



# **MHA**

## **Domestic Abuse Policy v10a**

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V7	06.03.20	CY and KD	Policy and Procedure updated.
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Please contact the Corporate Services Team on 01495 761104 or [corporateservices@monmouthshirehousing.co.uk](mailto:corporateservices@monmouthshirehousing.co.uk) if you require this document in Welsh or any other language, PDF, large print, braille or in an audio format.

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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 wellbeing. As a housing provider, MHA takes domestic abuse seriously and 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 Domestic abuse is a breach of the Prohibited Conduct term in the Occupation Contract.
- 1.3 It's important to recognise that domestic abuse can affect anyone regardless of their sex, sexuality, ethnicity or economic status etc. However, some groups are more at risk than others for example Women or disabled Women.

### **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 victims to make decisions on their housing needs
  - Help hold perpetrators to account via appropriate and proportionate actions, and encourage/facilitate a change in their behaviour
  - Encourage working with expert partners to tackle and 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 Contract Holders and members of their households, 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 Employee Domestic Abuse Policy.

### **4 Policy Detail**

#### **4.1 Reporting Domestic Abuse**

- 4.1.1 We will make it easy to raise a report 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)
- 4.2.2 The Community Safety Team will assist with matters relating to domestic abuse cases immediately if necessary, or in line with the Customer Care service standards, or ASB triage process.

- 4.2.3 When someone chooses to approach MHA with a concern about domestic abuse or 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 and person centred service e.g. contact from a staff member of the same sex if needed.
- 4.2.4 The service will be confidential, except where concerns for the welfare of the victim(s) and/or their dependants takes precedence. There may be circumstances where we will need to share confidential information with trusted partners such as the Police and Social Services. Concerns about the welfare of domestic abuse victims and, children or adult(s) at risk will always take precedence over confidentiality. Protection of personal data should not be seen as a barrier to sharing information relating to risk. We will not be in breach of GDPR by following this process.
- 4.2.5 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 will undertake necessary referrals such as MARAC and safeguarding (this list is not exhaustive).
- 4.2.6 We may engage with partners to obtain further advice to help someone. With their 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).
- 4.2.7 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. We will check if another agency has already completed DASH and will share supporting information about the risk factors to the appropriate agency.
- 4.2.8 To prevent homelessness, we will provide a flexible range of services that can help individuals to live safe and secure in their homes. . This may include target hardening, video surveillance or speaking to the police to discuss the risk at the property. We will revisit safety measures as necessary, for example where a case is escalating , new incidents are disclosed or if someone has transferred to another MHA property.
- 4.2.9 We will collect customer insight at part of the sign up process that enable us to offer support to survivors of domestic abuse appropriately
- 4.2.10 For many experiencing domestic abuse it can take repeated incidents before they seek or 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'.
- 4.2.11 We will adhere to MHA's Safeguarding Children and Adults at Risk Policy and Procedure.
- 4.2.12 We will utilise technology to help tackle domestic abuse. This may include:
- **Sanctuary work** to secure the property of victims such as surveillance cameras, Window and door alarms and lighting

- **Deter and Evidence:** Use of CCTV and appropriate Signage, Use of noise monitoring equipment
- **Promoting:** Use of Smart Phone Apps
- Use of Secure information sharing platforms

4.2.13 Domestic abuse will be considered where anti-social behaviour or a repair is reported that may suggest signs of domestic abuse. This may include shouting and arguing, banging or slamming or punch marks in doors or broken locks.

4.2.14 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. We will work with partner agencies e.g. the police and other agencies where criminal proceedings are being considered and pursued.

4.3.2 Before taking action against a perpetrator we will consider the wishes and safety of the victim, any potential repercussions, and how the risk will be managed.

4.3.3 When a case is at a stage where legal intervention may be required we will first hold a 'Proportionality review' with MHA staff to consider reasonable and proportionate options to avoid legal action. We will primarily focus on problem solving and long term resolution, and any enforcement through any legal action will be sought as a last course of action. The Proportionality Assessment will serve as a mechanism to consider any pre-court protocol requirements in line with Government recommendation, and ensure we are aligning with the prevention of eviction into homelessness. We will also consider a perpetrator's mental capacity and discuss any potential issues under the Equality Act 2010.

4.3.4 Where we are pursuing legal action, the implications of legal action will be explained to a perpetrator before court as well as where they can go for independent advice. We will always advise a defendant to attend court.

4.3.5 Enforcement action options available include (but are not limited too):

- Injunction
- Seeking possession for breach of prohibited conduct (S55).( Eviction)
- Excluding (removing) a joint Contract Holder for Prohibited Conduct but leaving the contract intact for the remaining Contract Holder (RHW32/ RHW33)
- Removing a Contract Holder due to non-occupation
- Supporting the remaining Contract Holder to remove the other Contract Holder.

4.3.6 Where legal action is taken against one contractor holder as the perpetrator of domestic abuse, this will not impact on the security of tenure of the remaining contract holder.

4.3.7 MHA will usually seek to obtain an order to (re)charge court costs to a defendant.

4.3.8 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.

- 4.3.9 Where a perpetrator is ordered to leave the home by a court we will refer them to the local authority for advice on emergency housing arrangements. We will also provide advice and support on accessing the Common Housing Registers.

#### **4.4 Working with Partners**

- 4.4.1 We are committed to working strategically with key partner agencies to co-ordinate our approach to tackling domestic abuse and safeguarding concerns to better meet the needs of those affected. See procedures for more details.
- 4.4.2 We will securely share information with appropriate partner agencies to help reduce the risk to someone experiencing domestic abuse and to help with safety planning.

#### **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 over-coming 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 on rent arrears, chargeable repairs, letting issues and other Occupation Contract related issues as required. MHA will not charge survivors 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). 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 Support Services to change behaviour such as the Respect Helpline. Refer to MHA's support directory for more information.
- 4.5.6 MHA adopts a trauma informed approach. Where appropriate, we will utilise restorative skills and tools to work with customers. There may be cases where due to the complexity and seriousness of the situation, referrals will be made to specialists. For example, MARAC/IDVA referral to a behaviour change programme.
- 4.5.7 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. This includes awareness

raising literature and promoting the support available through various mediums e.g. our website

- 4.6.2 We will make clear that MHA will not tolerate domestic abuse and will work with the Police to hold perpetrators to account.
- 4.6.3 We will emphasise that not everyone experiencing domestic abuse can access services as easily as others We will adapt our approach to support the needs of the victim. We are committed to providing tailored support to those who experience additional barriers to accessing support including black and minoritised survivors . We are committed to anti-racist practices.
- 4.6.4 We will raise awareness that some individuals are more at risk because of characteristics they have e.g. disabled survivors (not exhaustive).
- 4.6.5 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 . The level of training will be dependent on the role and responsibility of the staff member:
  - **Basic Awareness Training:** All staff
  - **Ask and Act Training:** Frontline Neighbourhood Services, New Homes, Support Team staff
  - **Professional and Service Manager Training:** Community Safety Team, Safeguarding Leads.
- 4.7.2 All staff will have access to this policy and associated procedures at all times

## 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) A and B are each aged 16 or over and are personally connected to each other, and
- b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following:

- a) physical or sexual abuse
- b) violent or threatening behaviour
- c) controlling or coercive behaviour
- d) economic abuse
- e) psychological, emotional or other abuse.

And it does not matter whether the behaviour consists of a single incident or a course of conduct.

“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—



- a) acquire, use or maintain money or other property, or
- b) obtain goods or services.

For the purposes of this Act, 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

For the purposes of this Act, two people are "personally connected" to each other if any of the following applies—

- a) they are, or have been, married to each other;
- b) they are, or have been, civil partners of each other;
- c) they have agreed to marry one another (whether or not the agreement has been terminated);
- d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- e) they are, or have been, in an intimate personal relationship with each other;
- f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- g) they are relatives.

A person has a parental relationship in relation to a child if—

- a) the person is a parent of the child, or
- b) the person has parental responsibility for the child.

- 5.2 **Under the Renting Homes (Wales) Act 2016, breach of prohibited conduct by Domestic abuse for Contract Holders is defined as:** *Breach of prohibited conduct (summarised): when the contract holder has 'engaged or threatened to engage' in conduct 'capable of causing a nuisance or annoyance' to others living or engaged in lawful activity in the dwelling or in the locality or to the landlord or any person acting in connection with the landlord's housing management functions. A contract holder mustn't use their home or common parts for criminal purposes (nor threaten to). By their act or omission they mustn't allow, encourage or incite such behaviour from anyone living with them or visiting the home.*
- 5.3 **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.
- 5.4 **The Housing (Wales) Act 2014 Part 2** contains homeless duties, which also provides a definition of domestic abuse.
- 5.5 **Multi-agency Risk Assessment Conference (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.

- 5.6 **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. Renting Homes (Wales) Act 2016
  2. Children Act 1989; 2004
  3. Family Law Act 1996
  4. Anti-Social Behaviour Act 2003
  5. Crime and Disorder Act 1998 (Section 115)
  6. Criminal Justice and Police Act 2001
  7. Youth Justice and Criminal Evidence Act 1999
  8. The Sexual Offences Act 2003
  9. Data Protection Act/General Data Protection Regulations (2018)
  10. Equality Act 2010
  11. Mental Capacity Act 2005
  12. Protection from Harassment Act 1997
  13. Human Rights Act 1998
  14. Female Genital Mutilation Act 2003
  15. Forced Marriages (Civil Protection) Act 2007
  16. Domestic Violence, Crime and Victims Act 2004
  17. Anti-Social Behaviour Crime and Policing Act 2014
  18. Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
  19. Serious Crime Act 2015
  20. Domestic Abuse Act 2021
  21. Social Services and Well-being (Wales) Act 2014
  22. 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. Safeguarding Children and Adults at Risk Policy and Procedures
  2. Employee Domestic Abuse Policy
  3. Complaints, Comments and Compliments Policy
  4. Anti-Social Behaviour Policy and Procedures
  5. Homesearch Policy and Procedures
  6. Surveillance Camera Policy and Procedures
  7. Fees and Charges Policy
  8. Unacceptable Behaviour Policy and Procedures
  9. Occupation Contract written statements
  10. Equality, Diversity and Inclusion Policy
  11. Lone Working Policy
  12. Homesearch Policy and Procedures
  13. Unacceptable Behaviour Policy and Procedures
  14. Contract (tenancy) Management Policy and Procedures
  15. Income Management Policy and Procedures
  16. Repairs Policy and Procedures

17. Information sharing agreement between Gwent Police, MCC and Registered Social Landlords

18. Information Security, Data Protection and Retention Policies

## **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 CST is responsible for and has oversight of all domestic abuse cases. Other staff members may be involved in the process in order to maintain relationships with the victim. We will believe disclosures of domestic abuse and staff members will take appropriate action in line with MHA's Domestic Abuse Procedures
- 8.3 Where legal action may be taken, the case is the responsibility of the CST.
- 8.4 Either the Director of Housing and Communities or The Head of Neighbourhoods will authorise legal action for domestic abuse. They will ensure all appropriate steps including the Proportionality and PreCourt Protocol have been considered before applying to court.
- 8.5 The Proportionality Review will not be required for extreme circumstances where there has been an incident of serious threatening behaviour or physical violence, especially those made towards staff member or contractors.
- 8.6 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 Adults at Risk 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 GDPR 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.

## **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. The Policy supports recognising difference and redressing disadvantage e.g. Domestic abuse 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. We will seek feedback from those who have experience of the service.
- 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. We will 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.
- 13.5 We will evaluate the effectiveness of projects and partnerships we are involved in that aim to reduce domestic abuse, to check what's working and what needs to be improved.