

DOMESTIC VIOLENCE IN SOCIAL HOUSING POLICY & GUIDELINES

Policy Statement

The Council recognises that domestic violence is a criminal offence that has serious effects on people's lives, both emotionally and physically. The Council is committed to take all reasonable steps possible to combat the reality and impact of domestic violence for individuals being abused, for children affected by domestic violence and to challenge the behaviour of perpetrators. It accepts legally and morally that any form of domestic violence is not acceptable and does not expect its' employees to tolerate or condone such behaviour whilst delivering it's Housing service.

1 Legal Requirements

- 1.1 The Housing Act 1996 s145 introduced a new ground for possession if one of the partners had left due to domestic violence, in order to repossess a property from the perpetrator.
- 1.2 The Protection from Harassment Act 1997 makes harassment a criminal offence and a conviction can form the basis of a ground for possession under Schedule 2 Ground 2 of the Housing Act 1985, as amended by Sections 144 - 146 of the Housing Act 1996.
- 1.3 Under the terms of the tenancy agreement, the tenant is prohibited from threatening or committing any form of violence, or to harass or use mental, emotional or sexual abuse to make anyone who lives with them leave the home.
- 1.4 The Children's Act 1989 ensures that any suspected or alleged child abuse or protection incident is reported to the Social Services Child Protection Team. Section 38A (1) Children's Act allows for the courts to remove the alleged abuser from the family home.

2 Definition of Domestic Violence

- 2.1 Rochford District Council adopts the definition of Rochford's District Domestic Violence Panel: -

'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between people who are, or have been, intimate with partners or family members, regardless of gender'.
- 2.2 Domestic violence is a misuse of power and the exercise of control by one partner or family member over another.

- 2.3 The abuse is usually by a man to a woman, in some occasions by a woman to a man. It also occurs in relationships of the same sex.
- 2.4 Domestic violence involves a pattern of **physical** and/or **emotional abuse**.
Physical abuse can range from: -
- Slapping
 - Beating
 - Rape
 - Sexual degradation
 - Punching
 - Knife wounds
 - Murder
- Emotional abuse can range from: -
- Threatening behaviour or threats to cause harm
 - Bullying
 - Insults
 - Constant criticism
 - Intimidation
 - Restricting partner of freedom i.e. seeing family and friends
- 2.5 A single incident can be classed as domestic violence. There does not have to be a series of events.

3. Good Practice

- 3.1 When a victim of domestic violence approaches the Council for advice it has taken a lot of courage, especially to talk to a stranger about something so personal. For a client to receive support, someone to recognise his/her needs and be provided with the correct advice will encourage them to feel happy to return to us.
- 3.2 When a client approaches the Council looking for advice and support he/she must be treated seriously.
- 3.3 All interviews should be carried out in a private area e.g. interview room and wherever possible by a person of the same sex.
- 3.4 To ensure the Council provides a good service the following practices should be observed: -
- Ensure that what the client tells you is treated with complete confidentiality. No information to be passed to another organisation without consent from the client.
 - Provide the client with information and telephone numbers of other agencies that specialise in domestic violence (especially out of hours emergency numbers)
 - Refer to Housing, Health and Community Care Division for advice on their housing options.

- Ask the client for a contact number, it may not be safe to contact him/her at home.
Do not: -
- Endanger yourself or the client.
- Assume that only women experience domestic violence.
- Ever underestimate the level of fear they may feel.
- Ever make choices for the client. He/she must make his/her own decision however hard it may be.
- Attempt to contact the abuser.
- Assume gender of perpetrator.

4 Dealing with Perpetrators

- 4.1 The rights of any alleged perpetrator, under the Human Rights Act 1998 and natural justice need to be recognised.
- 4.2 With the victim's permission, the tenant should be interviewed in order to:
 - advise them that there has been a complaint
 - to explain the Council's policy on domestic violence
 - to record their responses to the allegation
- 4.3 A thorough investigation of the allegation and responses will be undertaken by the Housing Manager and legal advice sought before making a response.
- 4.4 If it appears that a child or a young adult is being abused, whether physically or emotionally, then consult with the Line Manager, Community Safety Unit, Child Protection Team at Rayleigh Police Station or Social Services (Essex Direct) as soon as possible. Do not question the child/young person. Social Services and the Police are professionally trained to deal with these sensitive issues.

5 Combating Domestic Violence

- 5.1 Tenants and residents associations must be encouraged to discuss issues of domestic violence in order to raise awareness of the issues involved.
- 5.2 By publishing its policy, Rochford can demonstrate to victims of domestic violence they will be provided with support and assistance and it will warn possible perpetrators of the firm action that will be taken against them.
- 5.3 Posters and leaflets will be displayed prominently in order to deter perpetrators and to provide victims with information and the confidence to report incidents.

- 5.4 Wherever possible, subject to the availability of evidence, the strongest action should be taken against perpetrators of domestic violence, including injunctions and eviction.

Procedure Notes

1. All reported incidents of anti-social behaviour must be dealt with in accordance with the Councils' Anti-social Behaviour Policy.
2. If a translator or interpreter is required then:
 - Check the internal register held with Personnel
 - Ring Social Services Refugee Support Team 01268 565999 who have a list of translators for some languages,
 - Essex Police HQ maintain a list of contacts, on 01245 491491
 - Essex Racial Equality Council, David Purdey 01702 333351 may be able to provide a translator.
3. Any allegation that a tenant has been the victim of domestic violence will be investigated sensitively and taken seriously. Information and evidence will be collected to support any legal action, as the tenancy agreement prohibits a tenant or visitors from threatening or committing violence towards any other person.
4. Accurate records of interviews with individuals experiencing domestic violence must be maintained and may be crucial for Court evidence. Such information must be kept secure and confidential.
5. Tenants who wish to be transferred must, after substantiation of the allegation, be given extra points under the letting policy. In exceptional circumstances the Head of Housing Management and Revenues may grant welfare points.
6. Consideration will be made to undertake legal proceedings against the perpetrator where the Legal Division advises that there is sufficient evidence to effect an eviction. A Notice Seeking Possession under Ground 2A, Schedule 2 to the Housing Act 1985 is required, where one partner has left because of violence or threats of violence by the other. The violence must be the real or effective reason for leaving and must be particularised on the notice and in the pleadings.
7. As a last resort one tenant may end a joint tenancy under common-law, by serving a Notice to Quit, ending the tenancy and occupation rights of all tenants (under *L.B.Greenwich v McCrady* [1982]). However it must be remembered that such action may exacerbate bad relations between the parties, putting one party at an increased risk of retaliation and may affect any homelessness application. If this method is used, the property may be offered to the aggrieved party, if considered appropriate or alternative accommodation will be provided.

Appendix 2

8. Tenants or applicants wishing to move, who have experienced domestic violence, will be awarded 10 additional points under the letting policy for Social housing, supported by a report from Police, Doctors, Social Services. If the incident has not been reported, contact other sources with permission from the client.
9. Victims will be referred to specialist counselling and support agencies such as the Dove Project.
10. Cases will be reported to the Domestic Violence Officer using the Corporate monitoring forms.
11. Victims requiring emergency travel fund monies e.g. from Council Offices to the Women's Aid refuge, contact one of the members of the Panel for confirmation of reimbursement before acquiring Petty cash monies.