

## 6.3 Appendix A



*1986-2016: Celebrating 30 years working in the community*

<b>Policy on :</b>	<b>CS28: Domestic Abuse Policy</b>
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<b>Compliant with Scottish Housing Regulator's Regulatory Framework:</b>	n/a
<b>Compliant with BHA Rules:</b>	n/a;
<b>Compliant with Equal Opportunities :</b>	<b>Commitment within policy</b>
<b>Relationship with other policies:</b>	<b>BHG Staff Domestic Abuse Policy</b>

<b>Date for Approval :</b>	<b>September 2019</b>
<b>Date for review :</b>	<b>September 2020</b>

<b>Responsible Officer :</b>	<b>Corporate Services Manager</b>
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### **6.3 Appendix A Barrhead Housing Group – Domestic Abuse Policy**

Millions of people experience domestic abuse every year and two women are killed by their partner or ex-partner every week.

Everyone lives in a home, and housing organisations provide and maintain homes for millions of people. A home should provide safety and security, but for many people home is anything but safe because they are one of many victims of domestic abuse across the UK

The Make a Stand pledge was launched in June 2018 as part of the Past President of the Chartered Institute of Housing's [presidential appeal to tackle domestic abuse](#). Make a Stand centres around a pledge developed in partnership with the Domestic Abuse Housing Alliance (DAHA) and Women's Aid.

The pledge gives housing organisations the opportunity to sign up to make four focused, but easily deliverable commitments to provide support for people experiencing domestic abuse. These to:

- Put in place and embed a policy to support residents who are affected by domestic abuse,
- Make information about national and local domestic abuse support services available on our website and in other appropriate places so that they are easily accessible for residents and staff,
- Put in place an HR policy, or amend our existing policy, to support members of staff who may be experiencing domestic abuse, and;
- Appoint a champion at a senior level in our organisation to own the activity we are doing to support people experiencing domestic abuse

This policy forms part of this commitment, and sets out how the Barrhead Housing Group will take steps to assist and support any person suffering from or threatened with violence or abuse, it applies to all tenants, waiting list applicants, non-tenants living with our tenants and also members of staff (although a separate staff policy also applies)

For the purposes of this policy, we will use the Scottish Government definition of Domestic Abuse which is 'domestic abuse (as gender based abuse) can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends. It can be characterised by a pattern of coercive control often escalating in frequency and severity over time)'

It should be noted that children who live with domestic abuse are, themselves, experiencing abuse

The new Coercive Control Law Domestic Abuse (Scotland) Act 2018 came into force in 2019.

This new Act creates an offence with respect to the engaging by a person in a course of behaviour which is abusive towards that person's partner or ex-partner.

The new law covers not only spouses, civil partners and cohabitants but also people in intimate personal relationships who do not live together.

As well as physical abuse, the Act covers other forms of psychological abuse and coercive and controlling behaviour that could not be easily prosecuted under the previous law.

The Act provides a description as to what constitutes abusive behaviour. It includes behaviour which is violent threatening or intimidating and behaviour that is designed to have one or more of the following effects on the victim or would be considered by a reasonable person to be likely to have one or more of the following effects:

1. Making them dependent on or subordinate to the perpetrator
2. Isolating them from their friends, relatives or other sources of support
3. Controlling, regulating or monitoring their day to day activities
4. Depriving them of, or restricting their freedom of action
5. Frightening, humiliating, degrading or punishing them

The above could include for example preventing the victim having access to money or from having access to their phone or other forms of communication. Further it could include controlling the victim's movements; abusive name calling and playing mind games with the victim that cause them to doubt their sanity.

Barrhead Housing Group believes that our tenants, householders, waiting list applicants nor staff should not live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. We will:

- Attempt to identify victims at the earliest stage. If a history is disclosed by one of our tenants, additional security measures will be considered.
- Enable residents to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party such as ERCAB, WASLER or Police Scotland
- Ensure that victims know that they can meet appropriate staff in confidence at our offices or at an agreed choice of safe venue.
- Share information where, with the agreement of the victim, we will make referrals to other processes (e.g MARAC) or support from relevant agencies (WASLER, police, victim support etc).
- Agree an action plan with the victim, monitor the situation and review at a frequency agreed with them.
- Consider providing improved security to a victim's home (e.g. security lights, window locks) where a need is identified.
- Ensure that people experiencing domestic abuse access appropriate services as early as possible and are given advice to allow them to make choices about what to do next.
- Support victims to rebuild their lives by working in partnership with them and other support agencies.

- Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- Follow the relevant child protection procedures if we believe a child is at risk due to an abusive relationship.
- Make domestic abuse awareness training available for all frontline staff
- Provide support and guidance to employees experiencing domestic abuse.
- Not tolerate domestic abuse from our employees.
- Publicise our approach, both in print and digitally, to raise awareness amongst staff and residents, with the aim of increasing reports of domestic abuse.

### Definitions

#### **Physical Abuse**

This could include: hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder

#### **Sexual Abuse**

This could include: rape and coerced sex, forcing a survivor to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children

#### **Financial Abuse**

This could include: controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim's name, allowing no say on how monies are spent, refusing to allow them to study or work.

#### **Psychological and Emotional Violence and Abuse**

Psychological and emotional abuse has a profound impact upon victims and children. It can leave a victim with little confidence that they can do anything to change the situation. Examples are:

- Creating isolation e.g. not allowing them to see other people, preventing them from making their own friendships, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them
- Use of threats e.g. threats to kill their family, children, friends, pets; to throw them out and keep the children; to find them if they ever leave; to have them locked up; to tell everyone they are mad
- Putting them down – humiliating and undermining them in front of others or in front of their children; telling them they are stupid, hopeless, unlovable, that no one would believe them, or that they are a bad parent.

#### **Controlling behaviour**

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**

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.

It includes forced marriage and so-called 'honour violence'.

### Our approach

Responding to a report of domestic abuse

On receiving a report of domestic abuse directly from a victim, a face to face interview in a private room with the victim will be offered within 24 hours (same-sex interviews will be facilitated where requested). Where this is not possible due to the weekend, or a bank holiday, the person will be referred to a relevant support agency or interviewed on the next available working day. Where requested by the victim, interviews can be carried out over the telephone. We will also provide access to interpreting services where required.

Where a report of domestic abuse is received via a professional third party e.g. a police officer we will seek to establish from the third party what details have been taken from the victim, what support is in place and what is required from us. Where required we will then contact the victim directly and offer an interview as above.

Carrying out initial interview

- Interviews will be carried out (where possible) by a same sex officer and in a sensitive, non-judgemental and supportive manner
- Immediate housing options and tenancy rights will be discussed
- Contact with the police, medical services (and a referral to MARAC if appropriate) will be discussed
- Advice of support available (Women's Aid, Citizens Advice Bureau etc) will be given

At the end of this interview, the Officer should agree with the victim what action will be taken. The victim will then be written to (or contacted by other preferred means) within two days with the agreed action plan.

Further action

The Officer will ensure that contact is maintained with the victim until the victim feels that support is no longer necessary. Further contact with them may need to include discussion on issues such as:

- Contacting the police if not already done so
- Longer term housing options
- Advice on welfare benefits
- Legal action to be taken against the perpetrator

- Re-housing options
- Referral to Women's Aid

Where possible, we will assist and support the victim to enable them to remain in their home (this could include a referral to suitable local housing provider such as East Renfrewshire Council). In some cases however, the victim may feel unable to return to their home, either in the immediate or longer term - for example if the perpetrator remains in the property or in the locality of the property. The Association's new Housing Allocations Policy makes specific reference to Domestic Abuse, and provides officers with flexibility to recognise domestic abuse within the needs based allocation process.

## **MARAC**

Marac is a Multi Agency Risk Assessment Conference which takes place every month and focuses upon high risk domestic abuse cases, where victims are assessed as being at high risk of murder or serious harm. In a single meeting, a MARAC combines current information regarding risk with a comprehensive assessment of the victim and children's needs and provides robust pathway to the provision of appropriate services for all those involved. The primary focus of MARAC is to safeguard the adult victim, however the MARAC will also make links with other agencies to safeguard children and manage the behaviour of the perpetrator

MARAC comprises representatives from Police Scotland, Woman's Aid, Health, Community Addictions, Children and Families, Adult Services, Housing, Education etc.

Referrals can be made based on:

- Professional judgement. If the staff members feels that due to their professional judgement a referral should be made, they should go ahead.
- Escalation. Any agency can make a referral based on escalation. One way to identify this is the number of police call outs (threshold 3 call outs in 12 months)
- Visible high risk - when the victim is assessed with a score of 14 or above using the DASH assessment tool. Barrhead Housing Group will ensure that relevant staff are trained in the use of the DASH tool.

When making a referral, staff should complete a MARAC Referral form and send to [hscpmarac@eastrenfrewshire.gov.uk](mailto:hscpmarac@eastrenfrewshire.gov.uk). Barrhead Housing staff can also contact East Renfrewshire Domestic Abuse co-ordinator for advice in relation to MARAC or cases of Domestic Abuse.

Within BHA we have limited provision for emergency or temporary housing. If the victim cannot return home and has nowhere else to stay, advice will be offered regarding options for rehousing with the local authority or other agency.

If the victim is the sole tenant, sympathetic consideration will be given to a change of property request. The appropriate officer will consider how best this can be achieved under the terms of the Association's allocations policy

We will aim to provide on-going support to victims of domestic abuse by ensuring that contact is maintained and by ensuring that the victim is referred to other specialist agencies that can provide support.

## **Tenancies**

If the tenant experiencing domestic abuses is named on the tenancy agreement, we will support them to transfer the tenancy agreement solely into their name, although this will depend on a number of factors including:

- the legal status of the relationship
- whose name is on the tenancy agreement

Where this is not possible, we will use our allocation policy flexibly with a view to supporting victims to move to more suitable accommodation.

If the tenant is married or has a registered civil partnership, the partner will have a right to live with the tenant within the family home, even if their name is not on the tenancy agreement. They will need to apply to the court for an exclusion order to suspend their rights to live in their home. The court will grant an exclusion order when it can be shown that it is necessary for a tenants own protection or the protection of their children.

An individual can also apply to the court for an interdict or non-harassment order. Further advice can be obtained from one of the agencies detailed at the end of this policy

Under the terms of the Housing (Scotland) Act 2014, social landlords like BHA are given the power to convert an existing tenant's Scottish secure tenancy (SST) to a short SST where there is evidence that the tenant, a member of their household or a visitor has been involved in antisocial behaviour in or near their home within the last three years. Where appropriate, we will consider using this provision in cases of domestic abuse. The length of a short SST in cases involving antisocial behaviour has been increased from six months to a minimum of 12 months, with provision for us to request a further six month extension if antisocial behaviour issues persist. If antisocial behaviour persists or the tenant is in breach of their tenancy conditions, we may seek recovery of the home through the usual channels, although we will be required to give reasons for the decision to recover the home and the tenant will have the right to appeal.

#### Damage to and security of the property

We will consider arranging and paying for additional security of a property in order that a victim of domestic abuse feels safe to return. This may include items such as lock changes or additional door or window locks. Managers (or equivalent level staff) will approve such measures subject to budget considerations.

Where the police wish to install additional security, permission will be given immediately subject to agreement on who will maintain such items.

In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by the Association in line with the relevant policy. Although a crime reference number is usually required to allow the Association to set costs against its insurance cover, in exceptional circumstances the appropriate officer has the authority to waive this requirement.

Any damage should be photographed and noted and a recharge raised to the perpetrator. Where appropriate, the Association may seek to take direct action against the perpetrator and report the damage to the police as a crime.

#### **Multi Agency Approach**

We acknowledge that dealing with issues of Domestic Abuse requires a multi-agency approach and will endeavour to work with any useful local agencies in individual cases to ensure cases are dealt with in the most effective and efficient way (see MARAC process above).

### **Confidentiality/Data Sharing**

We recognise that incidents of Domestic Abuse are extremely sensitive, private incidents for victims to report and will ensure total confidentiality on any cases that are reported.

With the victim's specific agreement and having received written consent, we may share relevant information with local agencies such as the police, to deal with cases more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the victim and/or their dependants to provide better or more effective support.

Information can be shared without consent where a child is at risk or if there is a high risk of serious harm to anyone involved, in which case the relevant child protection / MARAC protocols would apply.

In all circumstances, the Association is required to comply with the terms of the General Data Protection Regulations.

### **Complaints or Appeals**

Any complaints about failure to follow this policy and/or associated procedure or about the way a customer has been treated in relation to this policy or procedure will be dealt with through our Complaints policy and procedures.

### **Monitoring and evaluation**

Cases of domestic abuse will be reviewed on a monthly basis by the appropriate manager.



## **Further information and Support**

- Victim Support – <https://www.victimsupport.org.uk/>
- Female victims – Women’s Aid, 54 Main St, Barrhead, Tel: 0141 404 0015 (9-5 Monday to Friday) or email [erdapinfo@wasl.org.uk](mailto:erdapinfo@wasl.org.uk)
- Scottish Domestic Abuse and Forced Marriage Helpline : 08088 027 1234 or [www.sdafmh.org.uk](http://www.sdafmh.org.uk)
- Scottish Women’s Aid - [www.womensaid.scot](http://www.womensaid.scot)
  
- Scottish Women’s Rights Centre (free legal advice) 08088 010 789
- Assist – Court Advocacy Service : 0141 353 0859
- Hamat Gryffee Women’s Aid – Support for Women from BME Communities : 0141 353 0859
- Fearless – Support for men and LGBT people 0333 188 4901
- AMIS – Abused Men in Scotland 08088 000 024
- Male victims – MALE [http://www.mensadviceline.org.uk/mens\\_advice.php.html](http://www.mensadviceline.org.uk/mens_advice.php.html)
- For information and advice for children and young people, please visit the Childline website <http://www.childline.org.uk/Pages/Home.aspx> or telephone Childline free on 0800 11 11
- Lesbian, gay, bisexual and transgender (LGBT) victims – Galop <http://www.galop.org.uk/> and telephone number is 0800 999 5428