

BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION DOMESTIC ABUSE POLICY

Aims of the domestic abuse policy

The following are the aims of the domestic abuse policy:

- To ensure that the co-op responds appropriately and sensitively to reports of domestic abuse
- To ensure protection for the victims of domestic abuse
- To publicise the issue of domestic abuse

- 1 Domestic abuse can happen to anyone regardless of gender or transgender status, social group, class, economic status, age, race, disability, religion or geographic location.
- 2 Incidents of domestic abuse are possibly more common than many people think. Statistics drawn from the Crime Survey for England and Wales show that for the 12-month period to year ending March 2020:
 - an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse (1.6 million women and 757,000 men)
 - the police recorded 758,941 domestic abuse-related crimes in England and Wales, an increase of 9% from the previous year; an ongoing trend that may reflect improved recording by the police alongside increased reporting by victims
 - there was a 7% increase in police recorded offences flagged as domestic abuse-related during the coronavirus pandemic between March and June 2020; however, there has been a gradual increase in these offences over recent years and it cannot be determined whether this can be directly attributed to the coronavirus pandemic
 - there was an increase in demand for domestic abuse victim support services, including a 65% increase in calls to the National Domestic Abuse Helpline between April/June 2020.

Statement

- 3 Domestic abuse can have a devastating impact on its victims. The co-op is committed to supporting any member who is experiencing or has been threatened with domestic abuse. Members should not live in fear of violence, abuse or harassment from a partner, former partner, or any member of their household or family.
- 4 The co-op recognises that the safety of the victim and their family is paramount and will do all it can do to ensure that they are protected.
- 5 The co-op will:
 - work closely with partner organisations to ensure that victims are supported; the appropriate safeguards are put in place; and that action is taken against perpetrators where it is safe and appropriate to do so
 - respect the victim's rights and wishes and will treat anyone reporting domestic abuse to the co-op in a supportive and non-judgmental way, giving support and advice as a priority
 - provide options to victims of domestic abuse so that they are empowered to make their own decisions about what they would like to happen, and can make informed choices
 - encourage victims to report domestic abuse and reassure them that they will be supported
 - consider the impact of domestic abuse on children and young people and ensure that they too have access to services as soon as possible
 - make appropriate safeguarding referrals if there is reason to believe that a child or a vulnerable adult is at risk due to an abusive relationship
 - signpost and support victims to access help with the use of civil and criminal laws, to offer them protection and to prevent further abuse

- support victims to make decisions around their housing needs, whether they wish to remain in their home or to move to a new home
- ensure that it has access to people or organisations with expertise in managing domestic violence and abuse cases
- signpost perpetrators of domestic abuse to agencies who can offer them support and interventions
- ensure that staff and volunteers working on the co-op's behalf are trained to deal with disclosures of domestic abuse effectively.

Definitions

- 6 The Domestic Abuse Act 2021 defines that the behaviour of a person towards another person is domestic abuse if both are each aged 16 or over and are *personally connected* to each other, and the behaviour is *abusive*.
- 7 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.
 These headings are explained further below.
- 8 Two people are *personally connected* to each other if any of the following applies:
 - they are, or have been, married to or are civil partners of each other
 - they have agreed to marry one another (whether or not the agreement has been ended)
 - they have entered into a civil partnership agreement (whether or not the agreement has been ended)
 - they are, or have been, in an intimate personal relationship with each other
 - they each have, or there has been a time when they each have had, a parental relationship to the same child under the age of 18 (either as a parent or someone with parental responsibility)

- they are relatives.
- 9 It is now particularly noted that domestic abuse may be within a family and/or intergenerational (such as if the perpetrator is the victim's (adult) sibling, child, grandchild or another relative), which is potentially different from partner domestic abuse.
 - 10 To be considered domestic abuse, it does not matter whether the behaviour consists of a single incident or conduct that has taken place over a period of time.
 - 11 The perpetrator's behaviour may also be directed at another person (such as a victim's child) and it still be considered domestic abuse against the victim. The Act specifically also refers to children as victims of domestic abuse in that they may see, hear, or experience the effect of the abuse.
 - 12 Domestic abuse can take many forms, some of which are included as examples below.
 - 13 **Physical abuse** can include hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking.
 - 14 **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 or threatened or actual sexual abuse of children.
 - 15 **Technological abuse** - perpetrators can use technology or social media as a means of controlling or coercing victims potentially including:
 - using social media to harass the victim
 - controlling emails or social media accounts
 - use of spyware such as tracking apps, hidden cameras
 - using home assistants such as Alexa or Google Home to monitor someone's movements.
 - 16 **Economic abuse** is any behaviour that has a substantial effect on the victim's ability to get, use or maintain money or other property, or to obtain goods or services. It can include:

- controlling money and bank accounts
- making a victim account for all their spending
- running up debts in the victim's name
- allowing the victim no say on how their money is spent
- refusing to allow them to work.

- 17 **Psychological and emotional abuse** can have a profound impact on victims. It can leave them with little confidence that they can do anything to change their situation, or that they are powerless to take any action to improve their lives, or the lives of their children.

Examples include:

- isolating the victim – not allowing them to see their friends or family, or to go anywhere on their own
- using threats – threats to kill their family, children, friends, or pets, or to find them if they were ever to try and leave
- putting them down – humiliating, embarrassing, or undermining them in front of others, telling them they are stupid and that no one would believe them if they told people what was happening, or that they are a bad parent.

- 18 **Coercive and controlling behaviour** was defined by Section 77 of the Serious Crime Act 2015, as a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources 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 could include:

- controlling who they see, or what they wear
- controlling their medication, or preventing them from seeing medical professionals such as doctors or dentists
- isolating them from friends, family or other means of support
- emotional or psychological abuse
- economic abuse.

- 19 **So-called honour-based violence and abuse** includes offences which may have been committed to protect the perceived honour of a family

or a community and can incorporate many of the types of abuse detailed above. It is often carried out by family members, but victims can also come under pressure from the wider community who seek to support the family in their actions. So-called honour-based violence and abuse can also include forced marriage or female genital mutilation.

Delegated Authority

- 20 The co-op delegates the Senior Housing Lead (known in this policy as the Responsible Officer) working with the Chief Executive Officer to operate its domestic abuse policy.
- 21 The potentially sensitive nature of domestic abuse cases requires that managing cases should involve as few people as possible and that those involved should be suitably trained to deal with such cases.
- 22 The co-op requires that all cases of domestic abuse and actions to be taken are discussed with the Chief Executive Officer.
- 23 With the agreement of the Chief Executive Officer, the Responsible Officer is delegated to:
 - take appropriate and, if necessary, emergency action to address cases of domestic abuse
 - engage with appropriate external authorities, such as the Police or an Independent Domestic Violence Advocate regarding the handling of a domestic abuse case
 - engage with a MARAC (see below) on the co-op's behalf in relation to a high-risk domestic abuse case.
- 24 The role of an **Independent Domestic Violence Advocate** (IDVA) is to help keep victims and their children safe from harm from violent partners or family. Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis, to assess the level of risk. They:
 - discuss the range of suitable options

- develop plans for immediate safety – including practical steps for victims to protect themselves and their children
- develop plans for longer-term safety
- represent their clients at the MARAC (see below)
- help apply sanctions and remedies available through the criminal and civil courts, including housing options.

25 **Multi-Agency Risk Assessment Conferences** (MARACs) bring together various agencies involved in domestic abuse to share information, leading to the production of multi-agency action plans in response to high risk cases.

Barriers and challenges to ending abusive relationships

26 Victims of domestic abuse will often find it extremely difficult to make a disclosure and ask for help. If a disclosure is made to the co-op, it will be dealt with in a sensitive and supportive manner. The co-op's staff and volunteers are provided with guidance on how to deal with a disclosure and ensure that all appropriate advice and support is given, and that safeguarding issues are considered.

27 In some cases, victims may not seek, or respond to, offers of help and may wish to remain in their abusive relationship for reasons which may include:

- fear of the abuser and/or what they will do
- doubt about the impact of any action taken by Police or the courts, and 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
- love, loyalty, 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 such as 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.

28 People with disabilities may be more likely to experience domestic abuse, and 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 (such as British Sign Language) 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
- fear of having to live in a care home
- 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.

29 Some BNCHA members may also face additional barriers that could include:

- language barriers and concerns that any interpreters used may not keep confidentiality
- family honour, shame or stigma
- fear of rejection by the community
- immigration status/no recourse to public funding
- racism (perceived or actual)
- cultural or community expectations
- fear of so called ‘honour’ based violence
- lack of appropriate services.

Confidentiality

30 The co-op will respect privacy and confidentiality but investigating and preventing domestic abuse sometimes requires exchange of information with the Police and other agencies. A disclosure of

domestic abuse will be treated in the strictest of confidence unless the co-op has a duty to disclose information in order to protect the victim or someone else or to prevent or detect a crime.

Identifying domestic abuse

- 31 It is sometimes not easy to identify domestic abuse, not least because victims find it hard to identify themselves as victims.
- 32 Where it is happening, domestic abuse may be identified through one or more of the following routes:
 - a victim, or someone acting on their behalf, may report domestic abuse to the co-op office or to a committee member, by phone, by email or through some other means
 - through formal multi-agency arrangements, another third-party (such as the police or an IDVA) may identify someone living in a co-op home to be a victim of domestic abuse.
- 33 If a committee member or a member of staff becomes aware of or is concerned that someone is a victim of domestic abuse, they should report the matter immediately to the Responsible Officer.
- 34 The co-op will publicise the issue of domestic abuse to its members through ensuring that this policy is available on the co-op's website and through producing publicity material on domestic abuse that is circulated to all members and is available in the co-op office.

Emergency actions

- 35 The Responsible Officer will ensure that:
 - they accept the report as detailed by the victim, without formal evidence until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty, but it requires that the co-op will provide support, advice and assistance to those who identify themselves as victims.

- possible victims of domestic violence and abuse can meet officers working on behalf of the co-op in confidence at an agreed choice of safe venue
- a risk assessment is carried out (either by themselves or by someone with appropriate skills) using the DASH (Domestic Abuse, Stalking and Honour-based Violence) Risk Identification Checklist alongside safety planning to provide support for the victim and any children involved.

36 Emergency responses to reports or concerns of domestic abuse should usually be agreed with the victim and may include:

- supporting the victim to contact appropriate services (such as the Police) as soon as possible
- contacting the Police directly if there is reason to believe the safety of the victim may be at risk
- particularly taking action if there are children involved with the domestic abuse
- providing additional security measures at a victim's home
- any other action that may protect the immediate safety of the victim and any children involved.

37 If a committee member or member of staff becomes aware of or is concerned about a case of domestic abuse is unable to contact the Responsible Officer or the Chief Executive Officer and it is considered that emergency actions are necessary to protect the safety of the victim, they may use appropriate discretion to support the victim. The matter and any actions taken should then be reported at the earliest possible occasion to the Responsible Officer and the Chief Executive Officer.

Supportive actions

38 Every case of domestic abuse is different, and will be handled differently, taking into account the wishes and needs of the victim, the severity of the abuse, and any additional criminality.

- 39 The Responsible Officer, usually in conjunction with the Chief Executive Officer, potentially with other agencies and, where possible with the victim, shall determine:
- a) whether to remove, avoid, reduce or accept risk and carry out victim safety planning, and
 - b) whether the case is a standard, medium or high risk. High risk cases are defined as “risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible”.
- 40 Where the case is considered high risk, the Responsible Officer shall ensure that information is shared with a MARAC where possible with the support of the victim. The Responsible Officer shall also participate in MARACs where another agency has determined that a domestic abuse case is high risk.
- 41 For cases which meet the MARAC risk rating threshold or if there are child protection concerns, the co-op has a legal duty to share this with agencies. The Responsible Officer will inform the victim that their case is being shared with a MARAC and will explain what this is and what it means.
- 42 In cases where the high-risk threshold is not met, with the agreement of the victim, the Responsible Officer will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc).
- 43 The following actions may be carried out to support a victim:
- Inform the victim of the options and support that may be available to them if, and when, they are ready to take it. It is noted that not every victim of domestic abuse will want to end their relationship or will want the co-op to take action against the perpetrator.
 - agree an action plan with the victim, monitor the situation and review at a frequency agreed with them
 - provide victims with some small items of personal security equipment such as personal alarms, window and door alarms etc

straight away in order to try to provide some reassurance and peace of mind

- consideration can also be given to providing improved security to a victim's home (such as security and/or dusk until dawn lights, additional door and/or window locks, lockable letterplates or safety film)
- ensure that people experiencing domestic abuse are offered access to appropriate services as early as possible and are given advice to allow them to make choices about what to do next
- support victims to rebuild their lives by working in partnership with them and other support agencies
- ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible
- follow the relevant child protection procedures if there is reason to believe a child is at risk due to an abusive relationship.

44 Contact will be maintained with the victim until the victim feels that support is no longer necessary.

45 Where possible, the co-op will assist and support the victim to remain in their home. However, the victim may feel unable to return to their home, either in the immediate or longer term, especially if the perpetrator remains in the property or the locality. If the victim cannot return home and has nowhere else to stay, advice will be offered regarding options for rehousing through the co-op, the local authority or other agency. Consideration will be given as to whether there is sufficient reason to make a management transfer. Where a management transfer is offered to a victim, this would normally be on a *like for like* basis and where possible, depending on the wishes of the victim, away from the victim's local area.

46 The co-op will also check the tenancy status of the victim and perpetrator to identify whether tenancies are held jointly or solely. Legal advice may be required where victims and perpetrators hold a joint tenancy, or where a tenancy is held in a perpetrator's sole name, but this will not prevent the co-op providing support to the victim as outlined in this policy.

- 47 Perpetrators of domestic abuse can access specialist support if they acknowledge their behaviour, want to change and consent to a referral being made. The co-op will make such referrals as appropriate.

Formal actions

- 48 Domestic abuse is a breach of the Tenancy Agreement and the co-op will make use of appropriate tools and power to sanction and support those who are perpetrators of domestic abuse, including injunctions, Notices to Quit and possession proceedings.
- 49 **Domestic Violence Protection Notices and Orders** – if the Police have a reasonable belief that domestic abuse has occurred, they are able to serve the perpetrator with a Domestic Violence Protection Notice (DVPN) as the first step to acquiring a Domestic Violence Protection Order (DVPO).
- 50 A DVPO can prevent a perpetrator from returning to a residence, and from having contact with the victim, for up to 28 days. This may allow the victim time to consider their options and to engage with support should they wish to.
- 51 The law allows a magistrate to make a DVPO against the abuser even if the victim does not agree to it. The magistrates will also take into account the welfare of anyone under 18 who the Police consider will be affected by the DVPO.
- 52 The Domestic Abuse Act 2021 further develops DAPOs and DAPNs, bringing together the strongest elements of existing orders and notices, making them more flexible and which will give longer term protection to victims of domestic abuse and their children. These will be piloted in a small number of areas before being rolled out nationally. Until that happens, the existing notices and orders regime will remain in place.
- 53 **Restraining orders** can be made by a court in relation to a criminal case alleging domestic abuse whether or not the case is upheld. A restraining order is made when there is a need for the order to protect a named person or persons from harassment or conduct that will put them in fear of violence. A restraining order imposes prohibitions and may cover a range of behaviour. It can, for

example, exclude a person from a specific geographical area; from contacting specific people; or behaving in a particular way.

- 54 A restraining order lasts for one year from the date it is signed by the court, or until it is revoked. It can be renewed for one year at a time if the courts believe that the victim is still in danger. It is a crime to breach a restraining order and a person doing so can be arrested and charged.
- 55 **Civil law** - a person at risk of domestic abuse can make an application for an injunction (either an occupation order or a non-molestation order). They can do this by applying directly via a solicitor, with the assistance of a specialist domestic abuse support service. or in some cases, with the assistance of the co-op if it is safe and appropriate to do so.
- 56 An injunction is a 'stay away' order which prevents the abuser from certain behaviour such as contacting the victim or compels them to action such as to leave the home.
- 57 **Non-molestation orders** can protect a person and any relevant child from violence or harassment. A person can obtain a non-molestation order against someone who has not been physically violent, but has been harassing, intimidating or pestering them.
- 58 If an order is breached, a criminal offence will have been committed. With the victim's consent and support, and if appropriate, the co-op may be able to use this as evidence to take action for breach of tenancy.
- 59 Non-molestation orders can run for a fixed period, or indefinitely. Generally, they run until they are cancelled by a court.
- 60 **Occupation Orders** are another type of injunction which establishes who has the right to remain in a home. An occupation order can order an abuser to move out of the home, or to keep a certain distance from the home. It can order an abuser to stay in certain parts of the home at certain times (such as ordering them to sleep in a different bedroom), to let the victim back into the home if they have been locked out or order them to continue to pay the rent or bills.

- 61 An order can last for 6-12 months, and some can be renewed.
- 62 A breach of an occupation order is not a criminal offence unless a power of arrest is attached. Breaching an occupation order with a power of arrest could lead to up to two years in prison or a large fine.
- 63 The **Domestic Abuse Offender Disclosure Scheme (Clare's Law)** is administered by the Police and allows someone to make enquiries about their partner if they are worried that they may have been abusive in the past. If Police checks show that there may be a risk, they will consider sharing the information. An application can be made directly by the affected person if they have a concern that they may be at risk of harm; or any concerned third party (such as parents or friends) can also make an application if they are concerned. However, if a third party applies, the information is only given to the person in the relationship, or someone who is in a position to protect them from the abuse.
- 64 **Stalking Protection Orders (SPOs)** are issued under the Stalking Protection Act 2019 and allow early intervention in stalking cases. Police can consider an SPO where it appears that a person has engaged in stalking behaviour, and poses a risk which it is reasonable to mitigate by an order being granted.
- 65 **Forced Marriage Protection Orders (FMPOs)** can be applied for where there is a risk that a person is going to be forced into a marriage against their will, to prevent the marriage going ahead and/or to prevent that person being taken out of the country by family members. They can be applied for by the person themselves, a Local Authority, Police, or any other person with permission from the court.
- 66 **Female Genital Mutilation Protection Orders (FGMPOs)** provide a means to protect and safeguard victims and potential victims of FGM. FGMPOs are granted by a court and are unique to each case. They contain conditions to protect a victim or potential victim from FGM.

Training and related issues

- 67 The co-op shall ensure that it provides training and guidance to all staff to help them identify domestic abuse and to know what to do about it if they are concerned that someone may be a victim. Similarly the co-op shall ensure that any of its volunteers involved in domestic abuse cases have the same training and guidance.
- 68 The co-op shall also ensure that its Lone Worker Policy requires that staff and volunteers shall consider and take appropriate precautions if visiting potential perpetrators of domestic abuse.
- 69 Where necessary, the co-op will take appropriate advice relating to Honour Based Violence (HBV), forced marriage and Adolescent to Parent Violence (APVA).
- 70 The co-op may also need to advise someone whose relationship with a British citizen or someone settled in the UK has broken down because of domestic abuse, that they may be able to apply for indefinite leave to remain (permission to stay in the UK permanently).

Potential risks to be avoided

- Residents or others may not be properly supported regarding domestic abuse cases
- Those suffering domestic abuse – many of whom may not have the confidence or strength to report incidents – do not come forward because they do not perceive that they will receive a sensitive response
- The co-op does not comply with its legal requirements regarding domestic abuse