

Domestic Abuse Policy



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1. MANAGEMENT INFORMATION

Date Policy approved by LMH Board / Committee	12th February 2015
Replacing / Updating	Domestic Abuse Policy – November 2012
Next Review Date	November 2018
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Circulation list	Available to all LMH staff via intranet

2. POLICY AIMS AND KEY OBJECTIVES

This policy sets out how Liverpool Mutual Homes (LMH) will deal with domestic abuse and outlines the steps LMH will take to manage incidents of domestic abuse. This includes:-

- Support for victims, by providing a sensitive, confidential and prompt response
- Dealing with perpetrators, by taking prompt and positive action.

3. SCOPE OF POLICY

LMH is committed to providing excellent customer services that represent value for money to our customers* and partners. This policy outlines LMH's approach to managing domestic abuse.

Definition of domestic abuse:

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
- physical
- sexual
- financial
- emotional

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.

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

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage and is clear that victims are not confined to one gender or ethnic group.

Domestic abuse occurs at all levels in society and communities and LMH further recognises that vulnerable people and those protected under the Equalities Act 2010 may face additional barriers and discrimination when trying to access services.

Adult and children's safeguarding issues may be identified within domestic abuse cases and in such cases, referrals to agencies may be made to ensure that appropriate information is shared amongst agencies that can, if required, intervene to protect children or vulnerable adults from harm or abuse.

LMH's housing management, supported housing and community safety teams are principally, but not exclusively, responsible for managing and delivering this policy. All references in the policy where action is required would be taken by LMH, or appointed agents/contractors.

NB: *For the purpose of this policy, tenants and leaseholders are referred to as customers

4. DETAIL

4.1 Key principles how LMH will support victims of domestic abuse:

4.12 The victim will be offered an interview and support

The purpose of the interview is to listen to the victim's experiences and acknowledge their concerns and feelings. LMH will also discuss what practical support and assistance is available. LMH will advise victims of domestic abuse that they can also independently approach a solicitor, specialist domestic violence support services and other agencies such as the Citizens Advice Bureau to get specialist legal and emotional support.

4.13 Adult and Children's Safeguarding

LMH has a transparent process when dealing with victims experiencing domestic abuse and confidentiality will be preserved at all times unless child or adult safeguarding/protection issues override confidentiality.

4.14 Privacy and safety at interview

LMH will endeavour to conduct interviews in a safe environment and where possible, victims will be offered the chance to speak to a same sex officer.

4.15 Help of an interpreter

Where appropriate and available (and in agreement with the victim) we will arrange for interpretation call services such as 'the big word'. Wherever possible, we will try to use a same sex interpreter.

4.16 Trained staff

LMH is aware that it is often difficult for a victim who has experienced domestic abuse to talk about the abuse and to seek advice and help. Therefore, staff at LMH are trained on dealing with these sensitive issues. The main objective at the stage of initial report will be to help secure the safety of the victim and any children/family members involved. Detailed evidence that may be required to assist with support and possible re-housing options can be dealt with in the follow up investigation stages in the process.

4.16 **Acknowledging Individual circumstances**

LMH understands that there is no simple answer for dealing with an abusive situation. Each victim will have a different needs, depending on their individual circumstances and this may be influenced by a number of factors e.g. faith or belief, sexual orientation, age, culture etc. LMH will discuss fully all the options available to allow the victim to make their own informed choices about what they wish to do.

4.17 **Non LMH Tenants**

LMH supports the Local Community Safety Partnership (Citysafe) and Liverpool City Council in their strategic role as well as operationally within the MARAC (Multi-Agency Risk Assessment Conference) process to address domestic abuse in a consistent citywide standard. As such, LMH endeavours to take reports, assist and support domestic abuse victims reporting to or attending LMH offices irrespective of tenure. Tenants of other registered housing providers will be referred to their respective landlord in the first instance but can receive support and advice from LMH. Private sector tenants and owner occupiers will be assisted and supported in the same manner as LMH tenants in relation to housing options. Private sector tenants and owner occupiers will not be provided with security or target hardening measures from LMH budget and resources, although such measures may be sought from other statutory and voluntary agencies as part of the support and investigatory process.

4.19 **Practical help**

LMH endeavours to provide practical help which may include but is not restricted to:

- Ensuring victims have LMH contact numbers and details of office opening hours
- Use of a telephone at LMH Offices
- Helping the victim to identify a friend or relative who the victim can go to for help and whose telephone they can use as part of the victim's safety plan
- Making appointments with other agencies
- Completing essential repairs that will contribute to the victim being safe in their home.

- Improving security / target hardening where appropriate and where budget allows, i.e. security locks, lighting, spy-holes, window reinforcement etc
- Where there is a risk/threat of arson LMH will liaise with the Fire Service, Police and Victim Support to reduce/minimise the threat and consider installing fire-bags on letterboxes, smoke alarms and fire extinguishers

LMH would not usually make a referral to another agency without the informed consent of the victim, except where child or adult safeguarding or protection matters arise.

LMH will fully explain why we would need to share appropriate information and discuss the case with other agencies and that the other agencies or organisations may use the data provided to assess the nature and extent of domestic abuse in Liverpool.

We will take a 'safe contact' telephone number and/or address for the victim, if possible and establish which times of the day it is best to call. We can also agree a 'safe to talk password' or 'safe word' with the victim, so that if someone is with the victim or answers the phone on their behalf, it can be established that they are safe to talk. NB: these 'safe contact and words' will be utilised only in relation to the domestic abuse investigation and only by the case officers involved in the investigation.

LMH will encourage victims of domestic abuse to think seriously about reporting any incidents to the Police. Getting legal and welfare benefit advice is often vital in helping victims make informed decisions about the choices available to them. Law Centres, CAB's or specialist domestic abuse support agencies can provide this information and assistance. We will offer to contact such agencies on the victim's behalf, if they wish.

4.20 CONFIDENTIALITY

LMH recognises the importance of confidentiality being vital for victim safety as the perpetrator may live in the same property or in the same area or have friends or relatives who do.

LMH acknowledges that domestic abuse cases should never be discussed in ways that identify names and addresses when/where members of the public or other staff (who are not involved in the case) could hear. This also applies when/where other family members of the perpetrator and their associates may not know the victim is seeking assistance.

Under no circumstances would LMH knowingly give information to the perpetrator, family members or any other individual without the consent of the victim. A victim's whereabouts will not be disclosed as we recognise the result could put the victim at risk of harm. This need for confidentiality also applies equally to neighbours, family members and friends who may report cases of domestic abuse.

LMH staff will endeavour to ensure that the perpetrator does not know the identity of the person reporting the incident as an abuser (perpetrator) may use many tactics to obtain information they want, including using other people to make enquiries on their behalf.

The exception to complete confidentiality is where we have concerns of children's and adult safeguarding issues. The presence of children or vulnerable adults in a household may mean that safeguarding procedures need to be followed. In such cases, LMH will advise the victim of domestic abuse that we have a duty to inform appropriate safeguarding services.

4.21 **SUPPORT MEASURES**

LMH will discuss all the options that are open to the victim. Some measures may only be appropriate if the victim wishes to remain in the home and it is safe for them to do so but fears attack from a perpetrator who is not resident with them. It is important that all the options are fully discussed to allow the victim to make informed decisions.

We will signpost the victim to appropriate agencies and specialist organisations that may be able to offer additional help and support. It may be that the victim does not wish for any immediate action to be taken. However, it is important to make it clear that the victim can discuss the matter at any future time.

LMH recognises that in some cases the victim may wish for no action to be taken and to remain in the relationship/home. The Officer should discuss with the victim the option of a referral to a specialist domestic abuse support agency for the perpetrator, with their consent. The result of this referral may be the identification of an underlying support need that the perpetrator has, which may assist the perpetrator to moderate their behaviour and end the abuse.

Where the perpetrator approaches LMH for rehousing or assistance, a referral to a support agency should be made in the first instance as again, there may be underlying support needs that can be addressed.

4.22 LEGISLATION

Legal issues in relation to domestic abuse and housing are complex, in terms of

- what legal tools are available to victims
- actions against perpetrators and
- the pros and cons of seeking legal help.

LMH is aware of the above legal issues and recognises that the victim experiencing domestic abuse needs to obtain specialist advice on the options available, whether legal action can assist and what the costs may be. LMH will therefore encourage the victim to contact appropriate support agencies, specialist domestic violence support services, law centres or CAB's.

LMH recognises that domestic abuse takes many forms and sometimes may not lead to legal sanctions or criminal charges being brought and that some cases, involving violence against a person, may lead to charges being brought under grievous bodily harm or actual bodily harm.

Examples of the range of legislation for dealing with domestic abuse is attached at appendix A

4.23 OPTIONS:

LMH will endeavour to help victims of domestic abuse to consider their housing options for both the short and longer term. If a victim feels they are unable to remain at the family home at least temporarily the following options could be considered:

Refuges

Refuges provide safe, emergency temporary accommodation for women and children who need protection from abuse/violence. Staff in the refuges can provide information, advice and support as well as practical assistance with welfare benefit claims and court appearance etc.

Refuges for woman are available in Liverpool and can be accessed via the Liverpool City Council's Housing Options Service.

Re-Housing

LMH will investigate the necessity for and availability of temporary or permanent accommodation through both statutory and voluntary agencies. If someone is homeless then they need to make an appropriate referral to Liverpool City Council's Housing Options Service. There may be a duty on the local authority to assist under homelessness legislation.

Where a victim is offered a permanent transfer, they ideally should not suffer any detriment in terms of the quality and location of the alternative accommodation. LMH will always endeavour to offer the most suitable accommodation working with other registered social landlords and partner agencies.

Joint Tenancy

If the existing tenancy is a joint tenancy and the perpetrator remains in occupation, the following may apply but is not limited to:

- The victim ending the joint tenancy by signing a relinquishment form (notice to quit).
- The victim applying for a court order to exclude the perpetrator from the property if they wish to keep the tenancy and remain in the home (exclusion order)
- The victim obtaining a court order to have the perpetrator removed from any joint tenancy (occupation order)
- The victim leaving the property and (if they do not wish to return) provide a relinquishment to end the tenancy (notice to quit). The remaining tenant would be required to sign a new tenancy agreement if eligible to do so under qualifying policies and housing law.
- The perpetrator assigning the tenancy to the victim.

Where the above does not apply:

- The perpetrator is not a joint tenant
- The perpetrator has a tenancy of another property
- The victim fears such action would make the situation worse

Cohabitees

Where there is a sole tenancy and a couple live together, in accordance with the Family Law Act 1996, this is classed as cohabitation. LMH also use the phrase cohabitees to encompass same sex relationships (if not joint tenants).

Tenancy agreement (Assured tenancy, including those with protected rights and assured shorthold tenancies)

Assignments are permitted within LMH stock and are governed by an express term in the tenancy agreement – See assignment policy

This policy contributes positively to LMH's group design principles and particularly supports/strengthens LMH's key focus on Communities and Customers. This policy also supports LMH's equality and diversity policy

and contributes to LMH's VFM principles in delivering cost effective services that protect LMH's investment in homes and neighbourhoods where people chose to live and work as well as enabling customers to have the quiet enjoyment of their home and community.

5. PERFORMANCE MANAGEMENT

Performance will be monitored reported upon monthly and quarterly and at performance meetings at all levels of the organisation.

The key KPI is 95% of all domestic abuse cases to be acknowledged within 1 working day to begin investigations.

Performance on ASB issues are also measured by customer satisfaction surveys following the conclusion of ASB cases. However, due to confidentiality, safety and sensitivity reasons, LMH does not specifically contact victims of domestic abuse at case closure for a satisfaction survey.

We shall also use our specialist ICT system for anti social behaviour to monitor the number of domestic abuse cases across our neighbourhoods.

Through membership of Housemark, LMH will benchmark our service against other housing providers.

Customers will also be able to assess, inspect and influence our service and performance monitoring via customer satisfaction surveys, published performance data, LMH's review standards group and social landlord operations committee, tenant scrutiny panel and LMH's board.

6. POLICY REVIEW AND IMPROVEMENT FRAMEWORK

This policy has been reviewed in line with LMH Policy Review Framework. The next review will be completed in November 2018. In line with LMH continuous improvement strategy the policy review will incorporate an assessment of key internal and external influencers to ensure the policy reflects best practice together with all legal and statutory requirements.

DOMESTIC ABUSE POLICY



Legislation that can be used for dealing with domestic abuse involves:

NB: not all law cited below can be used by LMH although we will support victims and agencies in signposting.

Family Law Act 1996

The Family Law Act 1996 created two types of injunctions relating to domestic violence. These are non-molestation orders and occupation orders. NB: obtained by the victim via family law lawyers

Domestic Violence Crime and Victims Act 2004

This act strengthens the position of the Family Law Act in that a breach of a non-molestation order is a criminal offence with a penalty of up to five years imprisonment. It also extended the availability of injunctions to same sex couples and non-cohabiting couples. It also introduced the statutory duty to undertake a Domestic Homicide Review (DHR) to learn lessons. LMH may be involved in such reviews were the victim and/or perpetrator have been LMH tenants.

Protection from Harassment Act 1997

This Act allows a victim of domestic violence to obtain a civil protection order against someone who it can be proved has harassed them on a number of occasions. This Act also allow the Police to issue a Harassment Warning or Harassment Notice. Breach of a civil protection orders is an arrestable offence that could lead to a prison sentence.

ASB, Crime & Policing Act 2014

Injunctions can be obtained in the civil courts against a person who is engaging in antisocial behaviour. This could cover domestic violence situations and LMH can also seek to enforce the tenancy terms by way of an Injunction if the perpetrator is a sole or joint tenant. However, LMH believes that specialist domestic abuse agencies and family law lawyers are best placed to take legal action on behalf of domestic abuse victims and will refer/signpost where appropriate.

Children's Act 1989

Local authorities have a duty to help a "child in need"

Adoption and Children's Act 2002

Section 120 of the Adoption and Children's Act 2002, amended from 31.01.05. The legal definition of 'harming of children' was extended to include harm suffered by seeing or hearing ill treatment of others, especially in the home.

The Care Act 2014

Relating to adult safeguarding issues

Housing Act 1988

Ground 14A of Schedule 2 is a domestic violence ground for possession. A possession order *may* be made if the allegations are proved and the court considers it is reasonable to make an order.