Customer Domestic Abuse Policy

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1. Purpose and Scope of the Policy

Purpose

1.1 This Domestic Abuse policy outlines Solihull Community Housing's approach to addressing and handling Domestic Abuse.

1.2 SCH are committed to maintaining safe communities, and we recognise that domestic abuse can have a devastating impact upon its victims.

1.3 SCH staff are in regular contact with our customers and therefore may be able to identify the signs of domestic abuse and offer the appropriate help. Our staff must be able to effectively handle when a customer discloses that they are a victim of domestic abuse.

Scope

Solihull Community Housing (SCH) manages and maintains council homes and delivers housing services on behalf of Solihull Metropolitan Borough Council (SMBC). Although SCH provides day-to-day housing services, the Council remains the owner of the housing stock and is your landlord. The Council retains the responsibility for ensuring your home is managed in line with the Consumer Standards.

This policy outlines our approach to assisting and supporting any person experiencing domestic abuse. This policy applies to:

- All customers living in SCH accommodation (not just named tenants).
- Those who are victims of domestic abuse.
- Tenants who are perpetrators of domestic abuse.
- Children who are living with domestic abuse
- Children of victims of domestic abuse

1.4 SCH also recognises that our own staff may be experiencing domestic abuse and are committed to supporting them in any way that we can. This is addressed in a separate policy.

2. Policy Statement and Aims

Statement

2.1 We are committed to supporting any person who is experiencing domestic abuse. We will work closely with our partner agencies to ensure that the appropriate safeguards are put in place and that the victim's rights and wishes are respected.

2.2 We recognise that the safety of the victim and their family is priority, and we will do all we can to ensure that they are protected.

Aims

2.3 Our customers should not live in fear of violence, abuse or harassment from a partner, former partner, or any member of their household or family.

2.4 Anyone reporting domestic abuse to us will be treated in a supportive and non-judgmental way. Anyone disclosing domestic abuse will always be believed and our approach will be evidence led. Any disclosure of abuse will be taken seriously with advice and support being given as a priority.

2.5 We will work with statutory and voluntary organisations to support victims and when safe and appropriate to do so, we will act against perpetrators.

3. Legislation and Guidance

3.1 Our policy is in line with the following legislation:

- Domestic Abuse Act 2021
- Housing Act 1988, 1996
- Family Law Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Data Protection Act 2018
- Domestic Violence, Crime & Victims Act 2004
- Police & Justice Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Anti-Social Behaviour, Crime & Policing Act 2014
- Serious Crime Act 2015
- Care Act 2014
- Clare's Law/Domestic Abuse Offender Disclosure Scheme (DVDS)
- National Housing Federation Document Retention Schedule.
- HM Government: Call to End Violence Against Women & Girls Strategy & Action Plan
- ADASS Adult Safeguarding & Domestic Abuse – Guide to Support Practitioners & Managers (2017)
- Stalking Protection Act 2019

3.2 This policy should be read in conjunction with the following policies:

- Antisocial Behaviour Policy
- Equality and Diversity Annual Report 2022
- Solihull Home Options Allocations Scheme
- Tenants Handbook
- Former Tenant Arrears Policy
- Private Rented Sector Offer Policy
- Safeguarding Policy

3.3 Anyone reporting domestic abuse to us will be treated in a supportive and non-judgmental way. Anyone disclosing domestic abuse will always be believed and our approach will be evidence led. Any disclosure of abuse will be taken seriously with advice and support being given as a priority.

3.4 We will work with statutory and voluntary organisations to support victims and when safe and appropriate to do so, we will act against perpetrators.

4. Statutory Definitions/ Legal Definitions

Domestic Abuse

4.1 As stated in the Domestic Abuse Act 2021 abusive behaviour is not limited to any group of people and can be recognised by any of the following:

- Physical abuse
- Sexual abuse
- Violent or threatening behaviour
- Coercive control
- Economic abuse
- Online or digital abuse
- Harassment

For definitions, see **Appendix A**.

Definition of Personally Connected

4.2 Both parties must be aged 16 or over and ‘personally connected’. ‘Personally connected’ is defined in the Act as parties who:

- are married to each other;
- are civil partners of each other;
- have agreed to marry one another (whether or not the agreement has been terminated);
- have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- are or have been in an intimate personal relationship with each other;
- have, or will have been involved in a time when they each have had, a parental relationship in relation to the same child;

- are relatives.
- an individual receiving care including children may also experience domestic abuse and this could be perpetrated by a person living with or administering care for them.

4.3 It must also be recognised that any child under 18 years of age who has seen, heard or experienced the effects of DA and is related to the victim or perpetrator, is also a victim of DA.

5. Responding to Reports of DA

Pathways to Report DA

5.1 Customers can report and disclose domestic abuse by phone, email, or in person. SCH will respond to all reports in line with our procedures and with consent.

5.2 Cases may be brought to our attention by staff or contractors and repeated cases of repairs caused by damage to the property.

5.3 We will ensure that all reports are taken seriously and sympathetically. We will identify the level of risk and depending on the outcome, safeguarding referrals may be needed. Each situation may be different and therefore we will respond accordingly to each case, ensuring that any action taken is led by the customer.

Support for Victims of DA

5.4 Our approach is survivor-centred, and we'll consider their views and ongoing safety when deciding the most appropriate course of action. We'll make sure the survivor is always aware of our response and that they have consented to any actions we plan to take. It's important to note that depending on the level of risk, consent is not always required.

This may include a referral for specialist support, additional security in their home or the provision of information on alternative housing based on a risk assessment of that person's circumstances.

5.5 We will consider the needs of each individual case. We will advise about possible courses of action, both to respond to the immediate situation and to deal with it longer term. We won't pressure survivors to take legal action but will offer advice if it is something they wish to pursue.

5.6 We will agree the method of contact the survivor wishes to use when communicating with SCH. This includes but is not exclusive to talking over the phone, email, text or at a safe venue.

5.7 We recognise that housing is one of the main factors why survivors don't leave abusive homes. We will help customers explore their housing options. This could include temporary accommodation or a permanent transfer if there is no prospect of a safe return. More information on this is outlined below in section 7.

5.8 We'll keep all cases involving domestic abuse under review until the survivor is satisfied it's been resolved.

5.9 Whilst we are dealing with the case and after it's been resolved we'll provide support for survivors, their families, and witnesses to make sure they feel safe in their home and the community in which they live.

6. Housing Needs

Housing Applications

6.1 In circumstances where the applicant or a member of their household has been the victim of domestic abuse and urgently needs to be re-housed to avoid further risk of violence, they will be awarded Band A (our highest priority band). Decisions will be delegated to the responsibility of the Head of Service or the Housing Options Manager.

Personal Housing Plan

6.2 When a victim of domestic abuse is referred to us, either through St Basils or our housing options process, a full housing and DASH Risk assessment will be completed to determine the best way for SCH to support the victim. A personal housing plan will be completed to identify the appropriate housing options. Options include but are not limited to:

- Accessing emergency accommodation
- Accessing alternative accommodation e.g Social Housing through Home Options, private rented sector housing and supported housing focussed on developing independent living skills.
- Interim Accommodation
- Remaining in the current home
- Specialist advice and support from the IDVA Service
- Sanctuary Scheme support such as extra home security measures.
- After a risk assessment, some cases may be heard at MARAC to provide further support and action planning.

Housing Pathways

6.3 More information on our housing processes can be found on our website, on page 7 of SCH's Customer Housing Pathways booklet: Customer Housing Pathways (solihullcommunityhousing.org.uk)

7. Confidentiality

7.1 Data sharing with Police, local authority and other partners is limited by the Data Protection Act 2018, and we will agree data sharing protocols with them.

7.2 Whilst we respect privacy and confidentiality and are mindful of our obligations under the Data Protection Act, investigating and preventing domestic abuse requires the ability to exchange information with statutory and non-statutory agencies.

7.3 A disclosure of domestic abuse will be treated in the strictest of confidence, unless we have a duty to disclose information in order to:

- Protect the victim
- Prevent harm to someone else, or
- Prevent or detect a crime

8. Equality

SCH are committed to equality and to ensuring that our services are accessible, appropriate, and fair. We will always take into consideration people's protected characteristics. Information on this is available on SCH's Equality and Diversity page: Equality and Diversity - Solihull Community Housing

Barriers and Challenges to Ending Abusive Relationships

8.1 It is important to understand that victims may not seek or respond to offers of help. Reasons for this may include:

- Fear of the abuser and/or what they will do
- Fear of pressure to pursue a criminal case
- Lack of knowledge/access to support services
- Lack of resources, financial or otherwise
- Fear of not being believed
- Attachment towards their partner and the hope that they will change
- Feelings of shame or failure
- Pressure from family/children/friends
- Religious or cultural expectations
- Long term effects of abuse e.g. self-neglect, depression, low self esteem
- Drug and/or alcohol addiction
- Anticipated impact on children, or fear of losing contact with children/other relatives/friends.

8.2 People from minoritised communities may also have additional barriers, including:

- Language barriers
- Immigration status
- Racism (perceived or actual)
- Cultural or community expectations
- Lack of appropriate services.

We will ensure that anyone with additional barriers has full access to support.

8.3 People with disabilities are more likely to experience domestic abuse, and more likely to be at high risk of serious harm. Barriers to disabled people accessing services can include:

- Lack of accessible information about abuse and legal rights
- Lack of accessible domestic abuse services
- Fear that interpreters may not keep confidentiality
- Assumptions that physical and sensory impairments prevent people from making their own decisions
- Being used to 'dependency' and a lack of respect and dignity, leading to them assuming that abuse is normal and minimising its impact
- Reliance on the abuser for care and support.
- The victim may be the carer of the abuser, and feel a sense of obligation to maintain the support and endure the abuse
- The abuser may be the only person with whom the victim has any contact.

9. Perpetrators

Responsibility Under Tenancy Agreement

9.1 Those who cause Domestic abuse and are tenants of SCH must understand that they are in breach of their tenancy agreement, and they must be held accountable for their behaviour and appropriate action will be taken.

9.2 We will consult other agencies for information on the case before we apply for possession of a property where domestic abuse in involved, and the perpetrator is the sole tenant.

Support Measures

9.3 SCH will seek to provide support for tenants who cause domestic abuse to prevent future DA, encourage behaviour change and minimise risk. Perpetrators will be referred to the most appropriate services such as the Richmond Fellowship Scheme. See section **Appendix B** for contact numbers and more information on the scheme.

Enforcements Measures

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

10. Partnership Working

MARAC (Multi-Agency Risk Assessment Conference)

10.1 High risk domestic abuse cases are heard at regular Multi-Agency Risk Assessment Conferences (MARAC), which are attended by an appropriate member of staff from Solihull Community Housing alongside representatives from other services including health services, Police, domestic abuse support services and appropriate officers from the local authority. All meetings are confidential. Information is shared and action plans agreed to safeguard the victim and their family, and to ensure that appropriate measures are put in place for the perpetrator.

10.2 Referrals to MARAC will be made after discussion with, and consent from, the victim. However, if consent is not granted and there is an immediate or potential risk, (to the victim or the victim's family), a referral may be made without the consent of the victim to protect them and their family from potentially serious harm.

External Partners

10.3 SCH works alongside the following partners:

- West Midlands Police
- Birmingham and Solihull Women's Aid
- Solihull Adult Social Care
- Solihull Children's Social Care
- NHS
- SIAS (Solihull Integrated Addiction Services)
- Local Education Services

11. Performance, Monitoring and Review

Raising Awareness

11.1 We will raise awareness to ensure that our customers and communities are clear on our positions and policies on Domestic abuse. This includes promoting access to this policy and providing information on our website.

Staff Training

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

11.3 We have a regular case review and audit process.

Customer Voice

11.4 Customer feedback, in the past year, has shown that SCH needs to improve our temporary accommodation allocation methods for domestic abuse victims and perpetrators. SCH will continue to listen to feedback from our customers and use it to improve the way in which we work when dealing with domestic abuse.

11.5 We will make use of the SCHape and VIP panels for scrutiny and development in amendments to the policy going forward. These panels consist of our tenants, and we regularly ask them for advice and feedback on policies and procedures.

Review

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

Appendix A: Definition of Domestic Abuse

As stated in the Domestic Abuse Act 2021 abusive behaviour is not limited to any particular group of people and can be recognised by any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse; or
- psychological, emotional or other abuse

Physical abuse may include, for example, hitting, punching, kicking, slapping, hitting with objects, hair pulling, pushing or shoving, cutting or stabbing, restraining, strangulation, choking or murder.

Sexual abuse can include acts such as rape and coerced sex, forcing a person to participate in unwanted sexual activity or refusing to practise safe sex or use contraception.

Violent or threatening behaviour includes intentionally putting a person in fear of physical or mental harm, injury or material loss.

Coercive control is systematic pattern of behaviour designed to make a person 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. It can involve gaslighting – psychological abuse where a person or group makes someone question their sanity, perception of reality or memories.

Economic abuse may denote any behaviour that has a substantial effect on an individual's ability to acquire, use or maintain money or other property or obtain goods or services. It can also involve: making a victim beg for money; threatening to kick them out of the house; withholding information regarding welfare benefits; running up debts in their name; or withholding money for basic, everyday necessities.

Online or digital abuse can include: sharing information or images without a person's consent or knowledge; monitoring of social media or online activity; or harassment or abuse through digital platforms.

Harassment is a crime involving behaviour occurring more than once and the perpetrator's actions must result in harm or an unwanted effect on the victim. In cases of stalking, there is a pattern of unwanted, fixated and obsessive behaviour which becomes intrusive and causes a fear of violence or serious alarm or distress. Workplace stalking can often involve a victim being followed to and from their place of work and their perpetrator loitering around workplace entrances.

Appendix B: Useful Contacts

Birmingham Community Healthcare NHS Foundation Trust- Home | Website (bhamcommunity.nhs.uk) or 0121 466 6000

Birmingham Solihull Mental Health NHS Foundation Trust- Welcome - Birmingham and Solihull Mental Health NHS Foundation Trust (bsmhft.nhs.uk) or 0121 301 2000

Birmingham Solihull Women's Aid- Supports women and children affected by domestic abuse, rape, sexual assault, FGM and forced marriage. Homepage - Birmingham Solihull Women's Aid (bswaid.org)

Bright Sky – A free mobile app, providing support and information for anyone experiencing domestic abuse or is concerned for someone else – available to download at the **App Store** or **Google Play Store**.

Forced Marriage Unit- Joint Foreign and Commonwealth Office and Home Office unit leading on forced marriage policy, outreach and casework- Forced marriage - GOV.UK (www.gov.uk) or 0207 008 0151.

Respect- Working to end domestic abuse - Respect | Home

Richmond Fellowship Fund- Solihull SMBC has secured funding to offer Richmond Fellowship Funding to perpetrators of domestic abuse to change their behaviours and take responsibility for their actions - Domestic Abuse Services - Richmond Fellowship | Mental Health Charity Making Recovery Reality or 0121 766 6699

SIAS (Solihull Integrated Addiction Services)- SIAS - Supporting recovery | Reducing harm | Rebuilding lives (sias-solihull.org.uk) or 0121 301 4141

Solihull Community Housing - Welcome to Solihull Community Housing - Solihull Community Housing

Solihull Metropolitan Borough Council- Help and advice about domestic abuse- Help and advice about domestic abuse (solihull.gov.uk)

St. Basils- Charity working with young people between 16-25 who are homeless or at risk of homelessness - Get Help (stbasils.org.uk) or 0300 303 0099.

WAVE - Charity supporting all victims of domestic abuse regardless of gender, sexuality, ethnicity – 07734 775534 or 07734 775758.

West Midlands Police - Contact Us | West Midlands Police (west-midlands.police.uk) or telephone 101 (non-emergency) or 999 (emergency)