

Policy title	Domestic Abuse Policy
Directorate	Customers & Communities
Author	Shaheen Yousaf, Neighbourhood Manager North
Date First Approved	
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Next Review Date	January 2025
Policy Scope/Users	This Policy sets out how MSV will take steps to assist and support any person experiencing or threatened with Domestic Abuse, it applies to all customers including those living with our customers regardless of age, gender, sexual orientation, ethnicity, disability or financial status
Date EIA done	January 2023

1. Introduction/Policy Purpose

Anyone can be affected by Domestic Abuse, it happens in all types of relationships and from all backgrounds, and the impact that it can have on survivors and their families is far reaching and can last throughout their lives.

Preventing and ending Domestic Abuse is everybody's business and MSV recognises the critical role they can play in tackling this issue. As a Housing Provider, MSV is well placed to recognise the signs of Domestic Abuse, as our front line housing teams and contractors go in and out of customers' homes every day. They will come into contact with survivors and perpetrators and are uniquely placed to identify physical, financial and coercive abuse

We recognise that MSV alone, cannot tackle all of the issues relating to Domestic Abuse, and we are committed to working collaboratively with agencies and partners through a coordinated approach in our response to reports of Domestic Abuse.

Policy Statement

MSV take a zero tolerance approach to Domestic Abuse

We will raise awareness of Domestic Abuse with our customers highlighting our approach

We will support and be involved in local and national initiatives to raise awareness of Domestic Abuse

We believe that all our customers and households should not live in fear of violence or abuse from any person, including their partner, their former partner, or any member of their household or extended family.

Any person experiencing Domestic Abuse will be treated in a supportive and sympathetic way, and their report will be taken seriously.

The victim's disclosure alone will be sufficient information for MSV to act upon the report as a matter of priority and provide appropriate advice, assistance and support to the victim and their family. The support will be victim led and our approach will be victim focused at all times.

We understand the need to work with and engage with perpetrators to try and stop the cycle of Domestic Abuse and so where appropriate we will support perpetrators of Domestic Abuse in trying to change their behaviour and recognise the detrimental effect their behaviour can have on victims and others.

We will also robustly challenge perpetrators of Domestic Abuse, and will take

enforcement action where it is appropriate to do so as well as support legal action being taken by partner agencies to protect victims of Domestic Abuse from further harmful behaviour.

MSV recognises that Domestic Abuse is a criminal act and as such those experiencing it are considered to be victims of crime.

Policy Scope

This Policy applies to all MSV customers living in properties owned and managed by MSV

This Policy and any accompanying procedure sets out MSV's approach and commitment to supporting customers who may be at risk of , or experiencing Domestic Abuse, as well as how we will deal with the perpetrators responsible for the Domestic Abuse.

2. Description of the Policy

Definition

MSV adopts the definition of Domestic Abuse outlined by the Home Office which makes clear that Domestic Abuse relates to 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:

- Physical
- Psychological
- Sexual
- Financial
- Emotional
- Discriminatory

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender, religion or ethnic group.

What constitutes Domestic Abuse is commonly misunderstood, and it is important to remember that no single act defines it; there are a wide range of activities and behaviours that amount to Domestic Abuse which are often dangerous and can be life-threatening. Some examples of these are:

Controlling behaviour

This 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.

Coercive behaviour

Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Coercive and controlling behaviour is a sustained patterns of behaviour that stop short of serious physical violence, but amounts to extreme psychological and emotional abuse. Victims of coercive control can have every aspect of life controlled by their partner, often being subjected to daily intimidation and humiliation. Coercive and controlling behaviour underpins domestic abuse. These behaviours are often used as the primary mechanisms for achieving power and control in an abusive relationship and these behaviours reinforce the threat or reality of physical abuse

Harassment

This is a crime involving behaviour that takes place more than once, and the perpetrator's actions must have an unwanted effect on the victim. Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) what amounts to harassment. The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress." A 'course of conduct' in the case of harassment of a single person must involve conduct on at least two occasions.

Stalking

There is no specific legal definition of stalking. However, it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

Physical Abuse

can include: hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking.

Sexual Abuse

can include rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children.

Financial abuse

can include: controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim's name, allowing no say on how monies are spent, refusing to allow them to study or work.

Psychological and Emotional Violence and Abuse

has a profound impact upon victims and their children. It can leave a victim with little confidence that they can do anything to change the situation. Examples include:

- Creating isolation e.g. not allowing them to see other people, preventing them from making their own friendships, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them.
- Use of threats e.g. threats to kill their family, children, friends, pets; to throw them out and keep the children; to find them if they ever leave; to have them locked up; to tell everyone they are mad
- Putting them down – humiliating and undermining them in front of others or in front of their children; telling them they are stupid, hopeless, unlovable, that no one would believe them, or that they are a bad parent.

Discriminatory Abuse (with reference to Forced Marriage) may manifest itself as any of the other categories of abuse, however what makes discriminatory abuse distinctive is it is motivated by oppressive and discriminatory attitudes towards a person's:

- Disability
- Physical appearance
- Learning disability
- Mental ill-health
- Sensory impairment
- Race
- Religion
- Gender/ gender identity
- Age
- Culture
- Sexual orientation
- Appearance

Family and Inter-generational Abuse Domestic Abuse

Approaches have traditionally focused upon heterosexual partner abuse and more recently have been seen to address abuse in lesbian, gay, bisexual and transgender relationships. More focus is required to address family and inter-generational abuse, and how it differs from partner abuse, for example if the perpetrator is the victim's teenage or adult sibling, child or grand-child.

Careful consideration is required when dealing with family and intergenerational abuse due to the complexities of family composition and safeguarding implications.

Elder Abuse

Elder abuse can be detrimental to a victim's wellbeing due to problems with mobility, mental health and social isolation. Older people may have come to accept some aspects of Domestic Abuse as the 'norm' dependent upon their generation.

Wellbeing

The Care Act 2014 specifies that freedom from abuse and neglect is a key part of a person's wellbeing. The guidance outlines that abuse takes many forms, and practitioners should not be constrained in their view of what constitutes abuse or neglect. It describes numerous types of abuse including:

- Domestic Violence
- Psychological abuse
- Financial and material abuse
- Sexual abuse
- Physical abuse

The Care Act guidance outlines specific aims to stop abuse and neglect, prevent harm and address what has caused the abuse.

Safeguarding

A significant number of adults who need safeguarding are often experiencing Domestic Abuse in some form. Despite the overlap between supporting abuse victims and safeguarding adults the two have developed separate professional practices.

If Domestic Abuse is an isolated issue and there are no other safeguarding concerns, then support can be sought via forums such as MARAC (Multi Agency Risk Assessment Conference).

If there is more than one safeguarding issue present, such as Domestic Abuse in addition to physical or mental health disabilities then a referral should be made to Safeguarding Adults so that services can be coordinated to deal with the potentially complex issues.

However, we will always encourage staff to make a Safeguarding Adults referral even if it is just for information so that agencies are mindful of our concerns, as there may be other issues we are not aware of.

There is also strong, evidenced based links between Domestic Abuse and child abuse. Exposure to domestic abuse is always detrimental to children, although the impacts may vary. Children exposed to abuse at home may be affected by physical and/or emotional abuse, neglect and ongoing psychological damage.

This means that in Domestic Abuse cases where children are present practitioners have a duty to involve Children's Services to ensure any children are adequately safeguarded.

Our commitments

- Supporting and assisting customers who are experiencing Domestic Abuse, including young people and children.
- Delivering an effective and efficient service to victims of Domestic Abuse in line with legislation and MSV's current policy and procedures.
- Raising awareness of Domestic Abuse, including the implications for the services that MSV provides within the community.
- Preventing Homelessness caused by customers suffering from Domestic Abuse. This may include providing support to enable victims to remain in their own homes or providing alternative accommodation.
- Working with our partners to minimise and manage risk to victims. Being flexible enough to respond to individual needs.
- Making sure that the service provided is available to all sections of the community.
- Raising awareness of the impact of Domestic Abuse and the role MSV staff play in responding to reports of Domestic Abuse.
- We will consider best practice in developing our approach towards Domestic Abuse and we will be open to learning from others and share our experiences.
- We will adopt a multi-agency approach towards tackling Domestic Abuse and will seek the support of other agencies to assist us in developing the best possible solutions. This will include offering effective support and advice to victims.
- Where we have rehoused a new customer, we will sign them up on a Assured Tenancy Agreement and not starter tenancy.
- Where we have rehoused a new customer, who is moving due to Domestic Abuse, we will offer target hardening measures and discuss and identify any support requirements.

Policy aims and objectives

To ensure all our staff are appropriately trained in recognising signs of Domestic Abuse and are clear about how to escalate their concerns

Ensure that those staff who deal with reports of Domestic Abuse are well trained to confidently support victims and their families to increase safety and reduce risk, in partnership with specialist agencies

When dealing with reports our staff must be led by the wishes of the person experiencing the abuse. Staff will need to consider risk, safeguarding and child

protection concerns, and deal appropriately with those concerns. Where these concerns do not exist, the guiding principle should be that our response to Domestic abuse is customer led.

Ensure we have staff who are confident and competent in challenging perpetrators of domestic abuse through the use of appropriate legal remedies.

Identify those perpetrators who want to address their behaviour by making appropriate referrals and signposting to local and national organisations who deliver behaviour change programmes and offer support to perpetrators trying to break the cycle of their abusive behaviour

To make sure our customers know what our approach is when responding to reports of Domestic Abuse, and they know how they can access our services if they are experiencing domestic abuse

MSV is committed to raising awareness around Domestic Abuse through its customer contact, website, social media campaigns and work within our communities

Ensure our volunteers and contractors are made aware of this policy, and their responsibility to report any concerns they may have about potential Domestic Abuse, to MSV staff.

To make sure our service response to Domestic Abuse is easily accessible to all customers who are experiencing Domestic Abuse. We recognise that some victims face additional barriers and discrimination when trying to access services and MSV recognise the need to work in a coordinated way with other specialist agencies to overcome these barriers.

How will MSV respond to reports of domestic abuse

When a victim reports domestic abuse in person, we will ensure that they can be supported confidentially and discreetly by a trained member of staff.

If they make a disclosure by other means, i.e. over the phone, they will be offered immediate Domestic Abuse support contact numbers and safety advice. We will make arrangements to meet with them in a safe place of their choice if they require further support or assistance

MSV recognises that victims and witnesses of Domestic Abuse need support and assurance from us, if they are to retain confidence in our ability to successfully support them. To make this possible we will:

- Treat the report seriously and believe the victim

- Record each and every report, taking into account sensitivity/confidentiality issues
- Allocate a named case worker
- Protect the identity of the victim/ witness, and only reveal it to perpetrators or their representatives with the persons permission
- Work with other relevant agencies in a coordinated way in providing support and advice where appropriate
- Where possible we recommend the taking of swift and effective action against perpetrators to protect victims from further abuse
- Keeping victims and witnesses informed at all stages of the case
- We will agree an action plan with the victim/survivor where we are able to do so and be led by them.
- We will keep in close communication with them as long as they agree to our involvement and it's safe for them to do so and review our actions and levels of support frequently as agreed through the action plan.
- We will offer improved security to a victim/survivor's home where a need is identified. This may be in partnership with local support agencies
- We will carry out appropriate repairs to our property if the damage was caused by the perpetrator.
- We will assist those experiencing Domestic Abuse, access appropriate services as early as possible and provide advice to allow them to make choices about what to do next.
- Ensure that where children and young people are affected by Domestic Abuse, they have access to services as early as possible.
- Challenge perpetrators appropriately and make referrals to specialist agencies who provide support and offer advice to perpetrators

Assess risk –

- Where Domestic Abuse is identified, we will aim to carry out a Risk Assessment (using the Domestic Abuse, Stalking and “Honour”- based violence (DASH) Risk Identification Checklist) where appropriate and work with specialist agencies to help with safety planning and support for the victim/survivor and their children.
- We will share information with the local MARAC (Multi Agency Risk Assessment Conference) where the risk rating threshold has been met.
- We actively participate in MARACs, where information is shared between agencies involved in Domestic Abuse cases. We will ensure that any actions assigned to MSV through the MARAC process are completed.
- In cases where the threshold is not met, with the agreement of the victim/survivor, we will make referrals to other relevant agencies, including adult safeguarding, to identify support mechanisms for the victim and the family.

Legal Action against perpetrators –

- We will make full use of our own civil legal tools, for example civil injunctions where it's appropriate to do so to protect victims.
- We will support and assist victims where necessary when making applications for Non Molestation Orders and Occupation Orders under the Family Law Act. MSV will consider funding such applications where appropriate should the victim have no recourse to public funds.
- If the perpetrator is an MSV tenant, and the victim is not living in the tenancy or has made a decision to leave the tenancy, MSV will consider taking possession of the perpetrators tenancy if we believe it is proportionate and reasonable in the circumstances to do so, and there is sufficient evidence to persuade the courts.
- If the perpetrator recognises their abusive behaviour is not acceptable and is willing to access services specialising in perpetrator behaviour change programmes, MSV will signpost and provide advice on how to engage with these services.

Housing –

- We understand that many victims may not wish to move home in order to maintain local and family connections or avoid disruption to their children and their schooling. We aim to work with the victim to take action to manage the risks posed to them in remaining in their home. We will refer them to the NCDV (National Centre for Domestic Abuse) specialist support agency who can provide appropriate support and legal advice in relation to housing.
- If the property is a joint tenancy with the perpetrator, we will support the victim if s/he wishes to remain in the property. We will refer the victim to independent legal advisors who can provide the necessary advice
 - on seeking an Occupation Order,
 - or a court order to transfer the tenancy into their sole name,
 - or serving a NTQ to end the tenancy, and MSV will,

where possible take action against the perpetrator.

- In circumstances where the victim requires temporary accommodation in order to be safe, we will work with specialist agencies and the local authority to ensure the victim secures accommodation.
- If the victim requires permanent rehousing, we will support the victim in securing alternative accommodation. We will work with the appropriate support agencies and the local authority, in finding alternative accommodation where the risk to the victim is managed and where the victim will be safe.

- In cases where the Domestic Abuse victim is offered MSV accommodation as a permanent solution to their housing problem, we will ensure that the tenure is secure. In most cases the accommodation will be outside of a 3 mile radius from where the Domestic Abuse has taken place. However, at the discretion of the Managers alternative accommodation within the 3 mile radius may be considered, this must be risk assessed and looked at on a case by case basis to enable victims to stay close to support networks, employment, child's school, to help to reduce the feeling of isolation when moving to a new area.
- If the victim secures alternative rented accommodation, MSV will support the victim where possible through the tenant bond scheme.
- If the victim applies for rehousing and the Domestic Abuse is a factor to rent arrears (e.g. due to economic abuse), reports of ASB or any other tenancy related matters (e.g. property damage), MSV will consider the behaviour of the perpetrator when a tenancy reference is requested. At the discretion of the Manager to try and remove possible barriers to moving on we may seek permission from the victim to disclosing the domestic abuse to the potential landlord and reasons for the arrears or may look to the Hardship Fund to assist the victim with a move.

Safeguarding –

- We will follow our Safeguarding Policy for protecting children and adults where we believe they are at risk due to an abusive relationship.

Training –

- Ensure that those officers dealing directly with Domestic Abuse victims are appropriately trained and resourced so that they can deal with reports confidently and competently. We will ensure that these staff members also receive one to one support on a regular basis to ensure their well being

Information sharing –

- We will comply with GDPR regulations and ensure information remains confidential and is stored appropriately.
- We will share information with other agencies like the Police, Children and Adult Services, Education, Health, through agreed data exchange protocols, in circumstances where it is necessary and proportionate to do so, and where exemptions under data protection rules allow us to do so. We will advise victims and perpetrators when we are sharing/ or have shared information with other agencies and why we believe it was appropriate to do so.

Raising Awareness-

- Publicise our approach to raise awareness amongst staff and customers, with the aim of increasing reports of Domestic Abuse.

- Be involved in local and national campaigns and initiatives to raise awareness of the issues and impact of Domestic Abuse
- Develop useful information in plain language and other appropriate formats for victims and witnesses for example leaflets, providing advice and signposting where they can get emergency support and how they can access appropriate services from MSV.
- Ensure appropriate information and publicity is available on our website and other social media platforms

Reasonable Adjustments

- MSV is strongly committed to fairness and making sure that everyone has the same opportunities to access our services. This Policy acknowledges the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination, we recognise that Domestic Abuse can disproportionately impact those people with protected characteristics.
- We will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act.

We will be flexible in our approach to each individual and will work with them to arrive at an effective response to their report, taking into account the risks identified and what the victim is wanting to do.

We also recognise that Domestic Abuse complaints can often be very complex and can affect individuals and families in different ways. We will ensure that we obtain advice and work closely with specialist agencies to ensure victims receive all the support they need.

MSV understand the values of collaboration and co-operation in tackling Domestic Abuse and are committed to ensuring that stakeholders are actively involved.

We will ensure that we will record and monitor all reports of Domestic Abuse to assist in the planning and development of the service and to identify our key priorities in this area for the future.

MSV will pursue and implement key improvements to meet stakeholder needs and meet its objectives to tackle Domestic Abuse.

3. Roles, Responsibility and Policy Implementation

3.1 The Community Safety Manager is responsible for implementing and reviewing the Policy

3.2 The Community Safety Manager/Assistant Director of Customers & Communities is responsible for developing partnerships with local authorities and other agencies

3.3 The Community Safety Manager is responsible for developing the procedure which meets the principle and purpose of this Policy.

3.4 The Community Safety manager is responsible for managing day to day ASB cases through Officers and Administrators.

4. Monitoring, Review and Evaluation

Cases will be closely supervised and managed by the Community Safety Manager on a regular basis with the case officer. The Community Safety Manger will provide appropriate advice and support to case officers and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

Performance Management information about the casework activity will be presented to the Senior Leadership Team and to the Board on a quarterly basis.

This Policy and associated procedures and guidance will be reviewed every two years or sooner if there are significant changes to legislation, regulatory changes, national policy changes or there is an operational need to do so. Any amendments will be appropriately consulted on and signed off, and clearly communicated to the wider MSV staff groups as well as our tenants and residents

5. Related Documents

- Anti Social Behaviour Policy
- Anti Social Behaviour Procedure
- Hate Behaviour Policy
- Equality and diversity policy
- Safeguarding policy
- Starter tenancy policy.
- Data Protection Policy
- Allocation Policy & Procedure
- Sensitive Let Policy
- Rent Arrears Policy & Procedure

Legislative and Regulatory Framework

This policy is informed by the following legislation and regulation:

- RSH Regulatory Consumer Standards
- Domestic Abuse Bill (draft 2019)
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- Domestic Violence, Crime and Victims Act 2004
- Serious Crime Act 2015
- Crime and Security Act 2010
- Family Law Act 1996
- Civil Partnership Act 2004
- Protection from Harassment Act 1997
- Equality Act 2010
- Housing Act 1996
- Data Protection Act 2018
- Female Genital Mutilation Act 2003
- Forced Marriage (Civil Protection) Act 2007

6. Appendix

Appendix 1 – Single Equality Impact Assessment

Equality Impact Assessments – Pro-forma

Policy/Procedure being assessed	Domestic Abuse Policy
Section	Neighbourhoods and Wellbeing
Date of assessment	January 2023
Person(s) responsible for assessment	Shaheen Yousaf, Neighbourhood Manager North
Is this a new or existing policy?	Existing
1. Briefly describe the function being assessed	How as an organisation we ensure that all aspects of our work is tenant led and customers are at the heart of what we do.
2. Who are the main stakeholders in relation to the function?	Customers, Staff, Agencies and Committee.
3. Who will be consulted as part of this EIA? What times of consultation will be carried out?	Customers, Staff and Committee

4. <u>Could</u> the function have a differential impact on <u>racial groups</u> ?	Yes	No	
What evidence exists to support your analysis?	Language and cultural barriers where complainants and perpetrators cannot understand English.		
5. <u>Could</u> the function have a differential impact due to <u>gender</u> or <u>gender reassignment</u> ?	Yes	No	
What evidence exists to support your analysis?			
6. <u>Could</u> the function have a differential impact on <u>disabled people</u> ?	Yes	No	
What evidence exists to support your analysis?	Possible access issues for customers who cannot make it to interviews. Reasonable adjustment will be considered, once the matter has come to our attention and appropriate measures put in place where possible. Equality Act Assessment will be carried out when vulnerability has been identified.		
7. <u>Could</u> the function have a differential impact due to <u>age</u> ?	Yes	No	
What evidence exists to support your analysis?			
8. <u>Could</u> the function have a differential impact due to <u>sexuality</u> ?	Yes	No	
What evidence exists to support your analysis?			
9. <u>Could</u> the function have a differential impact due to <u>religion or belief</u> ?	Yes	No	

10. <u>Could</u> the function have a differential impact due to any other protected or vulnerable characteristic including marriage or civil partnerships, pregnancy or maternity?	No						
What evidence exists to support your analysis?							
<p>If the answer is NO to <u>all</u> questions 4-10 and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle.</p> <p>If the answer is YES to any of the questions 4-10, please continue to question 11</p>							
11. In what areas could the differential impact identified in 4-10 be considered to be an adverse impact in this function? (Please tick if yes)	Any other protected or vulnerable characteristic	Race	Gender/ Gender	Disability	Age	Sexuality	Religion /Belief
12. What solutions will be introduced to overcome these adverse impacts?	<ul style="list-style-type: none"> • Use of profile data to look at customers' needs • Provide translation and interpreter services when required • Reasonable adjustments will be considered • Reviewing Customer Satisfaction Surveys 						
13. In what areas could the differential impact identified in 4-10 be considered a positive impact in this function? (Please tick if yes)	Any other protected or vulnerable characteristic	Race	Gender/ Gender	Disability	Age	Sexuality	Religion /Belief
14. What strategies will be introduced to safeguard and spread these positive impacts?	<p>Advertising on MSV website</p> <p>Customer Communications</p> <p>Partnership Working</p> <p>Community Meeting</p>						
15. Which action plans have these solutions/strategies been transferred into?	<p>Marketing</p> <p>Partnership Working</p>						