

Domestic Abuse policy

1. Purpose:

This policy set out the approach adopted by Merlin with regard to how we deal with reports of Domestic Abuse.

In realising our vision to be a world class organisation providing homes in communities people aspire to live in, it is recognised that a robust approach to tackling domestic abuse is required.

We are committed to:

- Providing a positive response to reports of domestic abuse and being clear about what support we can offer
- Taking a victim centred approach to responding to reports of domestic abuse
- Taking a robust approach to tackling domestic abuse

This policy explains our approach to managing reports of domestic abuse to ensure reports are taken seriously and are responded to in a sensitive and neutral manner, taking a victim-centred approach.

This policy aims to ensure a consistent approach is taken to managing reports of domestic abuse, and clarifies our approach to support victims and how we will work with alleged perpetrators.

2. Scope and definitions:

2.1 Scope:

Domestic abuse can happen to anyone, yet the concern is often overlooked, excused or denied. We acknowledge that every individual is entitled to live in peace and without the fear of violence or abuse.

As a housing provider, we are ideally placed to identify, recognise and prevent domestic abuse in our properties which could result in a life-saving intervention. Responding effectively to domestic abuse is an important part of building safe and sustainable communities and reduces the fear of crime, creating neighbourhoods where people want to live.

We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance.

Version	4
Date issued	February 2017

We recognise that failing to respond promptly to reports of domestic abuse may put victims at further risk; therefore it is good practice to have clear guidance in place to deal with such incidents.

This policy clearly sets out our intentions for tackling domestic abuse comprehensively and our commitment to ensuring that reported incidents are responded to swiftly and effectively. Our commitments to tackling domestic abuse is clearly reflected in our tenancy agreements.

This policy links closely with our anti-social behaviour policy.

2.2 Definitions:

Nationally, a new definition of domestic abuse and violence came into effect from 31st March 2013. The new definition is that Domestic Abuse or Violence is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Controlling and coercive behaviour
- Physical
- Sexual
- Financial
- Emotional

This definition includes 'honour' based violence, female genital mutilation and forced marriage.

We believe that our customers should not live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse.

The Domestic Abuse, Stalking and Honour Based Violence (DASH) risk identification, assessment and management model was implemented across all police services from March 2009.

This was pioneering and a significant step forward in keeping victims safe. The DASH risk assessment is used across all police services and a large number of partner agencies to ensure the use of a common checklist for identifying, assessing and managing risk.

Version	4
Date issued	February 2017

3. Policy Statement & Principles:

3.1 Reporting domestic abuse

We may be a victim's first and only contact regarding a domestic abuse issue. It is therefore essential that people who experience domestic abuse feel safe and supported in order that they can talk about their experiences.

The initial response from front-line staff will be very important and our staff are appropriately trained to listen and respond to such disclosures.

Domestic abuse may be reported to us in a number of different ways which include but are not limited to:

- The customer contacting us directly
- An operative attending the property
- Our representative attending the Multi Agency Risk Assessment Conference (MARAC)
- A report of anti-social behaviour from a neighbour
- Social services
- The police
- Domestic Abuse charities such as Survive

We will log the incident of domestic abuse on our housing management system.

3.3 Supporting victim's

Active engagement with victims is essential in helping to deal effectively with domestic abuse. We will:

- Adopt a victim centred approach
- Agree a safe, confidential and comfortable environment for victims to discuss their situation
- Offer the choice of speaking to a male or female member of staff
- Where required*, assess the level of risk to victims using the DASH risk assessment
- Consider security measures that can enable the victim to feel safe and able to remain in their home
- Liaise with the appropriate agencies to identify if refuge accommodation is available
- Assess whether there is a need for urgent legal action
- Provide housing advice in respect of joint tenancies

Version	4
Date issued	February 2017

- Refer to specialist agencies to provide support and advice
- Where required, make a referral to MARAC
- Seek consent to share information with other agencies

*The DASH risk assessment only needs to be completed by one agency. Therefore if the victim has already completed the assessment with another agency, we will not go through this again with the victim.

Where a victim has an urgent need to move home, we will support them with their housing options. Refer to the lettings policy.

3.4 Victim centred approach

We take all reports of domestic abuse made to us seriously, and will interview anyone who reports domestic abuse to us within 24 working hours.

Where we have assessed someone to be at high risk of harm, we will:

- Work with other agencies to provide specialist support and assistance that may be outside of our capabilities, with the victims consent.
- Assess the need for additional security measures to the victims home
- Referral to MARAC, we will gain the victims consent, however when consent is declined we will make the referral
- Any other measures that will assist to reduce the risk of harm

During our first interview with the victim, we will develop an action plan for how we intend to progress the case. This plan will include how we intend to:

- Gather evidence
- Approach the alleged perpetrator (if applicable)
- Signpost to other agencies
- How frequently we will keep in contact
- Anything else relevant to the case

Where the risk of harm is high to members of the household, we may have to share information. We'll notify and work with partners under our Safeguarding Policy.

3.5 MARAC

We are participants at the MARACs for the local authority areas that we operate in. At these meetings, information is shared between agencies involved in domestic abuse cases and they produce multi-agency action plans in response to high risk cases.

For cases which meet the MARAC risk rating threshold, or if we have child protection concerns, we have a legal duty to share this with agencies. In cases where the

Version	4
Date issued	February 2017

threshold is not met, with the agreement of the victim, we will make referrals to other support from relevant agencies.

3.5 Working with perpetrators

In cases of domestic abuse, we will take firm, prompt and appropriate action against the perpetrators including, if necessary, action leading to eviction from our tenancies.

Our tenancy agreements support us to take action against perpetrators of domestic abuse where other methods have not worked or it is proportionate to do so.

We may also signpost perpetrators to support agencies who provide specialist services for perpetrators.

3.6 Longer term housing options

Sole tenants

We will support any sole tenant experiencing domestic abuse who wishes to move away from the local area for their safety. We aim to do this through our lettings policy and working with the local authority where required.

Where the perpetrator is a sole tenant, we may choose to take possession action against them. It is against the terms in our tenancy conditions to perpetrate domestic abuse and under schedule 2 of the Housing Act 1988, this can give grounds for possession.

Where the victim is a sole tenant and is no longer living in the home but the perpetrator remains a tenant of ours, we will take action against the perpetrator to recover vacant possession of the property.

Joint tenants

Where the victim holds a joint tenancy with the perpetrator, we cannot evict the perpetrator or remove them from the tenancy without an order from the court.

A victim who is a joint tenant can end the tenancy without the knowledge or consent of the joint tenant (the perpetrator). The exception to this rule is Fixed Term Tenancies. If such a victim secures permanent accommodation elsewhere, the joint tenancy will need to be terminated in one of the following ways:

- Completing a notice to terminate or surrender of tenancy form
- Assigning the tenancy to the other joint tenant (refer to Tenancy and Estate Management policy)
- A Court Order
- A property adjustment Order

Version	4
Date issued	February 2017

If the victim follows through with the above, we will make a decision as to whether we grant a new tenancy to the remaining joint tenant (the perpetrator) or support them to find alternative accommodation.

Where the perpetrator has restrictions to not return to the joint tenancy, we may accept a notice to terminate the tenancy from the victim and re-grant the victim a sole tenancy at the same address.

Where one joint tenant is seeking advice on ending the tenancy, we will be extremely careful to protect the rights of both of our tenants and will insist that they seek independent legal advice on their options. We record all facts and decisions on our housing management system, as it may be used as court evidence.

Where the perpetrator is a joint tenant, we may choose to take possession action against them and grant a new tenancy to the second joint tenant (the victim).

3.7 Other legal options available to the victim

We will advise all victims of domestic abuse to seek independent legal advice about their legal options. Legal options may include but are not limited to:

- Non-molestation orders (injunctions secured by the victim in the Family Courts)
- Occupation orders (a court order to exclude the perpetrator and allow the victim to return home)
- Tenancy transfer orders (a court order transferring a joint tenancy to a sole tenant)

3.8 Partnership working

We will work with partners to provide a multi-agency response to safeguarding victims of domestic abuse.

We will work with the Local Authority and other local agencies to develop appropriate strategies for responding to the needs of those experiencing domestic abuse (e.g. linking with the Partnership against Domestic Abuse).

We will engage with partners to work proactively, raising awareness of domestic abuse and encouraging reporting.

Where required, we will active engage with domestic homicide reviews.

3.9 Closing cases

We will formally close cases when the domestic abuse has been resolved or if the complainant fails to provide information or engage with us.

Version	4
Date issued	February 2017

If we are satisfied that we have taken every reasonable and proportionate step to resolve the domestic abuse we will close the case and ensure the victim is updated.

We will regularly review cases to prevent them from being left open indefinitely.

3.10 Confidentiality

All information provided by the victim will be treated with the utmost confidence, and only shared with external agencies with prior consent. Information will be shared with Merlin colleagues only on a 'need to know' basis.

However, where there is a serious risk of harm to an adult or child, we have a statutory duty to share information. This may include making a referral to MARAC without the victim's consent. Where this does happen, the victim will be informed that information has been shared without their consent, unless it may put them at further risk.

4. Responsibilities:

Execution of and adherence to this policy will be led by the Neighbourhood Services teams in conjunction with other front line staff.

Neighbourhood Housing Team Leaders and the ILS Service Manager are responsible for managing the Housing Officers and Anti-social Behaviour Officers who hold a direct case load.

5. Performance Standards/Measures of success:

The following key performance indicators apply:

- % of customers satisfied with the way their ASB case was dealt with
- % of customers satisfied with the way their Domestic Abuse case was dealt with
- % Domestic Abuse complainants interviewed in target (24 working hours) YTD
- % of Domestic Abuse cases closed and resolved YTD
- % of cases reopened to determine re-offending rates

When we close a case a satisfaction survey will be carried out. We will use the results of this to monitor levels of customer satisfaction to improve our service and for the Board to monitor our performance.

Where we have service level agreements (SLA) in place with specialist agencies, we hold review meetings throughout the year to ensure outcomes are achieved and the agency is meeting the targets set in the service level agreement. We currently have a SLA with Survive who provide victim support work.

6. Diversity, Equality and Inclusion

Version	4
Date issued	February 2017

Merlin is bound by the Equality Act 2010 and is totally opposed to all forms of discrimination because of any of the nine protected characteristics including age, race, disability, sexual orientation, religion or belief, gender, transgender status, marriage or civil partnership and pregnancy or maternity. We also recognise other forms of inequalities which exist due to socioeconomic circumstance or other 'hidden' vulnerabilities and will also not tolerate discrimination or any form of bullying or harassment on these grounds.

We take our duty seriously to offer a safe environment for those named above (*and others*) and also in protecting their wellbeing. We believe that everyone has the right to be treated with respect and have equal access to opportunities; and we are determined to address discrimination and promote equality & diversity in the provision of housing and related support services and employment (*and recruitment*).

We have high expectations of our Staff (*whether permanent or temporary*), Customers, Partners, Contractors, Stakeholders, Volunteers and Board Members. We expect all of the above to uphold the expectations put on organisations under the Equality Act 2010 & Human Rights Act 1998. We also expect the above to embody the DEI ethos we have of 'Valuing People and working together.' This Domestic Abuse Policy wholly embodies our DEI ethos and also supports the wider aims of the general duties of the Public Sector Equality Duty of the Equality Act 2010 as its main aim is to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7. Customer Insight – understanding our customers

All customers using this service are potentially vulnerable due to being in housing need and the effect this can have on a person; but there are certain factors which have shown trends for staff members needing to spend more time with customers due to needing a more intense level of support such as:

- Ill mental health
- Alcohol / drug dependencies
- If a customer does not speak English well
- Learning disabilities / difficulties

We are a housing organisation with limited resources and a specific skills case, this means we need to respond to this insight when developing and delivering our service.

We will commit to:

Version	4
Date issued	February 2017

- Analysing and reporting on the profile of service usage on an annual basis and share with partners so we can better plan for the support needed year on year.
- Strengthening our external partnerships with specialist and support agencies to deliver the wrap around support needed.
- Offering training to our staff to increase basic skills and awareness around: Basic mental health, Suicide prevention, MECC Training.
- Training staff in being able to use the telephone interpreter service & offer the use of a local face to face interpreter when needed.
- Delivering other services that aim to improve our customers' financial circumstances, this includes employment and training services and affordable warmth programmes of work.

We will support our victims to ensure that they have access to support services and where differences between victim and perpetrator require mediation to resolve tensions, this service will be offered.

Responsibilities will be explained to new tenants to make them aware of their obligations by signing their tenancy agreement and the terms they are signing up to in relation to anti-social behaviour.

8. Assurance Framework

Adherence to this policy will be monitored in the following ways:

- Monthly anti-social behaviour case review meetings which includes reviewing Domestic Abuse cases
- 1:1 meetings with Housing and Anti-Social Behaviour Officers

9. Data Protection

We will store and process data in accordance with the requirements of our Data Protection Policy and in keeping with the Data Protection Act 1998 (DPA).

We must always offer a “prefer not to answer” option for all non-essential data.

We will share relevant information with third parties where we are legally required to do so and in line with the DPA. Some examples are:

- The prevention or detection of crime and fraud and the apprehension or prosecution of offenders
- In connection with legal proceedings
- In relation to the physical or mental health of an individual, where disclosure is required to protect them or others from serious harm
- In order that third parties can carry out our duties on our behalf

Version	4
Date issued	February 2017

- To comply with the law

We are also signatories to the Avon and Somerset Information Sharing Protocol and only share information when required to under this protocol.

Document details

Owner: Neighbourhood Services Manager

Approval: Board – 23rd February 2017

Next review: January 2020 unless new legislation is introduced