



Domestic Abuse Policy and Procedures

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2	7/11/12	RA , MM, ML,	
3	11/12/13	CY, ML	Changed review date from yearly to every 3 years. Policy and procedures separated into 2 docs.
4	11/12/13	CY	Minor updates to procedure to incorporate restructure.
5	February 2017	CY & BF	Minor policy changes made.
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7	06.03.20	CY and KD	Policy and Procedure updated.
8	19.10.21	Chris York	Policy re-written.
Department: Housing & Communities			
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Domestic Abuse Policy

1 Introduction

- 1.1 Domestic abuse can have a devastating impact on an individual's sense of security their health and well-being and MHA takes it seriously. As a housing provider we have an important part to play in recognising the signs of domestic abuse and taking action to intervene. Domestic abuse is defined in Section 5 below.
- 1.2 It's important to recognise that it can affect anyone (regardless of their sex, sexuality, ethnicity or economic status etc). However, some groups are more at risk than others e.g. it's a gender specific crime and women or disabled women more so (not exhaustive).

2 Purpose of the Policy

2.1 The key aims of this Policy are to:

- Facilitate a sensitive, effective and safe response to someone experiencing domestic abuse
- Help to improve quality of life for individuals affected by domestic abuse (including children)
- Support tenancy sustainment
- Help hold perpetrators to account via appropriate/proportionate actions and encourage/facilitate a change in their behaviour
- Encourage working with expert partners to tackle/respond to domestic abuse in ways that are beyond the remit of MHA e.g. Police or Cyfannol Women's Aid

3 Scope

- 3.1 This Policy is relevant to all staff members carrying out work activities for MHA where they come into contact with our tenants, leaseholders or housing applicants who may raise concerns about domestic abuse.
- 3.2 In cases of an MHA employee experiencing domestic abuse refer to the Domestic Abuse Workplace Policy.

4 Policy Detail

4.1 Reporting Domestic Abuse

- 4.1.1 We will make it easy for someone to raise an issue of domestic abuse. We will support it being reported to MHA via different and accessible methods e.g. via our website or over the telephone.

4.2 Dealing with Domestic Abuse

- 4.2.1 MHA staff members, volunteers or contractors will be supported and encouraged to raise concerns about domestic abuse with the Community Safety Team (CST) e.g. trade staff raising a concern card.

- 4.2.2 The Community Safety Team will assist with matters relating to domestic abuse cases immediately or if necessary contact someone within one working day as per our service standards.
- 4.2.3 When someone chooses to approach MHA with a concern about domestic abuse/we become aware of an issue we will treat that person with empathy, sensitivity, respect and dignity - seeking to build rapport and a trusting relationship. Someone who discloses domestic abuse will be believed and not blamed for their situation. Those reporting abuse will receive a consistent, confidential (also refer to section 9 below) and person centred service e.g. contact from a staff member of the same sex if needed (not exhaustive).
- 4.2.4 We will discuss and provide information on the action(s) that can be taken in accordance with someone's needs and their input e.g. what action they want to take against a perpetrator. We will appreciate that someone's circumstances can affect the intervention needed e.g. they are pregnant or their cultural background (not exhaustive) - we may engage with partners to obtain further general advice to help someone. With someone's agreement we may signpost or refer someone experiencing or perpetrating domestic abuse to appropriate agencies to co-ordinate advice and support (via established referral pathways).
- 4.2.5 Risk management: MHA will carry out a risk assessment as required using the Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist to identify safety and support needs. If one has already been completed by another agency we will attempt to secure a copy. We will work to ensure the safety of the person reporting domestic abuse e.g. we won't use a friend or family member to overcome language barriers but an independent translator. Or we'll contact someone in a safe way using a safe telephone number/location (not exhaustive). To prevent homelessness we will provide a flexible range of services that can help individuals to live in safety and security in their home e.g. 'target hardening' or video surveillance or speaking to the police to discuss the risk at the property. We will revisit safety measures as necessary where we are aware a case is escalating e.g. new incidents are disclosed.
- 4.2.6 We will adopt lettings, pre-tenancy and other tenancy management processes and tools that aim to prevent and/or deal with domestic abuse e.g. provide information on domestic abuse services at sign up or in some cases re-housing via the Homesearch Policy (not exhaustive).
- 4.2.7 We will follow up on agreed actions and continue to monitor a case of domestic abuse as appropriate. Once agreed actions are completed we will generally close a case.
- 4.2.8 For many experiencing domestic abuse it can take repeated incidents before they seek/engage with support or take other positive action. We will be highly understanding of this in the way we work. If someone disengages or does not want to discuss the abuse we will respect their wishes offering support and working with partners to monitor a situation as appropriate. We will maintain an 'open door policy'.
- 4.2.9 We will adhere to MHA's Child and Adults at Risk Safeguarding Policy and Procedure.
- 4.2.10 We will utilise technology to help tackle domestic abuse.
- 4.2.11 Domestic abuse will be considered where anti-social behaviour/a repair is reported that may suggest domestic abuse e.g. shouting and arguing, banging or slamming or punch marks in doors or broken locks (not exhaustive).

4.2.12 We will seek to make best use of a range of both legal and non-legal remedies to tackle domestic abuse.

4.3 Taking Enforcement Action

- 4.3.1 We will work to hold perpetrators accountable for behaviour and support enforcement action where necessary e.g. the use of injunction or enforcement of tenancy conditions via eviction. We will work with partner agencies e.g. the police and other agencies where criminal proceedings are being considered and pursued.
- 4.3.2 Punitive action against a perpetrator will consider risk management and safety and potential repercussions.
- 4.3.3 When a case is at a stage where legal intervention may be required we will first hold a proportionality meeting with MHA staff, seeking to avoid legal action. We will primarily focus on problem solving and resolution rather than enforcement.
- 4.3.4 We will follow a pre-court checklist and align with the Preventing Eviction Protocol where applicable.
- 4.3.5 Where we are pursuing legal action Implications of legal action will be explained to a perpetrator before court as well as where they can go for independent advice.
- 4.3.6 We will seek to avoid eviction of a joint tenant experiencing domestic abuse, where the perpetrator is evicted.
- 4.3.7 MHA will usually seek to obtain an order to (re)charge court costs to a defendant.
- 4.3.8 We will always advise a defendant to attend court.
- 4.3.9 Officers will keep abreast of new legal requirements in connection with domestic abuse. Legal expertise will be engaged as necessary to assist staff in making decisions and/or pursuing actions with regard to domestic abuse cases.
- 4.3.10 Where a perpetrator is ordered to leave the home by a court we will refer them to Monmouthshire County Council for advice on alternative housing arrangements.

4.4 Working with Partners

- 4.4.1 We are committed to working strategically with partner agencies to co-ordinate our approach to tackling domestic abuse and better meet the needs of those affected e.g. local partnerships, working with the police in connection with a Multi-agency public protection arrangement (MARAC) or ensuring effective action against perpetrators within agreed timescales (not exhaustive).
- 4.4.2 We will share information with appropriate partner agencies to help reduce the risk to someone experiencing domestic abuse and to help with safety planning e.g. share documents securely (also refer to section 9 below).

4.5 Providing Support

- 4.5.1 We will support someone experiencing domestic abuse to access information and appropriate services as early as we can, including support around overcoming barriers to seeking help e.g. mental ill-health issues, substance/alcohol misuse or the perpetrator being someone's carer (not exhaustive).

- 4.5.2 We will offer advice and guidance e.g. on rent arrears, chargeable repairs, letting issues and other tenancy related issues as required. MHA is unlikely to charge someone who has experienced domestic abuse for repairing damage associated with the domestic abuse.
- 4.5.3 We will support individuals to report incidents to the police where they feel too intimidated to report incidents themselves.
- 4.5.4 We will recognise that the needs of support may change as a case progresses and always seek to consider safety in connection with support provision.
- 4.5.5 We will adopt a non-judgmental approach (including with perpetrators of domestic abuse who may be seeking support to address their behaviour). We will seek to assist perpetrators of domestic abuse who wish to positively change their behaviour by helping them access support and assistance e.g. referring males to the Dads Can Service to change behaviour.
- 4.5.6 Officers will work restoratively to reduce conflict and build effective relationships.
- 4.5.7 We will use a psychologically/trauma informed outlook e.g. to encourage perpetrators or domestic abuse to understand/tackle the root causes of issues.
- 4.5.8 Staff will be supported in dealing with domestic abuse e.g. peer support or access to counselling services (not exhaustive).

4.6 Raising Awareness and Engagement

- 4.6.1 MHA will provide clear, up to date and accessible information on its approach to dealing with domestic abuse, including working with perpetrators. Also awareness raising literature and the support available using various mediums e.g. our website - emphasising confidentiality and safety.
- 4.6.2 We will make clear that MHA will not tolerate domestic abuse e.g. we are signed up to the 'make a stand' pledge and will work to hold perpetrators to account.
- 4.6.3 We will emphasise that not everyone experiencing domestic abuse can access services as easily as others and we will adapt to counter-act this e.g. make it clear that MHA will provide translation and interpretation services (not exhaustive). Also that some are more at risk because of characteristics they have e.g. disabled females (not exhaustive).
- 4.6.4 We will engage in domestic abuse awareness raising and prevention campaigns and/or educational interventions including with partners.

4.7 Training

- 4.7.1 Staff dealing directly with domestic abuse will be trained appropriately to manage cases in line with this Policy e.g. seeking not to re-traumatise someone when risk assessing. Or understanding that differences individuals have can alter the dynamics of domestic abuse and pose different barriers to dealing with it e.g. male and females are likely to have different experiences of domestic abuse (not exhaustive).
- 4.7.2 Staff who are likely to deal with tenant queries and reports of tenant facing issues connected with domestic abuse will have safeguarding and domestic abuse training.
- 4.7.3 All staff will have access to this policy and associated procedures at all times, so they are aware of the support and advice available and the referral pathway for someone affected by domestic abuse and can advise accordingly if needed.

4.8 Structure

- 4.8.1 We will structure and resource our Community Safety Team to meet the principles set out in the Domestic Abuse Policy.

5 Definitions

- 5.1 **Domestic abuse is defined under the Domestic Abuse Act 2021:** *Behaviour of a person (“A”) towards another person (“B”) is domestic abuse if A and B are each aged 16 or over and are personally connected to each other (personally connected is defined under part 1(2) of the Act), and the behaviour is abusive. Behaviour is “abusive” if it consists of any of the following: physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse (meaning behaviour that has a substantial adverse effect on B’s ability to acquire, use or maintain money or other property or obtain goods or services) or psychological, emotional or other abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct. A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child). Children are also recognised as victims of domestic abuse under part 1(3) of the Act.*
- 5.2 **Further context is also given in Wales under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015:** Violence against women and girls means gender-based violence, domestic abuse and sexual violence where the victim is female. Abuse is defined as physical, sexual, psychological, emotional or financial abuse. Domestic abuse is defined where the victim of it is or has been associated with the abuser. Gender based violence means violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation, female genital mutilation or forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding). Sexual violence means sexual exploitation, sexual harassment, or threats of violence of a sexual nature. Section 24 of the Act also defines association with another person.
- 5.3 **The Housing (Wales) Act 2014 Part 2** contains homeless duties, which also provides a definition of domestic abuse.
- 5.4 **Multi-agency public protection arrangement (MARAC)** is a regular local meeting to discuss how to help people at high risk of homicide or serious harm. This includes a domestic abuse specialist (Independent Domestic Violence Advisor - IDVA), police, children’s social services, health and other relevant agencies.
- 5.5 **Target hardening** is the provision of improved security to someone’s home to increase safety.

6 Links to Legislation

- 6.1 The Policy and Procedures are framed by relevant legislation and guidance which includes but is not limited to:

1. Children Act 1989; 2004

2. Family Law Act 1996
3. Anti-Social Behaviour Act 2003
4. Crime and Disorder Act 1998 (Section 115)
5. Criminal Justice and Police Act 2001
6. Youth Justice and Criminal Evidence Act 1999
7. The Sexual Offences Act 2003
8. Data Protection Act/General Data Protection Regulations (2018)
9. Equality Act 2010
10. Mental Capacity Act 2005
11. Protection from Harassment Act 1997
12. Human Rights Act 1998
13. Female Genital Mutilation Act 2003
14. Forced Marriages (Civil Protection) Act 2007
15. Domestic Violence, Crime and Victims Act 2004
16. Anti-Social Behaviour Crime and Policing Act 2014
17. Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
18. Serious Crime Act 2015
19. Domestic Abuse Act 2021
20. Social Services and Well-being (Wales) Act 2014
21. Housing (Wales) Act 2014

7 Links with Internal Policies and Procedures

7.1 This policy has links to other MHA documentation which includes but is not limited to:

1. Workplace Domestic Abuse Policy
2. Complaints, Comments and Compliments Policy
3. Anti-Social Behaviour Policy and Procedures
4. Equality and Diversity Policy
5. Lone Working Policy
6. Homeseach Allocations Policy and Procedures
7. Unacceptable Behaviour Policy and Procedures
8. Tenancy Agreements
9. Tenancy Management Policy and Procedures
10. Income Management Policy and Procedures
11. Repairs Policy and Procedures
12. Information sharing agreement between Gwent Police, MCC and Registered Social Landlords
13. Safeguarding Children and Adults at Risk Policy and Procedures
14. Information Security, Data Protection and Retention Policies
15. Surveillance Camera Policy and Procedures
16. Dads Can Service Level Agreement with CST
17. Whistleblowing Policy

8 Key Responsibilities

- 8.1 The Head of Neighbourhoods has overall responsibility for the implementation of this Policy. All staff are expected to follow the principles set out in this Policy and adhere to the accompanying Procedures as applicable.
- 8.2 The Head of Neighbourhoods will authorise MHA taking legal action for domestic abuse cases. They will ensure the pre-court checklist has been adhered to before applying to court.
- 8.3 The CST takes the lead at MHA and is responsible for domestic abuse cases (also see Domestic Abuse Procedures). NB: it is not the role of a MHA staff member to decide whether or not domestic abuse has taken place.
- 8.4 Where legal action may be taken the case is the responsibility of the CST.
- 8.5 Members of the CST will take responsibility for keeping other teams up to date regarding significant changes/developments to the provision of the service area.

9 Record Keeping and Sharing Information

- 9.1 MHA will maintain clear, accurate and up-to-date records on domestic abuse cases, including which agencies we share case information with/make referrals to. Domestic abuse will be recorded separately to ASB.
- 9.2 For MHA's process to record an alert on an account see the Unacceptable Behaviour Policy and Procedures.
- 9.3 We will share information with third parties where we have an information sharing protocol in place (see the Information sharing agreement (WASPI) between Gwent Police, Monmouthshire County Council and Registered Social Landlords) or there is another lawful basis for sharing the information e.g. we have someone's consent. Also see MHA's Safeguarding Children and Vulnerable Adults Policy.
- 9.4 Documentation connected to domestic abuse cases will be stored electronically, unless this is not possible e.g. because information is particularly sensitive.
- 9.5 All cases will be dealt with in a way that respects confidence/privacy and will be handled with discretion and transparency and data stored in a way that prioritises safety.
- 9.6 We will process personal data and information in line with Data Protection legislation and MHA's related Data Protection Policies and Procedures.

10 Health and Safety

- 10.1 Staff are required to take appropriate safety measures when delivering this Policy and the associated Procedures as per the Lone Worker and Agile Working Policies and Health and Safety Management System e.g. follow Covid safety guidelines.

11 Equality and Diversity

- 11.1 This Policy is underpinned by equal opportunity and an equality impact assessment has helped to inform it. We will be sensitive to individual needs and will tailor our services and approach as appropriate e.g. consider literacy when written advice is provided (see MHA's Equality and Diversity Policy). The Policy supports recognising difference and redressing disadvantage e.g. it isn't gender neutral.

12 Complaints

12.1 If anyone feels that an MHA officer has not dealt with a domestic abuse case properly this will be dealt with in accordance with MHA's complaints process.

13 Monitoring and Review

13.1 This Policy will be reviewed every three years or amended as is necessary in order to remain fit-for-purpose. The accompanying Procedures will be reviewed and amended as necessary.

13.2 We will undertake regular case reviews to help us improve. We will apply recommendations from our external auditor. We will utilise service user/staff/partner data and complaints/feedback to monitor and improve services. Also consider: best practice (e.g. child/adult practice reviews), new technology and operating experience to improve services.

13.3 We will evaluate performance indicators to continually review and improve performance and share these with appropriate staff and periodically update the Senior Management Team and the Board at least every quarter. We will benchmark our service provision with other landlords.

13.4 We will understand the cost of providing domestic abuse related services to help ensure value for money e.g. procurement and budget use will be monitored with an evidence based approach to these.

13.5 We will evaluate the effectiveness of projects we are involved in that aim to reduce domestic abuse. Also partnerships to check what's working and what needs to be improved.

Domestic Abuse Procedures

1 Responsibilities

1.1 Any staff member encountering incidents which they suspect could involve domestic abuse should refer to the Community Safety Team (CST) without delay (asking permission from the victim/possible victim first). If permission is not granted, still consult with the CST

1.2 CST will consider risk assessment, safety planning, support referrals and advice and other actions as appropriate

1.3 Support will largely be victim led. Staff should respect the victim's wishes except in the following circumstances:

- MARAC cases.
- Where there are concerns for children or vulnerable adults.

1.4 When a victim refuses offers of support or other actions, staff should ensure that they make the victim aware of safety planning measures they can take themselves and give emergency contacts should they require these in the future.

1.5 For staff requiring support, refer to MHA's Workplace Domestic Abuse Policy.

1.6 Officers will be required to attend appropriate training co-ordinated by MHA.

2 Providing Assistance

- 2.1 No single agency can provide the response required to victims and perpetrators of domestic abuse. A partnership approach is the best way to support victim and intervene with perpetrators.
- 2.2 Use Appendix J for Domestic Abuse Response. Use the Referral Pathway as a guide for support to offer victims (see Appendix B).
- 2.3 Refer to MHA's Support Directory in the Tenancy Management Procedures.
- 2.4 Refer to the Welsh Government's Good Practice Guidance for Working with Perpetrators, Appendix K.
- 2.5 Provide an offer of a private interview in a place of safety – either at MHA or a place determined by the victim. Complete Appendix C.
- 2.6 Complete a risk assessment at the earliest opportunity, if this hasn't already been done by a partner agency. See Appendix D.
- 2.7 Give victims a named contact (same sex if requested).
- 2.8 Where language or communication is a barrier to conducting an interview, MHA will make appropriate arrangements. Staff should not use children or partners for this purpose.
- 2.9 Adopt a victim centred approach – as already noted, ensuring the safety of the victim and children is paramount. Share information with relevant agencies as appropriate.
- 2.10 Be sympathetic and take notes – reassure of confidentiality, but explain if we will need to share information because of risk e.g. child in danger, life in danger or self-harming, (not exhaustive) we would share information – see section 17 below.
- 2.11 Most victims do not relate to the term "domestic violence" or "abuse" or "battered" or "victim", so it may be necessary to try to speak in general terms about "problems in the home". The aim of the conversation should be to find out what has happened and whom he/she can turn to for help and support.
- 2.12 Discuss immediate Safety Plan - Appendix F can be used to guide staff in offering safety advice to all victims.
- 2.13 Ascertain what help and advice is immediately required. This may include immediate emergency housing, i.e. refuge for men or women, referral to Housing Solutions Team or through the Monmouthshire Supporting People Gateway. Provide signposting and give advice about other specialist services e.g. Counselling, Women's Aid, Monmouthshire Multi Agency Centre; Independent Domestic Violence Advisor (IDVA), Victim Support etc.
- 2.14 Assist and support victims to engage with the appropriate specialist support/agency e.g. Police.
- 2.15 Provide advice and actions relating to tenancy management – liaise with Neighbourhood Officer/Manager/Income Manager/Officer or other staff as appropriate. Also see Tenancy Management Policy and Procedures and Rent Arrears Policy and Procedures.
- 2.16 Give general information about legal remedies (refer to section 23.1 below).
- 2.17 Ensure that any necessary repairs or additional security works are attended to.
- 2.18 Advise the victim during interview, that a "care of" addresses can be used for written communications if they wish.

3 Confidentiality

- 3.1 Staff should never give out the address of a women's refuge or other temporary housing. Always check where correspondences for the victim should be sent to and whether visit/telephone calls can be made (i.e. a safe telephone number).
- 3.2 Where there is risk of harm due to domestic abuse, sharing information in this situation is made possible under the Crime and Disorder Act 1998 (Section 115), the Data Protection Act 2018 and Human Rights Act (Articles 2 and 3). The Information sharing agreement that allows sharing of information between Gwent Police, MCC and Registered Social Landlords applies.
- 3.3 Also refer to MHA's Safeguarding Children and Adults at Risk Policy and Procedure - the key consideration to note is: concerns about welfare of children or adult(s) at risk always take precedence over issues of confidentiality. Information should be shared on a "need to know basis".
- 3.4 Protection of personal data should not be seen as a barrier to sharing information relating to risk.
- 3.5 Where a request is made for information by another statutory body, such as the Police or Social Services, staff should ask for an official email to confirm the identity of the person. Share information in accordance with the Crime and Disorder Act 1998 (Section 115).
- 3.6 Put a note on Civica diary pages advising not to pass any information about the whereabouts of the victim to the remaining tenant (or any other person). This note can be written without giving details which could breach confidentiality.
- 3.7 Working with perpetrators of domestic abuse may lead to the disclosure of information which indicates a risk to another adult or child. It is important that this is treated and shared in a manner that is appropriate and lawful. See MHA's Safeguarding Policy and Procedure.

4 Recording Information

- 4.1 Good record keeping facilitates information sharing and case management and allows us to review what has already been done and determine if further action is required.
- 4.2 All allegations of domestic abuse should be taken seriously.

5 Support

- 5.1 Victims of domestic abuse will often require additional specialist support.
- 5.2 Appendix B demonstrates the Referral care pathway to ensure staff can signpost the victim to the appropriate support after initial assessment and safety plan.
- 5.3 Not all perpetrators or potential perpetrators will require or have access to specialist services.
- 5.4 Staff should never give advice about issues they have not been trained in. Specialist training should be undertaken before assessing the risk posed by perpetrators or providing interventions to address their behaviour. For further guidance on what specialist training is available, refer to the Welsh Government's National Training Framework on violence against women, domestic abuse and sexual violence.
- 5.5 Staff should signpost victims and perpetrators to suitable services - see MHA's Support Directory in the Tenancy Management Procedures.

- 5.6 When referring the victim to a specialist agency it is good practice to contact the agency in the presence of the victim and for the victim to speak to the agency to arrange an appointment.
- 5.7 Staff should support victims and perpetrators when they make disclosures – see Safeguarding Procedure.
- 5.8 Make sure the interview is recorded so that the victim does not have to repeat information which may be traumatic for them.

6 Property Security

- 6.1 Where appropriate, measures to protect the victim in their home should be taken e.g. changing or adding locks, offering window and door alarms, personal alarms, improving fencing, adding security lights, or securing the property whilst the victim is away from the property. MHA tenants who are currently victims of domestic abuse or at risk of suffering domestic abuse should not be charged for this work.
- 6.2 Consideration may also be given to installation of cameras although the circumstances of the case must allow for and be suitable for this and availability or lack of availability of the equipment may also determine whether this is a possibility. See MHA’s Use of Surveillance Statement of Intent, Appendix G for further details.

7 Housing Options

Remain in Home	Temp Relocation	Permanent Move	Homeless Application
Risk factors for themselves and any children should be considered and discussed with the victim. Consider additional security measures.	Stay with a friend or relative or other temporary accommodation.	Register with Monmouthshire Homesearch for a transfer. Also consider welfare application. Urgent rehousing can warrant band 1. Or mutual exchange could be an option. Discuss with Homesearch Team.	If the tenant is unable to remain in their property or cannot wait until they can go to an alternative property, they should be advised to contact MCC’s Housing Solutions Team or can potentially approach another council out of Monmouthshire.

8 Tenancy Management

- 8.1 **Sole tenancy in abuser’s name:** Where possible in terms of evidence, possession proceedings should be taken against the perpetrator for breach of the Tenancy Agreement. Possession proceedings should not be commenced until the victim has vacated the property. The victim should not be pressurised to act as a witness. Sound evidence from the police or criminal courts will be required for Possession Action to be taken. Where sufficient evidence does not exist for tenancy action, the tenancy will continue.
- 8.2 **Sole tenancy in victim’s name:** If the victim moves it will be necessary for them to end their current tenant by the service of a Notice to Quit – see Tenancy Management Procedures. If the perpetrator remains at the property following the ending of a tenancy, possession of the property should be sought. If the victim who

is a sole tenant remains in the property (or moves out temporarily) and the perpetrator remains in the property, the victim has the right to ask the perpetrator to leave. In this instance, the perpetrator will have no rights to the tenancy and CST will look to work with the Police to ask individuals to leave if that is the wish of the tenant. CST will also work with the victim (sole tenant) to change the locks to exclude the perpetrator from the property. MHA can assist with this but only at the victim (sole tenant's) request.

- 8.3 **Joint tenancy:** Where a victim moves out of a property and serves a notice to quit - consider the specific circumstances of each case. If the remaining tenant does not vacate the premises if requested, consider Tenancy Management Procedures – Relationship Breakdown and also Unauthorised Occupation. For assignment Relationship Breakdown and also Assignment Procedures.
- 8.4 When trying to reach the best solution for a tenancy, officers should treat the safety needs of the victim and children involved as paramount, prior to any decision making.

9 Key Legal Measures

- 9.1 We should advise that victims of domestic abuse seek legal advice.
- 9.2 If the victim wants to discuss legal protection for her/himself and their children, they may want to consult a solicitor who is experienced in family law. Women's Aid in Monmouthshire and/or Citizens Advice Bureau should be able to help them find a local solicitor who is experienced in this area of the law. The victim may also qualify for legal aid without having to meet the normal financial conditions. Legal Rights regarding relationship breakdown can be found in the following [guidance](#).
- 9.3 With civil actions, Women's Aid and/or the IDVA may assist the victim.
- 9.4 A Domestic Violence Protection Order – prevents, with immediate effect, a perpetrator from returning to a residence and from having contact with the victim for up to 28 days, allowing victims to consider their options and get the support they need.
- 9.5 A Non Molestation Order – is aimed at preventing a victim's partner or ex-partner from using or threatening violence against the victim and their children, or intimidating, harassing or pestering the victim, in order to ensure their health, safety and well-being.
- 9.6 An Occupation order – regulates who can live in the family home, and can also restrict an abuser from entering the surrounding area. If the victim does not feel safe continuing to live with their partner, or if they have left home because of violence but want to return and exclude their abuser, they can apply for this order.
- 9.7 The Domestic Violence Disclosure Scheme ('Clare's Law') - gives members of the public a formal mechanism to make enquiries about an individual who they are in a relationship with, or who is in a relationship with someone they know, where there is a concern that the individual may be violent toward their partner.
- **Right to Ask:** Anybody can make an application for disclosure known as the "right to ask" by contacting a domestic abuse disclosure. Although anybody can make an enquiry, information will only be given to someone at risk or a professional in a position to safeguard the victim.
 - **Right to know:** If a potentially violent individual is identified as having convictions for violent offences, or information is held about their behaviour which reasonably leads the police and other agencies to believe they pose a

risk of harm to their partner, the police will consider disclosing the information if it is legal, proportionate and necessary to do so.

- 9.8 Police can also assist a victim in taking action through the criminal justice system against any perpetrator of Domestic Abuse where the abuse constitutes a crime. This includes stalking and harassment as well as many other forms of Domestic Abuse. Victims should be advised to contact the police for further advice on this.
- 9.9 MHA could consider an injunction to exclude the perpetrator from a property: each case will be assessed on its own merit but we will usually require evidence from either the victim or local residents and the Police. This action should not need to be taken by MHA if a perpetrator has bail conditions, a restraining or non-molestation order restricting them from approaching the victim. Staff dealing with a domestic abuse case where it is known that the perpetrator is facing criminal charges may liaise with the IDVA or the police to ascertain if there are bail conditions and if a restraining order will be requested at court. Victims should not be pressurised to give evidence to support MHA's legal action(s). The other option is possession for breach of tenancy.

10 Rent Arrears

- 10.1 The following steps will be taken to mitigate rent arrears (also refer to MHA's Rent Arrears Management Procedures):
- Provide advice on rental obligations and liaise with MCC or DWP to provide advice on housing benefit or universal credit housing element respectively. Assist with benefit application as required.
 - Ensure contact is established with support worker(s)/agencies as appropriate.
 - Where a Homeseeker or Transfer application is being referred to the Monmouthshire Homeseekers exclusions panel any mitigating evidence can be given by staff dealing with the case, with the permission of the victim, or by other agencies involved with the case (e.g. police; women's aid; IDVA, victim support or other support agencies).
- 10.2 In cases of arrears accruing within a joint tenancy, legally, both tenants are jointly and severally liable for the whole debt. In practice, where a relationship has broken down or where domestic abuse has occurred one of the joint tenants can, in effect, be left with the whole debt. In such cases, the Head of Neighbourhoods, will have the discretion to look at each case and for administrative purposes, make decision (based on the information available) on how the debt should be apportioned.
- 10.3 MHA staff should be aware of the implications of coercive behaviour and how this connects to financial abuse. We understand that we may become aware of domestic abuse in a home because of rent debts, which perpetrators may use to prevent victims from leaving them and being rehoused.

11 Chargeable Repairs

- 11.1 The victim of domestic abuse should not be charged for damage caused to the property due to domestic abuse. Where possible, the cost of the damage should be recovered from the perpetrator by pursuing police action for criminal damage. Where the police are already taking action, a claim for damages can be incorporated into their action. The police will usually require a statement

from MHA to support this claim. Pressure should not be placed on the victim to assist MHA with legal action. Also see MHA's Fees and Charging Policy and Procedures.

- 11.2 In the case of charges, as with rent arrears, any transfer application made by the victim can be referred to the Monmouthshire Homeseach exclusions panel – see MHA's Allocations Procedures. Supporting evidence for the exclusion panel report can be given by staff dealing with the case, with the permission of the victim, or by other agencies involved with the case (e.g. police; Women's aid; or other support agencies). No guarantees can be given to a tenant victim of DA until the Homeseach exclusion panel decision has been made.

12 ASB and Domestic Abuse

- 12.1 Domestic abuse can, in some cases, lead to neighbours suffering from ASB. Also in cases where domestic abuse is identified there may be other forms of ASB present – e.g. drug/alcohol issues that affect the community; criminal damage – refer to MHA's ASB Policy and Procedures.
- 12.2 Domestic Abuse itself is a category of ASB and all cases where a victim self discloses should be logged as an ASB case, categorised as Domestic Abuse on Civica.
- 12.3 Where cases of DA are brought to MHA's attention via SharePoint or MARAC these should be logged as ASB on Civica, categorised as Domestic Abuse. This is to highlight any actions required of MHA and to raise awareness to front line staff to be able to identify and report if any related issues are experienced.

13 Performance Management

- 13.1 We will respond to reports of domestic abuse within timescales as defined in our ASB Procedures – within one working day.
- 13.2 In cases of Domestic Abuse brought to MHA via SharePoint or MARAC, we will respond with the timescales set for an action on a case by case basis.

14 Risk Management - Staff

- 14.1 Perpetrators of domestic abuse can pose a risk to those outside of their family and this can include the professionals they work with.
- 14.2 MHA recognizes that its own staff may require support, advice and guidance in order to deal with cases of Domestic Abuse. All staff will be supported by their managers to deliver the aims and objectives of this policy and procedure.
- 14.3 When dealing with domestic abuse cases or incidents, staff safety is a priority. Staff should ensure that they assess any risk to themselves and follow health and safety and lone working procedures. Also refer to MHA's Unacceptable Behaviour Policy and Procedure.
- 14.4 If there is a requirement for a two person visit, such cases will be identified with an alert on Civica and warning triangle on Total Repairs.

15 SharePoint

- 15.1 SharePoint is an internet based facility whereby Police share information with partners on a daily basis about high risk domestic abuse cases occurring in the

previous 24 hours.

- 15.2 All agencies can access (using given log in and password) information on victims and perpetrators.
- 15.3 The CST will access the information on a daily basis. The team will check what information MHA hold on both the victim and perpetrator and decide what action is appropriate. SharePoint will be updated on any action taken.

16 MARAC

- 16.1 For detailed information about the MARAC process staff are advised to visit the Coordinated Action Against Domestic Abuse (CAADA) website www.safelives.org.uk also see Appendix E.
- 16.2 A Multi-Agency Risk Assessment Conference (MARAC) is part of a coordinated response to domestic abuse, incorporating representatives from statutory and voluntary agencies. The main aim of the MARAC is to reduce the risk of serious harm or homicide for a victim and to increase the safety, health and wellbeing of victims.
- 16.3 A MARAC is attended by representatives of any agency that has a role to play in the victim's safety. A number of agencies are permanent attendees, such as Police, Social Services, and specialist domestic abuse services, Health, Housing, Probation and Education. Other agencies are invited as and when individual cases dictate their presence.
- 16.4 All participating agency representatives at a MARAC meeting are required to sign a confidentiality statement which governs how information is shared and how decisions are made.
- 16.5 Making a referral to the MARAC: When a service user has disclosed they are experiencing or have experienced domestic abuse, staff should carry out: DASH risk assessment at the earliest opportunity with the client, using the Risk Indicator Checklist (Appendix D). If MHA becomes aware of the case via the Police or the DACC staff will need to ascertain if a DASH form has already been completed by the police and if so there will be no requirement for MHA to do this as well.
- 16.6 Staff should explain the MARAC process to the victim and if possible the victim should sign to agree to the referral and info sharing that will take place at the MARAC. If the victim does not consent MHA are able to make the MARAC referral anyway as this is covered under s115 of the Crime and Disorder Act.
- 16.7 If High risk email the DASH Form (Appendix D) and a MARAC referral form to marac@gwent.pnn.police.uk If not high risk MARAC will not apply - please follow the referral pathway for support (Appendix B).
- 16.8 Where the score rating on a completed DASH Assessment does not indicate high risk but the officer dealing with the case, using their professional judgement, has good reason to believe the risk to the victim is high, a MARAC referral should still be made.
- 16.9 For any further information contact the MARAC Co-ordinator – at Gwent Police – Tel: 01495 745353 Fax: 01495 745304.
- 16.10 The Police MARAC co-ordinator lists all cases for MARAC and posts details on SharePoint prior to the MARAC meeting being held. A member of the CST will attend the MARAC on a regular basis and bring all the relevant known information with them regarding the victim and perpetrator.

- 16.11 If MHA have referred a case to MARAC, the MHA officer will be required to present the case at the MARAC.
- 16.12 Actions that are allocated to MHA at the MARAC are to be completed without delay.

17 Equal Opportunities and Diversity

- 17.1 Staff must be aware of the diverse communication needs of residents. The Association will provide document translation and interpretation services on request. Staff must be sensitive to the needs of residents who cannot read, which includes having an awareness of the issues surrounding both illiteracy and dyslexia. Where staff are aware of individual language needs they must adapt their communication methods as appropriate.
- 17.2 Marginalised groups with protected characteristics can be subject to discrimination and disadvantage so it can be more difficult for them to seek help and/or find services that approximately cater to their needs. It is important that staff consider this. E.g. some groups may feel it is not acceptable to speak outside the family setting, mental health problems may increase abusive behaviour; past experiences of services may leave an individual feel they cannot trust professionals.
- 17.3 Seek advice from local community or charity groups for advice, if required. (See Tenancy Management Procedures for MHA's Support Directory for contact details).

18 Appendices

[Appendix A: Good Practice Guidance for Non-specialist Welsh Public Services on Working with Adult Perpetrators](#)

[Appendix B: Referral Pathway and Support Agencies](#)

[Appendix C: Domestic Abuse Form](#)

[Appendix D Multi Agency - SafeLives Risk Assessment](#)

[Appendix E: Guidance on Making a MARAC Referral](#)

[Appendix F: Safety Planning Overview](#)

[Appendix G: Use of Surveillance Statement of Intent](#)

[Appendix H: MARAC Referral Form](#)

[Appendix I: Domestic Abuse Response](#)