms of the provision of appropriate advice, support and rehousing.

Where an applicant has been given priority due to being assessed as being at risk from domestic abuse, the applicant is restricted to applying for properties a reasonable distance from their existing home. Reasonable distance will be assessed in terms of support networks, local services, work and availability of suitable alternative properties and access to transport.

Rykneild Homes will consider the survivor's preferences for a need to live in a particular area. See 'Appropriate Relocation' Section 10.13 and the Domestic Abuse guidance for more details.

In some cases, an urgent transfer could be required and it may be appropriate for a case to be submitted to the Discretionary Housing Panel for consideration.

10.8. Confidentiality

Confidentiality is important to protect the survivor's safety. It has been found that abusers and their wider network will attempt to reconnect with survivors by exploiting weaknesses in data protection. Records will be stored with due regard to the Data Protection Act 2018. No information will be discussed regarding a customer, without their express permission. The only exceptions are cases that require a report to MARAC in order to protect survivors from serious harm or homicide, or where disclosure to other agencies is necessary to protect a survivor that is a risk to themselves or others (for example, a suicide risk or parental neglect).

We will reassure the survivor that their case will be handled with absolute confidentiality. Explaining how their privacy will be protected by always conducting a security check before discussing their case and by having a communication plan to ensure that abusers are not inadvertently made aware of a case.

Rykneild Homes will have due regard to the safety of the survivor at all times and will agree a communications plan with them to ensure that they cannot inadvertently be placed at further risk due to communication with RHL. This will include agreement for:

- Safe locations for meetings
- Correspondence addresses for mail to a safe location
- Safe email addresses
- Safe telephone numbers
- Safe numbers for texting messages.

Survivors will be reminded to delete any evidence from their PC or other electronic device that could put them in danger as a result of their internet use or communication.

10.9. **Lone Working**

Safety will always be paramount. Rykneld Homes Officers will be trained and required to comply with Lone Worker Policy and procedures. With consideration of the potential dangers associated with case management, Officers must take every precaution to avoid compromising their own or other's safety.

10.10. **Diversity**

This Policy has been evaluated using an Equality Impact Assessment. Rykneld Homes recognises the diversity of its community and will take all reasonable steps to adapt the service to the needs of survivors and their households:

- **Preference regarding Case Officer** – where possible, we will support a survivor's preference for their case to be handled by a male or female officer.
- **Cultural awareness** – we will take account of the needs of the different communities that we serve and adapt our approach. For example, in some cultures it would be unacceptable for a woman to meet with a male Officer unaccompanied. This may make it more challenging to arrange an interview without alerting a possible perpetrator.
- **Language barriers** – where English is not the first language of the survivor, RHL will arrange for a translation service to be available to facilitate communication.
- **Support networks** – if a survivor has an advocate and agrees to their involvement in interviews, we will engage with them if we are clear that confidentiality is assured.
- **Children** – we will not use the children of a survivor to translate on behalf of the survivor.

10.11. **Rent Arrears**

Rent arrears will not be an automatic obstacle to a transfer or allocation of accommodation as safety is the primary concern in domestic abuse cases.

However, RHL will, in most cases, require a commitment that arrears will be cleared through a payment plan as a condition of a new tenancy being offered. In cases where arrears were clearly the consequence of financial/economic control of a survivor by a perpetrator, discretion may be agreed but each case will be evaluated upon its merits. In law, joint tenants are jointly and severally liable for rent arrears and RHL will seek repayment from both tenants, where reasonable.

10.12. **Welfare and Benefits**

In cases of domestic violence where a tenant flees to temporary accommodation but is still liable for rent for their main tenancy, RHL will work with the customer to assist

them with any welfare/benefit claim they may have and explore all avenues of support relevant to which benefit they may be claiming.

10.13. **Appropriate Relocation**

If a risk assessment dictates that a survivor needs to move to a new location to escape from domestic abuse, RHL will consider the survivor's preferences for a need to live in a particular area:

- To maintain local support networks
- To enable children to remain in a school
- To enable the survivor to access the place of work.

RHL will explore the potential to move to a new property so as to reduce risk and will not support a move that is deemed unsafe due to the ability of the perpetrator or their associates to reconnect with the survivor taking into consideration the need to live in a certain area. In some cases a comprehensive safety plan that satisfies MARAC in terms of risk management may be required.

Properties will be offered in order to match the housing need of the household. If a reasonable offer of a property is refused, RHL will re-evaluate the case and potentially reduce the priority of housing need.

10.14. **Housing Options**

If the risk does not make it possible for the survivor to remain at their property, RHL will advise them on options for a temporary move. This may be arranged until the permanent occupancy of the property has been determined by a Court, enabling them to return if they wish.

If temporary accommodation is necessary we will explore whether they have a place of safety that they can stay in the short term such as friends or family.

Assistance to escape – if a survivor needs to move out urgently to escape an immediate and serious risk the Case Officer will assist them, wherever possible, by arranging transport and also accompanying them to meet the Housing Options team to apply for temporary accommodation.

10.15. **Protection of Vacant Property**

In cases where a tenant leaves their property to live in a Refuge or other temporary accommodation, their property may sit empty for a prolonged period. Rykneld Homes will not normally advise a tenant to relinquish their tenancy but in some circumstances, where a survivor flees domestic abuse, the property itself can become a target.

In such cases, we may suggest security measures to deter vandalism, burglary or illegal occupation. We will advise the tenant to remove any valuable possessions and may support them in terms of temporary storage. Whilst a tenancy is current the tenant will remain liable for the rent due.

Due to the cost of rent and storage of possessions a tenant may decide to relinquish their tenancy whilst they wait for an offer of a permanent tenancy at a new address. In such cases, RHL will honour our commitment to offer a new tenancy when a suitable property becomes available and the tenant will retain the security of tenure of the previous tenancy and the associated rights without a break for the purposes of Right to Buy calculations.

10.16 Damage to Property

In cases where damage to property occurs, RHL reserves the right to set rechargeable repairs against the tenancy. Where damage is caused by the perpetrator of abuse and the survivor, as the tenant, was unable to prevent this, then the recharges may be waived. Refer to the Rechargeable Repair Policy and Procedures for more information.

11. Enforcement Action Against Perpetrators

11.1. Rehabilitation

Our priority is the survivor and their needs, but RHL will also consider making referrals to relevant agencies that can support a perpetrator where they may also be vulnerable due to such things as:

- Mental Health problems
- Learning Difficulties
- Disability
- Substance Abuse.

The perpetrator may be signposted to counselling services in order to help them to address their behaviour and stop the abuse. We will not try to change perpetrators behaviour nor suggest that they should do so, as this may increase the risk to the survivor.

11.2. Obtaining Possession

Joint tenants are able to serve a notice to quit on their landlord, independently of the other tenant, in order to end a tenancy. When the notice expires anyone remaining at the property becomes an illegal occupier and the landlord can then seek possession, as security of tenure is lost. This approach has been employed by landlords to obtain vacant possession for the survivor to return. It has become referred to as a 'McGrady Notice' after a Court case. However, this approach was challenged by a perpetrator of domestic abuse who argued that it infringed his right to a home under Article 8 of The Human Rights Act.

We will exercise caution in the use of a Notice to Quit by a survivor and will give advice to all parties on their legal rights and signpost to obtain legal advice.

11.3. Grounds for Possession

In joint tenancies, as an alternative to the 'McGrady Notice', The Housing Act 1988 and 1996 includes provision for seeking possession against a perpetrator of domestic abuse. In cases where a perpetrator's abuse causes a survivor to flee, and regardless of whether the perpetrator is living at the address, we may seek possession on Ground 14A of the Act for assured tenants and Ground 2A for secure tenants.

11.4. Other Legal Remedies

Rykneld Homes will advise survivors of domestic abuse on options to restrict a perpetrator's behaviour in order to promote their safety. Legal action will represent a cost but in some cases the survivor may be able to obtain financial support to access the legal system. We will advise survivors on how to obtain legal advice in the use of:

- **Injunctions** – to prohibit the actions of an abuser, order certain actions or limit their access to an area. These can be applied for with a power of arrest if the injunction is breached.
- **Non-Molestation Order** – to prevent a perpetrator from using or threatening violence against a survivor and their children, or from intimidating, harassing or pestering them.
- **Occupation Order** – a Court Order that regulates who can live in the family home, and can also restrict the abuser from entering the surrounding area.
- **Exclusion Orders** – an Order that forces the removal of a person from a home where they are considered a danger to a child or parent of a child.

11.5. Impartial Advice

Rykneld Homes is responsible for providing impartial advice to all parties regarding a tenancy. In a relationship breakdown where a joint tenancy exists, we will advise both tenants of their rights and encourage them to seek independent legal advice from a Solicitor, Citizens' Advice Bureau, Law Centre or other, as appropriate.

In cases of relationship breakdown, RHL will not arbitrate between partners and if agreement is not reached, we will advise both parties that the tenancy must be determined by a Court.

Our first responsibility is the survivor and their children and we will act in their interests to reduce the risk of abuse by providing advice on options.

12. Contact

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Author(s):	Neighbourhood Manager (Allocations and Service Development)
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No English? No problem

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