



Cloch Housing Association

Domestic Abuse Policy

Policy Name	Domestic Abuse Policy
Policy Category	Housing & Property Services
Policy Number	102
Approved by	Housing & Property Services Sub Committee
Responsibility of	Housing Services
Date Adopted	25/2/2020
Last Review	25/2/2020
This Review	8/8/2023
Next Review	8/8/2026
Equalities Impact Assessment Required	Yes
Link to other policies	Safeguarding Vulnerable Adults and Children (092)
Consultation	Internal

1 INTRODUCTION & AIMS

1.1 Make a Stand Pledge

The Make a Stand pledge has been developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It has been created to encourage housing organisations to make a commitment to support people experiencing domestic abuse. Cloch Housing Association has signed up to the Make a Stand Pledge. Our commitment is to update our policies and procedures to ensure that we are offering appropriate support to both tenants and staff that have experienced domestic abuse.

1.2 Policy Statement

Cloch Housing Association acknowledges Domestic Abuse to be a crime. Domestic abuse impacts on the quality of life of victims, their children, families and friends as well as impacting on a person's home.

1.3 This policy sets out how Cloch Housing Association Limited (CHA) defines domestic abuse, and how we will take steps to assist and support any person suffering from or threatened with domestic abuse. The policy also details how we will respond to and seek to deal with any reports of such abuse affecting tenants or members of their households. The term 'abuse' covers physical as well as verbal or other forms of abuse.

1.4 CHA believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. CHA will therefore take the strongest action possible against perpetrators of domestic abuse where it has the power to do so to protect the victim.

1.5 CHA will deal with all reports of domestic abuse as an emergency and respond to them within 1 working day. Applying a 'survivor centred' approach we will assist the victim to reach a decision which they feel best secures their safety by:

- reviewing their accommodation,
- enabling the level of assistance, they want, and
- taking action against the perpetrator where appropriate.

4.6 By adopting this policy, CHA aims to:

- improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities;
- increase awareness and understanding of this issue amongst residents and employees;
- encourage residents and employees to report domestic abuse;
- facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm;
- improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports;
- empower victims by providing information on the options available to them;
- improve the response to victims through effective engagement of appropriate external enforcement and support agencies;
- create a consistent approach for recording and monitoring incidents of domestic abuse;
- inform colleagues of best practice when responding to domestic abuse;
- ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse.

2 SCOPE AND PRINCIPLES

Definitions

2.1 CHA adopts the Scottish Government definition of domestic abuse, which is:

“Domestic Abuse, as gendered based violence, can be perpetrated by **partners or ex partners** and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, with-holding money and other types of controlling behaviour such as isolation from family and friends). It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.”

Source: National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000

2.2 Coercive Controlling Behaviour is a range of acts designed to make a person subordinate and/or dependent by:

- isolating them from sources of support,
- exploiting their resources and capacities for personal gain,
- depriving them of the means needed for independence, resistance and escape, and
- regulating their everyday behaviour.

2.3 Coercive Controlling Behaviours consists of a range of behaviours that undermine the victim and restrict their freedom, that goes beyond physical or sexual harm. It has a long lasting effect on both the adult victim and children.

3 OUR APPROACH

3.1 CHA believes that its tenants and other householders should not live in fear of violence or abuse. CHA takes domestic abuse very seriously and is committed to providing a sensitive and confidential response to anyone approaching the organisation for assistance in cases of domestic abuse.

3.2 Cloch Housing Association's Make a Stand Pledge is to:

- Identify domestic abuse at the earliest stages of a tenancy including tenancy sign up and sensitively ask about any history of domestic abuse. If a history is disclosed additional security measures will be considered.
- Enabling tenants to report domestic abuse to the organisation in different ways, including in person, in writing, by telephone, online or via a third party such as a Police Officer or local authority or other partner organisations.
- Ensure that tenants know that they can meet any member of staff in confidence at CHA's office or at an agreed choice of safe venue. Tenants will also be offered the option of a female staff member.
- If appropriate, identify risk by using the Domestic Abuse, Stalking and 'Honour'-based violence Safe Lives Risk Identification Checklist (DASH) the checklist can be found at www.safelives.org.uk . Offer safety planning to address risk and provide support for the tenant and their children where present.
- Share information with the Multi Agency Risk Assessment Conference (MARAC). For cases which meet the MARAC risk rating threshold or if there is a child protection/adult protection concern, CHA has a legal duty to share information with agencies. In cases where the threshold is not met, with the agreement of the victim, CHA will make referrals for support

from other relevant agencies (Police Scotland, Women's Aid, ASSIST or Victim support etc.).

- CHA will agree to support any action plan implemented with the tenant, monitor the situation and review at a frequency agreed with them.
- Provide improved security to a victim's home (e.g. security lights, window locks) where a need is identified.
- Ensure that tenants experiencing domestic abuse access appropriate services as early as possible and are given advice to allow them to make informed choices about what to do next.
- Offer support to the tenant where appropriate to rebuild their lives by working in partnership with them and other support agencies.
- Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- Consider the use of civil laws to offer maximum protection to all victims to stop the abuse reoccurring.
- Follow the relevant child protection procedures if CHA believes a child is at risk due to domestic abuse
- In support of the implementation of this policy CHA will ensure that domestic abuse training is available for all staff.
- Not tolerate domestic abuse from our employees.
- Publicise our approach, both in print and digitally, to raise awareness both internally and externally with the aim of increasing reports of domestic abuse.

3.3 CHA encourages all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.

Prevention

3.4 As part of our arrangements to prevent domestic abuse we will:

- make all new tenants aware of CHA's policies relating to rehousing, relationship breakdown and where applicable the implications of domestic abuse on joint tenancies;
- publicise this domestic abuse policy to all tenants and employees, highlighting the consequences for perpetrators;
- provide advice and information within CHA's office.

Survivor-centred approach

3.5 CHA will adopt a 'survivor-centred' approach in dealing with domestic abuse, i.e. if a person feels they are experiencing domestic abuse we will deal with it under this policy.

- 3.6 CHA will deal with all reports in a non-judgemental manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance.
- 3.7 CHA will only take action with the victim's consent. The exception to this general rule is where we consider that there is serious risk to the victim, a child is at risk in any situation or if there is a high risk of serious harm to another person involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines.

Options for action

- 3.8 CHA recognises that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:
- making arrangements for their immediate personal safety;
 - reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely;
 - reporting incidents to the Police, which may result in criminal action against the perpetrator;
 - where appropriate, legal action against the perpetrator by CHA
 - if there is a significant risk, a referral being made to MARAC
 - offering support services
- 3.9 The safety of the victim and their dependents will be our priority. An Action Plan setting out further action will be agreed with the victim, and we will regularly contact the victim and keep them updated with progress.

Assistance for victims

- 3.10 CHA will take a proactive and sympathetic approach. Each case will have its own challenges and so the type and level of assistance offered will be finalised by the Senior Housing Officer or the Housing Services Manager.

Remaining in the property

- 3.11 CHA will advise victims who wish to remain in their own homes of any local 'sanctuary' schemes (i.e. funds available to improve the security of their existing accommodation). We will allocate discretionary funds for victims, to assist them in rebuilding their lives and homes. We will also consider funding such improvements where there are no local authority sanctuary schemes in place.

- 3.12 CHA will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damages due to the domestic abuse. Where appropriate we will charge such costs to the perpetrator.
- 3.13 Where the police wish to install additional security, permission will be given immediately subject to agreement on who will maintain such items.
- 3.14 In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by the organisation in line with the relevant policy. Although a crime reference number is usually required, in exceptional circumstances, the appropriate Officer has the authority to waive this condition.
- 3.15 Any damage should be photographed and noted and a recharge raised against the perpetrator. Where appropriate, CHA may seek to take direct action against the perpetrator and report the damage to the police as a crime.

Emergency rehousing

- 3.16 Where a resident reporting domestic abuse needs emergency accommodation CHA will provide advice and assistance on accessing such accommodation provided by Inverclyde Council or by a women's refuge. We will provide a referral letter where appropriate and advocate on our tenant's behalf.

Tenancies

- 3.17 If the tenant experiencing domestic abuse is named on the tenancy agreement, they may be able to transfer the tenancy agreement solely into their name. This will depend on:
- the legal status of the relationship
 - whose name is on the tenancy agreement
- 3.18 If the tenant is married or has a registered civil partnership, the partner will have a right to live with the tenant within the family home, even if their name is not on the tenancy agreement. They will need to apply to the court for an exclusion order to suspend their rights to live in the home. The court will grant an exclusion order when it can be shown that it is necessary for a tenant's own protection or the protection of their children.

Permanent rehousing

- 3.20 Where a resident reporting domestic abuse requests permanent rehousing, CHA will prioritise their application as a 'management transfer'. In such cases the suspension process will not be applicable and we will review and determine the action to be taken on a case by case basis. There will normally be a limit on the number of occasions we will offer this, typically it will only be offered once.

4 MULTI-AGENCY APPROACH

- 4.1 CHA will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, meet their needs, co-ordinate available resources, access specialist services, take action against perpetrators and share best practice.
- 4.2 CHA will actively try to engage in good practice when dealing with Domestic Abuse, such as making referrals to MARAC, (Multi Agency Risk Assessment Conference) attending meetings and following any recommendations or action plans that may arise from them.

5 ACTION AGAINST PERPETRATORS

- 5.1 CHA will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home due to domestic abuse.
- 5.2 Subject to data protection requirements, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.
- 5.3 The Domestic Abuse (Protection) (Scotland) Act came into force on 5th May 2021 and provides new and improved protections, to complement the existing measures, for victims of domestic abuse
- 5.4 Prior to the COVID-19 pandemic, Police Scotland recorded over 60,000 incidents of reported abuse. Worryingly, however, domestic abuse is often a hidden and unreported crime and so it is thought that these figures do not accurately reflect the total number of incidents in Scotland.

The Act introduces new forms of protection with Police Scotland and the courts being given powers to protect those who are most at risk by issuing Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs). Senior members of the police now have the power to issue a DAPN as a short-term, emergency protection where they have reasonable grounds to believe a partner or ex-partner has been abusive. Section 5 of the Act sets out an exhaustive list of prohibitions and requirements that may be imposed by a DAPN and these include stopping an abuser from entering the home of the person they have abused. The DAPN essentially buys victims of abuse time to consider their housing options and the new measures reduce the risk of victims of domestic abuse having to become homeless to escape their abuser.

Police Scotland can also apply to the court for a DAPO and this order can last for up to 2 months. A DAPO is an order which requires an abuser to take action or prohibits an abuser from doing things specified in the order. Section 9(2) of the Act provides a non-exhaustive list.

It is important to note that it is not necessary for a DAPN to be granted before a DAPO can be imposed.

- 5.5 Part 2 of the Act also creates a new right for social landlords to terminate an abuser's interest in a Scottish Secure Tenancy to enable a victim to remain in the family home with the introduction of a new ground for recovery of possession where a tenant engages in domestic abuse. The abuser can be either the sole tenant or a joint tenant with the victim and the intention is to allow the landlord to remove the abuser from the house with a view to entering into a sole tenancy with the victim.

The court is required to make an order for recovery of possession, terminating the abuser's right to the property, either where they feel it is reasonable to do so, or, where the abuser has been convicted of a domestic abuse offence, punishable by imprisonment, in the previous 12 months. When making this determination, the court must carry out a risk assessment as to whether the abuser is likely to subject the victim to domestic abuse again.

6 VICTIM RESPONSIBILITIES

- 6.1 CHA will provide support and assistance to victims as described in this policy. The organisation acknowledges that tenants who have experienced domestic abuse are often coerced, frightened and bullied into going back with the perpetrator. The impact of experiencing domestic abuse can result in the victim being unable to leave the relationship. While recognising the Coercive Controlling nature of domestic abuse resulting in difficulties for the victim, the support that CHA can offer will depend on the engagement of tenants. Where tenants fail to engage and show no signs of a willingness to engage, and where the behaviour is having an impact on neighbours, CHA may consider addressing the behaviour under our Anti-Social Behaviour Policy.

7 CONFIDENTIALITY/GPDR

- 7.1 CHA recognises that incidents of Domestic Abuse are extremely sensitive, private incidents for tenants to report and will ensure total confidentiality on any cases that are reported. Information will be shared within CHA on a strictly 'need to know' basis. We will adhere to all current data protection requirements (see the Openness & Confidentiality Policy).
- 7.2 CHA may however share relevant information with local agencies such as Police Scotland or Social Work Services. This will mean that cases are dealt with more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the tenant and/or their dependants to provide better or more

effective support. The sharing of information will be proportionate to the level of risk of harm.

7.3 Victims will be encouraged to allow CHA to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued, and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper informed consent, unless the risk is such that it must be shared in order to protect the victim.

7.4 The exceptions to this will be:

- where we consider a child is at risk in any situation, or
- if there is a high risk of serious harm to anyone involved, or
- if we are obliged by law to disclose information.

The Senior Housing Officer or Housing Services Manager must approve any disclosure that does not have the victim's consent.

8 RESPONSIBILITIES

8.1 Board of Management

- To ensure that CHA has approved and implemented a policy on domestic abuse that complies with current regulations and guidance.
- To monitor compliance with the policy, through receipt of relevant reports (usually to Housing Sub Committee) where appropriate.

8.2 Leadership Team

- Chief Executive Officer: To ensure all employees and Board Members are aware of the policy and their responsibilities under it.
- Depute Chief Executive Officer: To co-ordinate the provision of any training required to enable employees to recognise and respond to incidents of domestic abuse.
- Housing Services Manager – to ensure the Policy is implemented and take appropriate decisions based on Policy and relevant legislation.
- All Heads of Section: To ensure that relevant employees (and contractors) are fully aware of their responsibilities under the policy, in particular of the importance of reporting any incidents or pattern they become aware of.

8.3 Employees

- To ensure they are aware of their responsibilities under this policy, and that they implement the policy and procedure when appropriate.

9 APPEALS AND COMPLAINTS

9.1 Appeals or complaints against our operation of this policy will be processed through the association's complaints handling procedure, which is available at the association's office or on our website.

10 EQUALITIES COMMITMENT

10.1 Cloch Housing Association Ltd is committed to tackling discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

10.2 Cloch seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.

11 POLICY AVAILABILITY

11.1 This document can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

12 MONITORING AND REVIEW

12.1 This policy will be reviewed every three years, unless amendment is prompted by a change in legislation, operational requirements or customer feedback. The Policy will be reviewed in consultation with tenants, sharing owners and staff.

Cloch Equality Impact Assessment (EqIA)

Domestic Abuse Policy

Author	Housing Services Manager
Assessor / reviewer/ implementer	All Cloch staff and Board Members
Start Date	06 th January 2020
End Date	17 th February 2020
Relevance	This policy sets out how the Association defines domestic abuse, and how we will take steps to assist and support any person suffering from or threatened with domestic abuse.
Policy Aims	<p>The aims of the policy are to</p> <ul style="list-style-type: none">• improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities;• increase awareness and understanding of this issue amongst residents and employees;• encourage residents and employees to report domestic abuse;• facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm;• improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports;• empower victims by providing information on the options available to them;• improve the response to victims through effective engagement of appropriate external enforcement and support agencies;• create a consistent approach for recording and monitoring incidents of domestic abuse;• inform colleagues of best practice when responding to domestic abuse;• ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse.
Available Evidence	The likely effects of the policy were informed by a range of evidence, including consultation with relevant stakeholders on the content of the Domestic Abuse Policy. A variety of sources of information were used,

including reference to the Domestic Abuse (Scotland) Act 2018 and the SFHA/CiH Make a Stand Pledge documentation and guidance.

Domestic Abuse Recorded by The Police in Scotland 2018-2019 – (25th of February 2020)

Police Scotland recorded:

- 60,641 incidents of Domestic Abuse in 2018-2019.
- 82% related to female victim and male perpetrator
- 16% to male victim and female perpetrator
- 2% to same gender relationships.
- In Inverclyde 40% related to repeat incidents
- Inverclyde sits at the Scottish average of 112 incidents of domestic abuse per 10,000 of population#
- In 2018-19, the 26-30 years old age group had the highest incident rate for victims (263 incidents recorded per 10,000 population). The 31-35 years old age group had the highest incident rate for the accused (246 incidents recorded per 10,000 population).
- There were 874 recorded incidents of Domestic Abuse in Inverclyde in 2018-2019 (we sit in the middle of the stats table of all local authority areas in Scotland)

Disability - Everyone should be able to enjoy their human rights, including the right to be free from abuse. People with learning disabilities are no different. However, they may face more challenges in being able to access and realise their rights. Public Health Scotland stats show that 40% of women and 20% of men with a long-standing illness or disability have experienced partner abuse.

Sex: Police stats show that where gender information is recorded, around four out of every five incidents of domestic abuse in 2018-2019 had a female victim and a male accused.

Gender identity/ Transgender people - Police Scotland 2018-2019 recorded 2% of all incidents of Domestic Abuse related to both the victim and accused being the same gender.

Sexual orientation - Information on domestic abuse incidents recorded by the police in 2015-16 shows that 2% of incidents involved a male perpetrator and male victim, and 1% of incidents involved a female perpetrator and female victim.

Race - There is a lack of evidence that domestic abuse differentially affects people on basis of race/ethnicity. The Scottish Government partner abuse module does not collect information on the race or ethnicity of survey respondents.

Evidence Gaps	It would be useful to have complete local evidence to confirm the extent of instances of domestic abuse within our stock base but this is unlikely to be collected in any meaningful way.
Involvement and Consultation	We consulted with staff and stakeholders on this policy during the review process.
What is the actual / likely impact?	<p>The Association believes that the policy is not discriminatory and that there are no significant issues that we consider would impact negatively upon the various groups.</p> <p>However, there is evidence that domestic abuse affects different protected groups in different ways and to different extents. For example, there is clear evidence that women are at greater risk of experiencing partner abuse than men.</p>
Address the Impact	N/A
Monitoring and review	This policy is on a 3-year cycle.
Action Plan	N/A
Decision Making and Quality Control	Head of Housing Services, Depute Chief Executive Officer, Section Heads, Chief Executive Officer, Housing and Property Services Sub-Committee