



Domestic Abuse Policy

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| Policy Name | | Domestic Abuse Policy | |
| Policy Ref | | | |
| Review Date | | October 2024 | |
| Purpose | | REVIEW & APPROVE | |
| Next Review Date | | November 2028 | |
| Committee | | | |
| Author | | Linlay Anderson | |
| Internal Policy | | To be published | X |

Policy Review

| Scottish Social Housing Charter Outcomes | Number(s) |
|---|---|
| The Customer/landlord relationship | 1.Equalities 2.Communication 3.Participation 4.Quality of Housing 5.Repairs, Maintenance and Improvements 6. Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes 7,8 & 9 Housing Options 11. Tenancy Sustainment |

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| Written By | Linlay Anderson |
| Department | Housing Management |

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| Approval Date by Committee | |
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| Notes | |
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| <p>The policy takes account of the following legislation –</p> <p>Housing (Scotland) Act 2001 Housing (Scotland) Act 2014 Domestic Abuse (Scotland) Act 2011 Domestic Abuse (Scotland) Act 2018 Part 1 & Part 2</p> <p>Domestic abuse: a good practice guide for social landlords Chartered Institute of Housing (CIH) – Make a Stand Pledge</p> <p>The Policy was previously sent to Angus Women’s Aid in for review and comments, no comments received.</p> | |

Changes Following Policy Review

The Domestic Abuse Policy was due for review in August 2024.

Following a review there were no significant changes made to the policy other than the statistical information being updated.

The policy will be reviewed in 4 years or following any significant changes in legislation.

DOMESTIC ABUSE POLICY

1. Introduction

This policy sets out how Angus Housing Association views domestic abuse and how we will respond to and deal with any reports of such abuse affecting tenants or members of their household. The term 'abuse' covers violence as well as verbal or other forms of abuse.

2. Aim

By adopting this policy the Association aims to:

- Improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities.
- Increase awareness and understanding of this issue amongst residents and employees
- Encourage residents and employees to report domestic abuse
- Facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm
- Improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, sensitively effectively and consistently to all reports ensuring women (victims/survivors) feel supported
- Empower victims by providing information on the options available to them including a range of housing options advice, information and support
- Improve the response to victims through effective engagement of appropriate external enforcement and support agencies
- Create a consistent approach for recording and monitoring incidents of domestic abuse
- Inform colleagues of best practice when responding to domestic abuse
- Ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse
- Holding perpetrators to account

The Association aims to deal with all reports of domestic abuse as an emergency responding to any report within 24 hours. The Association will apply a 'Survivor centered' approach ensuring all outcomes meet the needs of the victim whilst maintain their security and safety:

- Reviewing their accommodation
- Enabling the level of assistance they want
- Taking appropriate action against the perpetrator following discussions with the victim

3. What is Domestic Abuse?

The Association will use Scottish Governments definition of domestic abuse:

“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 behaviours), 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 and friends).”

Anyone can experience domestic abuse, regardless of race, ethnic or religious groups, wealth, sexual orientation, age, disability or lifestyle and can affect women, men, lesbian, gay, bisexual, transgender people and gender nonbinary people (LGBT+). This policy refers to women throughout, nevertheless the policy will be applied to all individual experiencing domestic abuse.

Domestic abuse It may include:

- Physical violence
- Emotional/psychological abuse – put downs, verbal abuse and humiliation, blaming, isolation from family and friends
- Sexual abuse – rape, unwanted sexual contact, forcing sex with others, making you watch/take part in pornography or engage in prostitution
- Financial abuse – having to account for everything you spend, being kept without money, preventing you from getting/keeping a job
- Harassment – being watched, being followed, being pestered, receiving unwanted phone calls or text messages
- Controlling Behaviour – This includes a range of behaviour which makes a person reliant and/or dependant on another person by isolating them from sources of support, exploiting their resources and capacity for personal gain, depriving them of the means need 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. This includes forced marriage and so-called 'honour violence.

The Association believes that it's tenants and other householders should not live in fear, violence or abuse. The Association takes domestic abuse very seriously and is committed to providing a sensitive and confidential response to anyone approaching the Association for assistance in cases of domestic abuse.

It is important to understand children are more than witness to violent acts. If children are living in a household where there is fear, control and abuse they experience it, even if they are not the primary target. As a result, domestic abuse can have child protection implications.

It may start incredibly early on in a relationship but can also emerge after many years. It is never a one off event and is not always an act of physical violence but an imbalance of power.

4. Understanding Domestic Abuse

- The police recorded 61,934 incidents of domestic abuse in 2022-23 a decrease of 4% compared to the previous year.
- Of the 61,934 incidents of domestic abuse recorded by the police in 2022-23, 39% (23,873) included the recording of at least one crime or offence. Of the crime or offences recorded the most frequently recorded was common assault, accounting for 32%.
- The percentage of incidents of domestic abuse recorded by the police which included at least one crime or offence being recorded, by Local Authority 2022-23 Dundee City 39% Angus 38%
- Dundee City has the largest number of domestic abuse incidents recorded by the police per 10,000 population at 180 incidents per 10,000 with Orkney Islands having the lowest rate. Angus recorded 102 incidents per 10,000 population.
- In 2022-23, more than 9 out of 10 incidents occurred in a home or dwelling, where location was known.
- 81% of Domestic Abuse incidents are female victims and male perpetrator.

It is important to appreciate that it is not the abused person's fault but a problem caused by the perpetrator.

Domestic Abuse may be fatal, it can cause permanent disablement, it may show as broken bones, bruising, black eyes etc. It may cause depression, agoraphobia, and the inability to concentrate or communicate. It may destroy a person's self-confidence.

It may result in victims, children and young persons finding themselves on the street in need of urgent accommodation and permanent rehousing.

Some women experience no physical abuse but are subjected to sustained psychological, economic and emotional abuse. It is important to realise that the effects may differ substantially from person to person and that the above are indicative only.

Leaving an abusive partner may be difficult and may take a long time. Victims may leave several times before leaving for good. Leaving a partner is “a process not an event”. Therefore, separation should not be equated with safety and that leaving is a particularly risky time for those who have experienced domestic abuse e.g. stalking behavior’s

It is important that staff remain non-judgmental when dealing with incidents and realise that their advice may not be followed at first or at all.

Women may not act on information or advice when first offered or indeed on subsequent occasions.

5. Barriers and challenges to ending abusive relationships

The Association recognises that victims will often find it extremely difficult to make a disclosure and ask for help. It is vitally important, therefore, that if a disclosure is made, it is dealt with in a sensitive and supportive manner. Our staff are provided with guidance and training on how to carry out interviews in such situations. Staff are also provided with a check list to ensure they have given appropriate advice, gathered the vital information required to safeguard the victim and ensure the correct support has been identified.

It is important to understand that victims may not seek, or respond to, offers of help and may wish to remain in their abusive relationship. Reasons for this may include:

- Fear of the abuser and/or what they will do
- Lack of experience or knowledge of other victims who have successfully left an abusive partner
- Doubt about the impact of any action taken by police or the courts and fear of pressure to pursue a criminal case
- Lack of knowledge/access to support services
- Lack of resources, financial or otherwise
- Fear of not being believed

- Love, loyalty, attachment towards their partner and the hope that they will change
- Feelings of shame or failure
- Pressure from family/children/friends
- Religious or culture expectations
- Long term effects of abuse e.g. self-neglect, depression, low self esteem
- Drug and/or alcohol addiction
- Anticipated impact on children, or fear of losing contact with children/other relatives/friends

People from a black and minority ethnic (BME) community may also have additional barriers, including:

- Language barriers
- Family honour, shame or stigma
- Fear of rejection by their community
- Immigration status/no recourse to public funding
- Racism (perceived or actual)
- Cultural or community expectations
- Fear of so called 'honour' based violence
- Lack of appropriate services

Disabled women are twice as likely to experience domestic abuse as women without disabilities and are more likely to be at high risk of serious harm. Barriers to disabled women accessing services can include:

- Lack of accessible information about abuse and legal rights
- Lack of accessible domestic abuse services
- Fear that interpreters (for example, British Sign Language) may not keep confidentiality
- Assumptions that physical and sensory impairments prevent people from making their own decisions
- Being used to 'dependency' and a lack of respect and dignity, leading to them assuming that abuse is normal and minimizing its impact
- Fear of having to live in a care home
- Reliance on the abuser for care and support
- The victim may be in the care of the abuser and feel a sense of obligation to maintain the support and endure the abuse
- The abuser may be the only person with whom the victim has any contact

6. Prevention, Provision of Support, Protection

Verification

- The Association will not make any attempt to contact the abuser to verify the woman's account. It is recognised that some victims will find it extremely difficult to acknowledge that they have been abused.

Support

- The Association will support those that have been abused and work with them to determine in each individual case the most appropriate solution. This may include permanent or temporary rehousing by the Association or by other local housing providers.

Under the matrimonial Homes (Family Protection) (Scotland) Act 1981 women have a right to remain in the family home or to return to it after a temporary absence. Victims may acquire these rights if they are cohabiting. Victims may apply to the courts for exclusion rights.

- The Association will resist the temptation to advise victims, what we think they should do but help them reach a decision suitable to their circumstances.
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Safety

- The Association will ensure the victim's safety and that of their children where and if applicable.
- Where applicable the Association will discuss with the victim, police and support agencies security measures to the home.
- If staff become aware that children may be at risk of domestic abuse, the Housing Officer will contact the Social Work Child Protection Team urgently. If it is clear that children may be in immediate danger, the Police and Social Work Department will be contacted immediately.

Options

- The Association will discuss and advise the victim's of all the options that are available
- If applicable the Association will use make effective use of Management Transfers and speak with other local landlords so women can make a planned moves and avoid homelessness.
- The Association will consider moving or taking legal action against the perpetrator if tenancy conditions have been breached based on evidence
- The Association will advise the victim they should consider seeking legal advice and to seek advice from Women's Aid.
- Victim may also wish to contact the Police, Victim Support, Dundee City or Angus Council (Social Work, Homeless Unit)
- The Association will advise victims of other agencies that may also be able to help. However we will not contact other agencies without the victims permission except where there is a 'professional' duty to do so:

for example knowledge of child abuse. The Association will not insist the victim contact any of them
- There are particular issues to consider as studies have shown that BME women are particularly vulnerable to becoming homeless as a result of domestic abuse.
- We will use interpreters/signers where necessary. We will be sensitive to needs of women from BME communities experiencing domestic abuse.

Housing

- The Association will give additional priority under the Allocations and Transfer policies to those who have experienced domestic abuse and wish to move and will take a sympathetic view on any arrears which may otherwise result in an application being suspended. The Homelessness etc (Scotland) Act 2003 gives priority to 'persons at risk

of domestic abuse'. This will be applicable to 'the applicant or anyone who might reasonably be expected to reside with them.'(Scottish Executive Code of Guidance on Homelessness). The Association will advise the victim that they may approach Dundee City Council or Angus Council for a Section 5 referral.

- The Association will take a sympathetic view on any recoverable repairs that may be outstanding when the damage is the outcome of domestic violence and whereby it may not be appropriate to pursue the debt with the victim.
- Where a transfer of tenancy from the tenant (perpetrator) to the abused partner is requested, the Housing Manager will exercise discretion by not necessarily refusing the request because of the existence of any arrears of rent or recoverable repairs which is more than the statutory liability:

Any such liability is outstanding but where the amount outstanding is not more than 1/12 of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy; or the applicant has agreed arrangements with the landlord for paying the outstanding liability; has made payments in accordance with that arrangement for at least three months; and is continuing to make such payments;

Repairs

- The Association will sympathetically consider the installation of additional security to the home where it is appropriate to do so. This may include the installation of spy holes, mortice locks, additional bolts, alarm systems etc. We will seek advice from the Police - Domestic Violence Unit.

Repairs required to effect the security of the dwelling will be carried out as urgent repairs (or even emergency repairs as the circumstances may dictate)

7. Legal Remedies

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| Interdict | Women can apply to the court for an interdict prohibiting further abuse. To enforce an interdict if breached, an action has to be raised in court for breach of interdict. |
| Power of arrest | If attached to an interdict, the police may arrest the abuser if they have reasonable suspicion that an interdict has been breached. Any person regardless of status, residency, position can apply to have a power of arrest attached to an interdict - Protection from Abuse (Scotland) Act 2001. |
| Exclusion Order | A married woman can apply to the court for an exclusion order if her husband's behavior has been/likely to be injurious to her /her children's physical or mental health. If granted, her husband will be given a few days to move out of the home. If he refuses, Sheriff Officers will remove him. |

8. Confidentiality

We will be approachable and treat all incidents confidentially and sympathetically and will carry out interviews in private to protect the victim. We will not disclose information to any third parties unless the victim has given explicit consent. We will reassure the victim that we will not disclose the information to third parties without their consent unless to:

- Prevent risk or harm to children/someone else
- Prevent or detect a crime

We will ask the victim how they would prefer to maintain contact with us such as at a 'care of' address, telephone at certain times of the day and this will be clearly noted in the file.

We will always offer the option of being interviewed by either a female or male officer in a private interview room.

9. Training and Staff Awareness

Staff across the Association will receive regular, mandatory training on domestic abuse, including how to spot the signs of abuse and how to deal appropriately with a disclosure.

In addition, the Association is committed to training '*champions*' who will be located across both offices and will be confident in advising both staff and customers on domestic abuse issues.

All staff will be given regular safeguarding training and will be updated on any changes to policy, procedures or legislation around. The Association will also support any staff member adversely affected by dealing with any incidents of domestic abuse.

10. Links to other Policies

This policy should be read in conjunction with the following associated policies:

- Neighbourhood Disputes and Anti-Social Behaviour
- Allocations Policy
- Void Policy
- Scottish Secure Tenancy Agreement
- Child Protection Policy
- Data Protection Policy

11. Complaints

If a tenant or applicant is unhappy about a decision in relation to this policy, they should refer to the Association's Complaints Handling Policy. If they are still not satisfied they may take the complaint to the Scottish Public Services Ombudsman.

12. Policy Formulation

This policy has been drafted considering Chartered Institute of Housing (CIH) in partnership with Women's Aid and Domestic Abuse Housing Alliance (DAHA) 2018 Make a Stand pledge was created to encourage social landlords to make a commitment to support those experiencing domestic abuse.

The policy was also developed with regards to the Good Practice Guidance for Social Landlords which was published in 2019. The guidance is a joint publication from ALACHO, CIH Scotland, Scottish Federation of Housing Association (SFHA), Shelter Scotland and Scottish Women's Aid. The guidance is also supported by the Convention of Scottish Local Authorities (COSLA).

Angus Housing Association Recognise that everyone has a right to a life free from violence and abuse or threats of violence and/or abuse. The Housing Association has a role to play in supporting those who experience abuse and this guidance outlines that role. The Association's role is not a counselling one but a supporting role within the remit of the Association.

13. Equalities, Diversity and Confidentiality

Equalities and Diversity

In developing and implementing policies covering all aspects of our work, Angus Housing Association will ensure that our strong principles and commitment to equality of opportunity are evident. In line with the Housing (Scotland) Act 2001 the Association operates in a manner which encourages equal opportunities and observes the equal opportunity requirements described in Section 106 of the Act. The Association also takes account of all applicable legislation, including the Equality Act 2010 and relevant Codes of Practice issued by the Equality and Human Rights Commission.

Our Policy recognises the protected characteristics as defined by the Equalities Act

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation

In line with this commitment to equal opportunities, this policy and any summary or information leaflet can be made available free of charge in a variety of formats including large print, translated into another language or on audio tape.

Confidentiality

The Association recognises that confidentiality is important to tenants and the Association will treat their tenancy information in the strictest confidence under the General Data Protection Regulations 2018.

14. Performance Monitoring and Review

The Association staff will receive appropriate domestic abuse training and detailed procedures will accompany the policy provide detail and guidance on how to deal with reports or disclosures of domestic abuse.

The Association **will record the number** of domestic abuse case reported. Procedures will also be regularly review to take account of good practice or any changes in legislation.

This policy will be reviewed every 4 years, or to take account in changes to due to relevant legislation.