

Domestic Abuse Policy

Date Reviewed	June 2022	Next Review Date	June 2025
Consultation	Completed	Reviewed By	Executive Team
EIA	Completed	Responsible Officer	Jay Gill
DPIA	Completed	Approval By	BCHG Board

1. Purpose

This policy will set out Black Country Housing Group's (BCHG) approach in dealing with domestic abuse. BCHG will take domestic abuse seriously and will work with external organisations to support our customers.

2. Scope

This policy applies to all customers living in BCHG accommodation (not just named tenants for the avoidance of doubt).

3. Definitions

The definition of Domestic Abuse has been updated following the Domestic Abuse Act 2021 and reads:

'Behaviour of a person towards another person is domestic abuse if these persons are each aged 16 or over and are personally connected to each other and the behaviour is abusive if it consists of (any of the following) physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse and it does not matter whether the behaviour consists of a single incident or a course of conduct'

The Domestic Abuse Act has extended the controlling or coercive behaviour offence to cover any post-separation abuse.

The Domestic Abuse Act 2021 has also introduced a new standalone offence of non-fatal strangulation and threats to share intimate images is also now a criminal offence. It also includes honour-based violence, Female genital mutilation (FGM) and forced marriages.

The Act also now explicitly recognises children as survivors of Domestic Abuse if they see, hear, or experience the effects of abuse.

Domestic violence may be known by other terms, including intimate partner violence or relationship abuse. Many behaviours associated with domestic abuse are crimes. "Survivor" is a term for **the individual who is being targeted for abuse**. Sometimes they may be referred to as "victim." Although survivor is the preferred term and will be used in this policy.

The abuser is known as the perpetrator.

4. Related Policy / Procedure and other Documents

This policy will be cross referenced with the following BCHG policies and procedures: -

Domestic Abuse Procedure
ASB policy & procedure
Safeguarding policy & procedure
Health & Safety policy
Equality & Diversity Policy
Data Protection Policy
Lettings Policy
Complaints Policy

5. Roles and Responsibilities

The Head of Housing has overall responsibility of this Policy.

The ACRM's and Retirement Living Manager are responsible for ensuring that colleagues are aware of the policy and use it appropriately and to oversee any safeguarding referrals.

The Deputy Chief Executive is responsible for giving consent for any legal action that will result in re-possession/eviction.

6. Policy Statement

BCHG will not tolerate any acts of domestic abuse and this policy explains what we will do when this is reported to us and what support we will provide. The policy will also outline the action BCHG can take to deal with perpetrators, including re-possession of their home.

All front-line colleagues will receive appropriate levels of domestic abuse awareness training to ensure they understand the important role they have in understanding and tackling domestic abuse.

We will encourage survivors to report domestic abuse by sharing our process on social media, website and through new tenancy sign up process. We will signpost and support survivors to access help with the use of civil and criminal laws, to offer them protection and to prevent further abuse.

BCHG will offer all support and assistance for victims of Domestic Abuse as appropriate include enforcing tenancy conditions against perpetrators, adjusting its policies to resolve cases, and offering housing-based solutions wherever possible with the support and assistance of partner agencies who may have additional expertise.

Full consideration will be given to BCHG's safeguarding responsibilities and safeguarding referrals will be made promptly where a young child or vulnerable adult is at risk due to an abusive relationship.

Processing of personal data will be in line with BCHG Privacy Notice and BCHG Data Asset Register.

We will share information with partner organisations in line with UK GDPR, the Data Protection Act 2018 (DPA) and comply with data sharing protocols.

7. Policy Details

Types of Abuse

Domestic abuse can encompass, but is not limited to the following types of abuse: -

Physical Abuse can include hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing, or shoving, cutting or stabbing, restraining, spitting, strangulation, choking

Psychological & Emotional Abuse such as intimidation, bullying, isolation, verbal abuse and humiliation. This behaviour can have a profound impact upon survivors and can leave a feeling of low confidence and helplessness to change the situation

Sexual Abuse is any behaviour thought to be of a sexual nature which is unwanted and takes place without consent. It can be physical, psychological, verbal or online. Any behaviour of a sexual nature that causes distress is considered sexual abuse

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

Online Abuse can include abuse over social media such as Facebook or twitter, sharing intimate photos or videos without consent

Economic Abuse – involves the control of money and finances and things that money can buy. It is a form of coercive and controlling behaviour and includes sabotage of income and access to money and being restricted on how money is used.

Female Genital Mutilation (FGM) – is also known as female circumcision and involves procedures that include partial or total removal of the external genital organs for non-medical reasons. It is an offence to perform or assist anyone to perform FGM on a UK national anywhere in the world

Honour Based Violence (HBV) is where a collection of practices used predominately to control the behaviour of women and girls within families or other social groups to protect supposed cultural beliefs, values and social norms in the name of 'honour'. This type of behaviour includes, forced marriage, physical violence, sexual harassment/violence,

threats to kill, social ostracism or rejection and emotional pressure and denial of access to children.

Responding to report of Domestic Abuse

Customers can report incidents of domestic abuse by phone, email, or through our customer portal. BCHG will respond to all reports in line with the Domestic abuse Procedure and with consent refer the case to the appropriate support agency for assessment and handling.

We will take reports of Domestic Abuse at our properties, from the individual experiencing the abuse, by neighbour, relative or and external agency such as the police. Suspected cases may also be brought to our attention by staff and contractors and repeated cases of repairs caused by damage to the property.

We will ensure that all reports are taken seriously, sympathetically and in strictest confidence. Each situation may be different and therefore will respond accordingly to each case, ensuring that any action taken is led by the customer.

All incidents of Domestic abuse will be logged on a secure system and monitored and reported to the Safeguarding Panel, by the designated Domestic Abuse lead for BCHG (Head of Housing).

Multi Agency Working & Information Sharing

We will participate and contribute to the local Multi Agency Risk Assessment Conference (MARAC) to ensure we support and contribute towards an effective strategic approach to increase the safety, health and wellbeing of survivors/survivors, adults, and their children.

Housing Options

Where it is safe to do so, BCHG will work with all relevant agencies to help the survivor to continue to live in their home and act against the perpetrator. Where it is established that re-housing is the safer option we will work with the Local Authority and other Registered Providers to offer the Survivor a range of housing options.

When temporary sanctuary or emergency accommodation is required, we will liaise directly with the relevant agencies on behalf of the survivor. Survivors of Domestic Abuse will be given priority banding on our transfer list.

Legal Remedies

We will ensure that survivors of domestic abuse are provided with information on the legal remedies that are available to them. This will include Non-Molestation Orders and Injunctions.

Under the new Domestic Abuse Bill 2021, the police have been given new powers that include Domestic Abuse Protection Notices that gives survivors immediate protection from abusers. The courts can give Domestic Abuse Protection Orders to help prevent offending by forcing perpetrators to take steps to change their behaviour, including seeking mental health support or drug and alcohol rehabilitation.

Action against the Perpetrator

BCHG will take the appropriate enforcement action against the perpetrator, where we have sufficient evidence and we do not compromise the safety of the survivor.

We will use where reasonable use the powers of the Anti-Social Behaviour, Crime and Policing Act 2014 and the Housing Act, as amended, seek an injunction, or apply for eviction if the perpetrator occupies BCHG's property. We will seek injunctions for non-tenants where they have caused domestic abuse. For any serious criminal conviction for violent or sexual offences, BCHG will use the provision of absolute grounds of possession under the ASB Crime and Policing Act 2014.

Where there are allegations from both parties of parallel abuse occurring then BCHG will take a proportionate approach seeking support from partner agencies and taking a risk-based approach to ensure both parties are protected from harm.

Joint Tenancies

In the case of joint tenancies, where both parties have agreed to separation but want to keep the tenancy, BCHG will instruct them to seek legal advice to transfer the tenancy through the court in line with our Relationship Breakdown and Domestic Abuse Procedure.

Raising Awareness

We will raise awareness of domestic abuse and a key part of this is ensuring that our customers and communities are clear on our position. This will include giving information in newsletters and website.

Staff Training

We will provide regular relevant training for colleagues on front line as subject matter experts providing advice, support, and guidance to our customers.

7.1 Data Processing

Personal Data: Any personal data will be stored on Open Housing or securely on SharePoint. Data will be deleted in accordance with the Asset Data Retention and Disposal Policy.

Data Protection: BCHG recognises that cases of domestic abuse are particularly sensitive and will take extra measures to maintain confidence of information. Where possible we

will seek to establish information sharing protocols with relevant external agencies to help in managing the cases.

Data Integrity: genuine documentation for identification and evidence used to take legal action will be obtained as proof

7.2 Legal and Regulatory Considerations

[The Neighbourhood & Community Standard](#) requires social landlords to publish a policy on how they work with relevant partners to prevent and tackle Anti-social behaviour including domestic abuse.

[Housing Act 1996](#) – a person who is homeless as a result of being a victim of domestic abuse has priority need as set out in section 189 of the 1996 Act

[Domestic Abuse Act 2021](#) was re-introduced in March 2020 as the Domestic Abuse Bill 2019-20 and received royal assent on 29th April 2021 and gives the police, local authorities and courts wider powers and greater accountability concerning protecting domestic abuse survivors.

[The Care Act 2014](#) – sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect

[Clare's Law \(Domestic Violence Disclosure Scheme – DVDS\)](#) – allows police to disclose to individuals, details of their partners abusive past to enable them to make an informed decision about avoiding a potentially abusive situation

[Protection from Harassment Act 1997](#) – Makes provisions for protecting people from harassment and defines harassment as conduct causing alarm or distress and must involve the behaviour being repeated on at least two occasions.

[Crime & Disorder Act 1998](#) – gives agencies working in partnership to tackle crime and disorder, the power to disclose information to one another for the purposes of preventing and detecting crime and for obtaining certain orders

[Anti-Social Behaviour Crime & Policing Act 2014](#) – introduced new grounds for possession the community trigger, injunctions for children aged 10 plus and mandatory ASB grounds for possession.

[Human Rights Act 1998](#) – sets out a person's human rights and article 3 states that no one shall be subjected to torture or to inhuman or degrading treatment

[The Family Law Act 1996](#) (Part IV) – offers protection for survivors if non-violent abuse in intimate and family relations, including molestation orders.

[Equality Act 2010](#) – legal protects people from discrimination in the workplace and wider society

[Data Protection Act 2018](#) – identifies the basis under the Data Protection Act 2018 for processing sensitive data for the safeguarding of children and individuals at risk

7.3 Equality Diversity & Inclusion

BCHG will ensure that we continue to be inclusive and representative when delivery our services. This will be achieved through our Equality and Diversity Policy. An Equality Impact Assessment was conducted and found that the policy will have a positive impact on all protected characteristic outlined in the Equality Act 2010

Customer Voice

To assist develop this policy customers who reported domestic abuse were contacted for feedback on the service they received from BCHG when they reported their concerns. 57% of those contact responded out of which 100% felt they were supported when they contacted colleagues. 75% felt that they did not know they could report domestic abuse to BCHG. The general feedback from survivors was that BCHG need to make it known on how they can help and support survivors.

The policy was also taken through consultation with Domestic Abuse Housing Alliance and Black Country Women's Aid.

8. Compliance, Monitoring & Reporting

The Head of Housing is responsible for implementing this policy and is the designated Domestic Abuse Co-ordinator being responsible for monitoring the policy and reporting outcomes to the Safeguarding Panel.

All incidents of Domestic Violence will be recorded on a safe and secure monitoring system.

All data will be stored on the Open Housing System or in a safe location on SharePoint and no hard copies will be stored.

If domestic abuse case information is not securely saved or is leaked in the public domain – the Data Breach Procedure will be followed and the matter will be investigated and addressed through disciplinary procedure where appropriate.

9. Review

The policy will be reviewed every 3 years, unless changes in legislation or regulation require an earlier review