

Angus Council – Housing Division

Domestic Abuse Policy



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Aim/purpose

Angus Council will provide a proactive housing response to preventing and addressing domestic abuse by:

- Providing a confidential, sensitive and supportive response to women victims/survivors, whether that be women, children or men;
- Working collaboratively across the organisation and with partners to provide a coordinated response to enable victims/survivors to access a range of housing options, advice, information and support;
- Holding perpetrators to account – domestic abuse is the responsibility of the perpetrator and action will be taken, where possible, to support victims/survivors to remain in the family home.

As well as consulting with people with lived experience of domestic abuse, the policy has been developed based on the recommendations from the Change, Justice, Fairness research (2017) which provided a number of recommendation for housing and homeless services based on the views and experiences of women (2017). The experiences of women will continue to be used to evaluate the implementation of this policy to ensure it meets its objectives and is consistently applied.

Definition

The Scottish Government's definition of domestic abuse is:

“Domestic abuse (as gender-based abuse), 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, withholding money and other types of controlling behaviour such as isolation from family or friends).”

‘Domestic abuse’, ‘violence against women’ and ‘gender-based violence’ are often used interchangeably as most gender-based abuse is inflicted by men on women and girls. It is important to acknowledge that not all men commit acts of gender-based abuse and that they too can be victims. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members.

Angus Council's Housing Division takes all forms of abuse very seriously and is committed to providing a sensitive and confidential response to anyone approaching the service for assistance in cases of domestic abuse.

Situational Violence

There is a difference between domestic abuse and situational violence and understanding the difference is important.

The distinguishing feature of domestic abuse is that it forms a pattern of abuse. The type of abuse can vary, from physical and sexual violence to emotional and psychological abuse. The one constant component of domestic abuse is one partner's consistent efforts to maintain power and control over the other. It is very important to recognize that each act of abuse is part of a systematic pattern of power and control perpetrated by one intimate partner against another. An ongoing pattern of power and control are the hallmarks of domestic abuse.

In contrast, situational violence does not necessarily form a pattern; it occurs when one or both partners handles conflict with violence. It differs from domestic abuse because the violence is specific to the situation and generally minor; it does not escalate over time. While one or both partners may use violence to gain control during a fight, there is not an ongoing effort to exert power or control over the other between fights. The violence may be mutual and may occur less often and less regularly than domestic violence does.

Scope of Policy

This policy sets out how Angus Council's Housing Division will respond to and support women suffering from or threatened with domestic abuse.

We recognise that domestic abuse has a significant, disproportionate impact on women, and while this policy takes a gendered approach, it applies equally to any person suffering from or threatened with domestic abuse.

This policy applies to all tenants as well as members of their household, and those approaching the Housing Division for housing options or homelessness advice.

Equalities Statement

The Council is required to consider the needs of all individuals when creating policy and delivering services, with the purpose of ensuring that we do not unlawfully discriminate against individuals whilst at the same time identifying opportunities to promote good equality and good relations between minority groups and individuals. The Equality Act 2010 places statutory duties on the Council to ensure its functions and related services offer fair access and inclusion through the:

- Elimination of unlawful discrimination, harassment or victimisation;
- Advancement of equality of opportunity between people who share a protected characteristic and those who do not;
- Fostering of good relations between people who share a protected characteristic and those who do not.

An Equalities Impact Assessment (EQIA) was completed in the development of this policy and highlights the importance of ensuring multi agency guidance and training is in place so staff responsible for implementing the policy are aware of the effects of domestic abuse on different equalities groups and can support women to access specialist supports available.

Equally Safe is the joint strategy of the Scottish Government and COSLA for preventing and eradicating violence against women. The vision of Equally Safe is *“A strong and flourishing Scotland where all individuals are equally safe and respected and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it”*.

Angus Violence Against Women Partnership (AVAWP) is responsible for delivering the priorities of Equally Safe locally and has supported the development and implementation of the Housing Division’s Domestic Abuse Policy.

The Equally Safe Strategy and Implementation Plan can be found here - <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/pages/2/>.

Policy Content

This section sets out how Angus Council will provide a proactive housing response to respond to and support people experiencing or threatened with domestic abuse. The policy in the main is directed at providing support for women as they are the victims of abuse in the majority of cases. However, it is important to stress that Angus Council will provide support for any victims, irrespective of gender or age.

Prevention

Angus Council’s Housing Division is committed to working collaboratively across the organisation and with partners to provide a coordinated response to prevent domestic abuse. As a key partner in AVAWP, we will continue to engage in awareness raising activities and support the delivery of actions identified in the AVAWP strategic plan to meet the following priorities:

- Angus residents embrace equality and mutual respect, and reject all forms of violence against women and girls;

- Women and girls thrive as equal citizens in Angus: socially, culturally, economically and politically;
- Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people in Angus;
- Men in Angus desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response.

We will also take a proactive approach that that promotes and strengthens women's rights to remain in the home. This proactive approach includes:

- Reviewing our tenancy agreement and Anti-Social Behaviour legislation and guidance to establish if action can be taken against a perpetrator of domestic abuse;
- Supporting women to consider the use of civil laws to offer maximum protection to them and support their rights to remain in their home;
- Raising awareness of domestic abuse and support available in information provided to tenants;
- Providing improved security to a victim/ survivor's home (e.g. security lights, window locks) where a need is identified;
- Ensuring all staff (including contractors) are equipped to take an 'eyes and ears' approach to identify domestic abuse.

Housing options

One of the key aims of this policy is to provide a range of housing options to meet the individual needs of women and children, victims/survivors of domestic abuse. These options include:

- Supporting women to remain in their home;
- Rehousing the perpetrator;
- Using management transfers to support women to make planned moves and avoid homelessness;
- Supporting women to transfer the tenancy to their name;
- Supporting women to gain legal information and advice;
- Developing a specific homeless pathway for women and children who have experienced domestic abuse.

Action against Perpetrators

Due to current legislation, it is not possible to evict a perpetrator of domestic abuse, when the tenancy is joint and held in both names.

While certain measures can be applied for to prevent the perpetrator remaining in the family home (e.g. bail conditions, Non-Harassment Orders etc), it should be noted that the Housing (Scotland) Act 1987 as amended would need to be updated in order to allow Councils and RSLs to evict the perpetrator. This issue has been raised with Scottish Government by Scottish Women's Aid, however, to date,

there has not been any proposed update to the Scottish Secure Tenancy Agreement.

As well as supporting women to seek legal advice to prevent the perpetrator remaining in the family home, other actions that we can take to respond to perpetrators of domestic abuse include:

- Action to rehouse a perpetrator;
- Supporting the Police in their activities to deal with perpetrators.

Homelessness

Where homelessness cannot be prevented this policy aims to reduce the impact that homelessness may have on women and children experiencing or at risk of domestic abuse. We will do this by developing a specific homeless pathway for women and children who have experienced domestic abuse. The pathway will include:

- The provision of safe, secure temporary homeless accommodation options and access to refuge accommodation for women and children;
- Ensuring any allocation of housing does not put women at risk, linking in with other agencies to assess risk of offers of housing where necessary;
- Providing assistance to enable children to remain at the same school, where possible, and in contact with friends (e.g. liaison with education re transport arrangements);
- Reducing the financial consequences of homelessness as a result of domestic abuse. This includes:
 - Providing removal and storage facilities to enable women and children to keep their possessions
 - Providing financial advice and assistance to ensure women are not further indebted by the homelessness process
 - Providing assistance to meet the rental charge overlap on two homes when women are moving from temporary to permanent accommodation
 - Ensuring that women are not charged for the damage caused to the property by the perpetrator

Confidentiality

We recognise the importance of confidentiality for women and children and will develop an information sharing protocol with partners that sets out the importance of confidentiality, restrictions, rights, and what, why and how information will be shared.

We are committed to providing an appropriate and sensitive service to women to ensure their privacy and confidentiality and reduce the risk of further harm by:

- Ensuring our customer service systems do not require women to disclose or discuss the reason for their visit in public areas or repeat their stories to different members of staff;

- Promoting the availability of private interview rooms to women and the option to request to meet with a female Housing Officer.

Support

Separation is a time of increased risk for women who are subject to domestic abuse and we will continue to work with a range of specialist support providers to access suitable support to ensure better outcomes for women and children.

Consistent Systematic Approach

In order to meet these policy objectives, it is important that this policy is delivered in a consistent way across the three Community Housing Teams.

The Community Housing Team Managers and Team Leaders will ensure the effective operation of the policy and will be responsible for making decisions about transfers, allocations and other tenancy related matters; as well as ensuring staff are adequately supported, recognising that supporting tenants and customers experiencing domestic abuse can be distressing for staff.

The Team Leader (Sustainable Communities) and Housing Policy Officer (Sustainable Communities) will be responsible for the ongoing monitoring and evaluation of the policy and will provide guidance and advice to staff to support them to implement the policy.

Training

In support of the implementation of this policy we will ensure that domestic abuse training is mandatory for all staff who come into contact with tenants/ applicants and all staff who are responsible for implementing this policy.

Collaborative/Partnership Working

We are committed to working collaboratively across services and with partners to ensure women and children affected by domestic abuse are supported to rebuild their lives. In order to promote partnership working we will:

- Ensure there is clear systems for referring women and children to relevant agencies. This will go beyond signposting and staff will actively support women to engage with these services.
- Ensure all frontline staff responsible for delivering this policy receive training on services provided by those agencies; contact arrangements; and how to supportively engage women with these services.

Information and Advice

We understand that disclosing domestic abuse can be an extremely difficult decision for women to make. To enable women to make informed choices we will provide clear, accessible information in a range of formats, including:

- Specific information describing their housing options, relevant sources of support, rights to interpreting services, private interview rooms and the right to request a female staff member;
- Providing accessible interpreting and translation services in accordance with national standards and good practice guidelines;
- Providing information about the law and their rights and supporting women to access to legal support.

Risk Management

We understand the importance of a consistent, systematic approach to identifying, managing and decision making relating to risk and as such we will ensure that:

- All staff within Angus Councils Housing Division are confident and competent in responding to potential, perceived or actual risks of domestic abuse;
- Housing officers are trained in risk assessment and procedures and are supported to make effective, timely decisions. Housing Officers will use the SafeLives “Domestic Abuse, Stalking and Honour Based Violence Risk Identification Checklist” (DASH) when assessing a victim’s levels of risk. The purpose of the checklist is to give a consistent and simple tool for practitioners who work with victims of domestic abuse in order to help them identify those who are at high risk of harm and should be referred to a Multi-Agency Risk Assessment Conference (MARAC) meeting in order to manage their risk and develop a safety plan;
- Staff follow the relevant child protection procedures if a child is at risk due to domestic abuse.

Responsibilities

The Service Leader for Housing will lead on the overarching strategic direction. The Community Housing Team Managers and Team Leaders will ensure the effective operation of the policy. The Team Leader (Sustainable Communities) and Housing Policy Officer (Sustainable Communities) will be responsible for the ongoing monitoring and evaluation of the policy with support from the Angus Violence Against Women Partnership Policy & Practice Subgroup.

As well as monitoring data gathered as part of housing options and homeless reporting to Scottish Government, we will conduct case reviews with AVAWP partners to evaluate the effectiveness of the policy, highlight developing practice, examples of effective partnership working and any gaps in service provision.

We recognise the importance of consulting with women with lived experienced of domestic abuse and therefore will continue to engage with women with lived experienced of domestic abuse to gather their views on what is working well with this policy and where improvements could be made.

Legislative Context

Domestic Abuse (Scotland) Act 2018

<http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

Domestic Abuse (Scotland) Act 2011

<http://www.legislation.gov.uk/asp/2011/13/contents>

Adult Support and Protection (Scotland) Act 2007

<http://www.legislation.gov.uk/asp/2007/10/contents>

Children (Scotland) Act 1995

<https://www.legislation.gov.uk/ukpga/1995/36/contents>

Children's Hearing (Scotland) Act 2011

<https://www.legislation.gov.uk/asp/2011/1/contents>

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

<http://www.legislation.gov.uk/asp/2011/15/contents/enacted>

Protection from Abuse (Scotland) Act 2001

<https://www.legislation.gov.uk/asp/2001/14/contents>

Housing (Scotland) Act 1987

<https://www.legislation.gov.uk/ukpga/1987/26/contents>

Homelessness etc. (Scotland) Act 2003

<https://www.legislation.gov.uk/asp/2003/10/contents>

