

# **HRA Domestic Abuse Policy For Tenants and Leaseholders**

October 2019

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## Chapter 1: Introduction

### Definition

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are personally connected to each other regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological, physical, sexual, economic and emotional forms of abuse.”

### **Purpose of this Policy**

This policy aims to:

Provide a framework setting out how the housing service will assist and support council tenants and retirement living leaseholders experiencing domestic abuse.

### Objectives

To ensure tenants and retirement living leaseholders are:

1. Are housed in a safe and secure environment
2. Receive housing options advice
3. Sign-posted to appropriate support services

### Background

Domestic Violence has a devastating effect on victims, their families and the wider community, regardless of race, geography or social background. One woman in four and one in six men will be affected by domestic violence in their lifetimes, with women suffering higher rates of repeat victimisation and serious injury in her lifetime<sup>1</sup> with women suffering higher rates of repeat victimisation and serious injury.

Domestic Violence accounts for 16% of violent crime, covering offences ranging from common assault to rape and murder. The total cost to society is an estimated £23 billion a year in England and Wales.

Two women are killed each week by a current or former partner in England and Wales<sup>2</sup>.

The latest figures from the National Crime Survey for England and Wales show little change in the prevalence of domestic abuse in recent years. In the year ending March 2018 an estimated 2 million adults aged 16 to 59 years old experienced domestic abuse in the last year (1.3 million women and 695,000 men). One in six men will experience domestic violence and abuse during their adult lives.

According to ‘Refuge’ the National Charity for Women and Children against domestic violence, one in four women in England and Wales will experience domestic violence in their lifetimes and 8% will suffer domestic violence in any given year.

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<sup>1</sup> *Office for National Statistics (2016) Focus on Violent Crime and Sexual Offences, 2014/15*

<sup>2</sup> *Office for National Statistics (2016) Compendium – Homicide (average taken over 10 years)*

Data from Sussex Police show a rise in reported domestic abuse crime in Wealden by 26% in the last two years (2017/18 and 2018/19).

Domestic Abuse falls within the Housing Services Antisocial Behaviour Policy and Procedure.

## **Chapter 2: Identifying Tenants and Retirement Living Leaseholders experiencing Domestic Abuse**

### Identifying domestic abuse

The number of tenants and retirement living leaseholders experiencing domestic abuse and coming to our attention each year in Wealden is low. However, we acknowledge this is likely to be an under-representation of the true extent of the issue. As such, we continue to work with partners to raise awareness of domestic abuse and the support available locally to help victims.

There are a number of ways in which tenants or retirement living leaseholders experiencing domestic abuse may come to the attention of the housing service. These include:

- 1) By working with allocations to identify anyone who has been a victim of domestic abuse prior to their tenancy with the Council.
- 2) Via a report of antisocial behaviour from another tenant, leaseholders or neighbouring resident. This is the most common way in which domestic abuse is detected.
- 3) Via a concern raised by someone else to the Housing Officer including from neighbours.
- 4) By a routine visit by the Housing Officer or other Council Officer.
- 5) The victim may highlight themselves that are/they have suffered domestic abuse when their Housing Officer is visiting. This could be done directly via them confiding in their Housing Officer or the Housing Officer might deduce this from their actions/comments etc.
- 6) Via a referral from an external partner such as the police.
- 7) By contractors raising safeguarding or welfare concerns to us.
- 8) Through persistent repairs recharges which are passed to the Housing Officer to investigate.
- 9) Via property MOT's or Tenancy Audit visits.

### Dealing with reports of domestic abuse

Dealing with domestic abuse requires the Housing Officer to be sensitive and take the lead from the victim over what course of action they want to take. In all cases victims would be encouraged to report any incident to the police.

All cases of suspected antisocial behaviour will be treated as high priority (priority 1 within our Anti-Social Behaviour procedure). Following a report of domestic abuse (however, the report was received) the Housing Officer would meet or call the victim within 24 hours. At this initial meeting:

- Interviews will be carried out in a sensitive and supportive manner
- Immediate housing options and tenancy rights will be discussed
- Contact with the police and medical services will be discussed
- A Risk Assessment Matrix will be completed to ensure the safety of the victim
- A referral to MARAC will be made if the threshold is met

- Advice of support available both locally and nationally will be discussed
- The Housing Officer will agree with the victim what action will be taken and an action plan produced and agreed
- Any action required such as sanctuary/target hardening measures including new/extra locks, CCTV etc. would be discussed

Following the initial meeting the housing officer will:

- Action any sanctuary/target hardening measures including new/extra locks, CCTV etc.
- Make any referrals - Where there are any safeguarding concerns involving the victim or any children of the victim or the perpetrator the Housing Officer would notify either East Sussex County Council's Children Services or Adult Social Care departments using the appropriate referral forms.
- Meet the Housing Services team Leader (who is informed of all cases of domestic abuse by the Housing Officers) to review the action plan.

#### Further action

The Housing Officer will ensure that contact is maintained with the victim until the victim feels that support is no longer necessary.

The Team Leader once satisfied with the action plan and proposed actions (based upon the details of that unique case) will review the case weekly after the initial review. These cases will also be discussed with the Housing Officer regularly. This process will continue until the service has done everything that they are able to do to resolve the domestic abuse and consequences of such actions.

Further contact with them may need to include discussion on issues such as:

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

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.

#### Victim centred approach

If the victim does not want to take any action taken, does not want any other agencies involved or refuses to acknowledge that there is any domestic abuse we would:

- Respect their wishes
- Monitor their situation and a complete a risk assessment form
- Notify third parties as applicable including the police and Adult Social Care or Children's Services if there were any safeguarding issues
- Ensure the victim knows of the support services available locally

- Advise the victim of housing options such as refuge
- Ensure the victim knew they could contact us if they changed their mind or the police in emergencies
- Advise the victim of what we can do as their landlord

## Chapter 3: Meeting our Objectives

To ensure tenants and retirement living leaseholders are:

### 1) Are housed in a safe and secure environment

It is essential that victims of domestic abuse feel safe. If there is any risk of harm the Housing service will support the victim to explore their housing options (the impact of Domestic Abuse and different types of tenancy will be dealt with on pages 7 and 8). These can include:

- A) Assistance to stay in their current home through the Sanctuary Scheme. The Housing Options Service run a Sanctuary Scheme which is a victim centred initiative that aims to make it possible for victims of domestic violence, other physical violence or hate crimes to remain in their homes and feel safe, if a risk assessment deems it appropriate to do so and/or the victim so wishes. It provides an alternative to relocation away from family and friends, vital support networks and key services. It seeks to prevent homelessness through the installation of enhanced security measures in a victim's property these can range from additional locks for doors and windows, to window grills and in extreme cases, a safe room (sometimes known as target hardening). The scheme is available to women and men, with or without children.

The Sanctuary Scheme has been used to provide security for council tenants experiencing domestic abuse with the majority of works carried out being enhanced security such as new locks but can include CCTV, window locks and grills etc., in such cases the Housing Revenue Account will pay for the works.

- B) A temporary move to alternative accommodation if it is not safe for the victim to stay where they are, including:
- Refuge. There is a 10 bed space refuge in the district, offering a safe place to live for women fleeing domestic abuse. The scheme is managed, with support provided by Refuge. As well as accommodation, the staff at the refuges are trained to provide help with practical issues as well as providing emotional support. Additionally there are refuges located in the neighbouring Authorities, as well as nationwide, which Wealden District Council also has access to if it would be safer for the victim to move out of area or if there are no vacancies locally. Unfortunately, there is no provision within the district or neighbouring areas for men.
  - Temporary accommodation. This could include the Council's own temporary accommodation or Bed and Breakfast.
- C) A move to alternative permanent accommodation - This is a suitable option where the victim is a sole tenant and would normally involve a direct let whereby another council property is offered to them without the need for them to apply and bid for available properties through Sussex Homemove.
- D) A move into the private rented sector – this option is particularly suitable for victims who have no legal rights to the property. As well as help find a private



rental they might also be assisted via Letsure, with rent in advance and a deposit.

## **2) Receive housing options advice**

Anyone experiencing domestic abuse can get free housing advice from the Council's Housing Options Team and our tenants would also be given advice by their Housing Officer.

Retirement Living Leaseholders as owner occupiers would be advised to seek Legal Advice either privately through a solicitor or through Brighton Housing Trust (subject to eligibility).

The advice given to tenants would depend on a) whether the victim was a tenant (sole or joint) or not and b) the type of tenancy held if they were.

The advice given would normally be:

### **A) Where the perpetrator is a sole tenant (non-secure, secure, introductory or flexible fixed term tenant)**

If the perpetrator is arrested and legal action taken the Council can ask for the courts if the perpetrator is found guilty to attach a Criminal Behaviour Order to the guilty offence. In such cases we can then apply to the court for a mandatory possession order under the Anti-Social Behaviour, Crime and Policing Act 2014. In other situations any legal action would be dependent upon the impact on the community (see page 8). If the victim is living with the perpetrator their housing options would be explored. Options could include a move to temporary accommodation or a refuge whilst more permanent housing was secured for them, whether it be social housing or private rented.

### **B) Where the victim is a sole tenant (non-secure, secure, introductory or flexible fixed term tenant)**

Options will be considered to make the property safe under the Sanctuary Scheme to prevent the perpetrator returning/entering the property.

The victim might also want to consider a transfer or mutual exchange (introductory and non-secure tenants do not have this right) in order to move to a different property and/or area. The Housing Management team will consider all cases on their merit and the victim might qualify as a Management Transfer provided there is sufficient evidence of the domestic abuse. This will help the victim to move more quickly than they would otherwise and as such they will be given Band B under the Allocations Policy, which is a higher priority than transfers would normally be given. Where a management transfer is offered to a victim, this will be on a 'like for like' basis and where possible, depending on the wishes of the victim, away from the victim's local area.

Legal remedies such as injunctions against the perpetrator might be appropriate (In cases of **domestic abuse**, an injunction would normally involve the perpetrator being not allowed to come into the locality of the victim's home). Therefore the victim would be referred to Brighton Housing Trust for advice on these legal remedies.

C) Where the victim and perpetrator are joint tenants (non-secure, secure, introductory or flexible fixed term tenant)

In such cases either tenant can end the tenancy by serving a valid notice on the council. In order to be valid, the notice must give four full weeks' notice, ending on a Monday, and must have no conditions attached. It is then possible for one party to ask the Council for it to be given back to them as a sole tenancy. When deciding whether to grant a new sole tenancy each case will be considered on its individual merits. If the partner leaving the property takes any children or other occupiers of the property with them and the council property becomes under-occupied we will consider taking action to evict the remaining partner for under-occupation. Depending upon the circumstances of the remaining tenant they might be eligible to move to a smaller social housing property (eligibility would be determined through our Allocations Policy).

If one partner decides to leave the property, their name cannot be removed without a property adjustment order from the court. Until this happens they remain liable for that tenancy including any rent due.

D) Legal Remedies

In some cases of domestic abuse we might take legal action under our ASB policy and procedure to evict the tenants as a breach of our tenancy agreement. Action through court will be appropriate where cases of domestic abuse (falling within ASB) cannot be resolved through other means, are serious and/or persistent, and where strong supporting evidence of why the action being taken is available. This involves both written evidence of any nuisance being caused and/or verbal evidence given to the Court by neighbours affected by the particular nuisance. This will be particularly so where there it cannot be resolved through other means). Where appropriate we can issue any of the following legal notices:

- Notice of Seeking Possession (Schedule 2 to the Housing Act 1985 contains grounds upon which a court may grant an order for possession against a secure/fixed term flexible tenant);
- Notice of Seeking Possession (Schedule 2A of the Housing Act 1985 gives the Council power to seek possession of a Council property if one partner has left the property and cannot return because of violence or threats of violence by the other towards them or another member of the family living at the property
- Notice of Possession Proceedings (Section 128 Housing Act 1996) – this allows for mandatory possession for Introductory tenants;
- Notice to Quit (where security of tenure has been lost or for non-secure tenancies);

After expiry of the notice we might apply through the County Court for a possession order. The County Court can make any of the following order:

- Suspended court orders on terms (issued by the County Court);
- Outright possession court orders (issued by the County Court);
- Warrant of eviction (issued by the County Court).
- Or they may reject the case.

Please note that other legal remedies are available, including criminal action.

### **3) Sign-posted to appropriate support services**

The Housing Officer will sign-post the victim to support services that exist both locally and nationally to help victims of domestic abuse. The perpetrator will also be sign-posted to appropriate support agencies for help particularly if they are themselves vulnerable due to mental health, drugs or alcohol etc.

There is also information on our website about the services available both locally and nationally and a link to the “Portal” which is a specialist online directory of the advice and support services available for victims of domestic abuse in Brighton & Hove and East Sussex.

## Chapter 4: Multi Agency Approach

We acknowledge that dealing with issues of domestic abuse requires a multi-agency approach and will work with local agencies in individual cases to ensure cases are dealt with in the most effective and efficient way.

There are a number of local partnerships in place which aim to tackle domestic abuse in a more holistic way, including:

The Safer Wealden Partnership (SWP) brings together a number of agencies from the public, private and voluntary sector, working together to make the community safer and reduce the fear of crime. Within this partnership is the Joint Action Group (JAG) which is an operational group that meets monthly to look at and clarify action on any current threats and risks to community safety from across the District of which the housing management service are a partner.

Multi-Agency Risk Assessment Conference (MARAC). Meets weekly to bring together representatives from a number of agencies in East Sussex to discuss the safety, health and well-being of people experiencing domestic abuse (and their children). The Safer East Sussex Team are part of the group and offers training to statutory, voluntary and community sector partners to help ensure that frontline professionals are able to undertake risk identification and refer to the MARAC. Housing actively engages with the service and will make referrals as appropriate.

Anti-Social Behaviour Risk Assessment Conferences (ASBRAC) are multi-agency meetings monthly meetings. High risk cases occurring in East Sussex are referred to the ASBRAC and can be referred by any agency in order to ensure that the level of harm being caused to the victim is reduced and managed accordingly. The purpose of the Conference is:

- To share information to increase the safety, health and well-being of victims of ASB/Hate crime
- To determine whether the perpetrators poses a significant risk to any particular individual or to the general community;
- To construct jointly and implement a risk management plan that provides professional support to all those at risk and that reduces the risk of harm;
- To reduce repeat victimisation;
- To improve agency accountability; and
- Improve support for staff involved in High Risk ASB/Hate crime cases

These meetings will help identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim.

Safe from Harm is a service that can support people who have been the victim of anti-social behaviour and live in East Sussex. The service supports individuals who have experienced a hate incident or a hate crime and feel that they have been targeted because of their ethnicity, faith, disability status, sexuality, gender or gender identity. To access their service victims need to be referred by one of their partners including Sussex Police or housing provider.

## **Chapter 5: Further Information**

### What will we do to increase reporting awareness and reporting of domestic abuse?

- Enable residents to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party.
- Ensure that victims know that they can meet staff in confidence at our offices or at an agreed choice of safe venue.
- Make domestic abuse awareness training available for all frontline staff
- Publicise our approach, both in print and digitally, to raise awareness amongst staff and residents, with the aim of increasing reports of domestic abuse.
- Advise victims that they can delete any online activity so the perpetrator is not aware of their activity, for example that they have made online report etc.

### **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.

We may, however share relevant information with local agencies such as the police, adult social care and children's service to deal with cases more effectively. Either by gathering extra evidence to carry out enforcement measures against the perpetrator, or by sharing information in the safeguarding interests of the victim and/or their children and the perpetrator.

### **Complaints**

Any complaints about how a case of domestic abuse has been handled are to be dealt with through the Council's complaints procedure. An outcome of the complaints procedure may be that changes to existing practices are recommended. In this way the effectiveness of the ASB procedure will continue to be under scrutiny.

### **Monitoring and evaluation**

All cases of domestic abuse will be logged by individual Housing Officers on our ASB system. All cases will be reviewed on a weekly basis by the Housing Services Team Leader.

### **Review**

This policy will be kept under review and updated and amended as necessary.