



DOMESTIC ABUSE POLICY

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Contents

1. INTRODUCTION.....	2
2. DEFINITION.....	2
3. KEY PRINCIPLES AND AIMS	3
4. OPTIONS FOR ACTION	4
5. RESPONSIBILITIES	6
6. COMPLAINTS / APPEALS.....	6
7. EQUAL OPPORTUNITIES.....	6
8. CONFIDENTIALITY	7
9. REVIEW	7

1. INTRODUCTION

- 1.1 This policy sets out how Calway Housing Association Limited (CHA) views domestic abuse, and how we will take steps to assist and support any person suffering from or threatened with domestic abuse. The term 'abuse' covers violence as well as verbal or other forms of abuse. Domestic abuse impacts on the quality of life of victims, their family and their friends as well as impacting on a person's home.
- 1.2 CHA believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. We will therefore take the strongest action possible against perpetrators of domestic abuse where it has the power to do so and with the consent of the victim.
- 1.3 CHA will apply a 'survivor centred' approach and we will assist the victim to reach a decision which they feel best secures their safety by:
- reviewing their accommodation,
 - enabling the level of assistance they want, and
 - taking action against the perpetrator which the victim and we feel is most appropriate.
 - Sign post victims to support groups

2. DEFINITION

- 2.1 Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) see domestic abuse as:

"Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online".

This is further defined by the Domestic Abuse (Scotland) Act 2018 which recognises controlling behaviour and emotional abuse as a criminal offence and includes;

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 pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.

Other Forms of Abuse may include:-

Physical Abuse

This could include: hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder

Sexual Abuse

This could include: rape and coerced sex, forcing a survivor to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children and the use of digital imagery.

Financial Abuse

This could include: controlling money and bank accounts, making a person account for all their expenditure, running up debts in a person's name, allowing no say on how monies are spent, refusing to allow them to study or work and depriving them of essentials.

Psychological and Emotional Violence and Abuse

Psychological and emotional abuse has a profound impact upon victims and children

2.2 **The legislative framework affecting the Domestic Abuse Policy namely:**

- Domestic Abuse (Scotland) Act 2018
- Data Protection Act 2018
- Equality Act 2010
- Homelessness (Scotland) Act 2003
- GDPR 2016

3. KEY PRINCIPLES AND AIMS

3.1 Prevention:-

As part of our arrangements to prevent domestic abuse we will:

- make all new tenants aware of our policies relating to rehousing, relationship breakdown and where applicable the implications of joint tenancies;
- publicise this domestic abuse policy to all tenants and employees, highlighting the consequences for perpetrators and promote through information leaflets, newsletters and on the Association's website and social media.
- provide advice and assistance.
- Encourage all staff, contractors and other relevant third parties to report concerns.
- Tailor training for staff who are likely to come into contact with those affected by domestic abuse. The training, however, will be tailored to ensure that all staff have the necessary skills and knowledge to carry out their roles and responsibilities

3.2 Survivor-centred approach

We will adopt a 'survivor-centred' approach in dealing with domestic abuse, i.e. if a person feels they are experiencing domestic abuse we will deal with it under this policy.

We will deal with all reports in a non-judgemental manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance.

We will only take action with the victim's consent. The exception to this general rule is where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines.

By adopting this policy, we aim to:

- improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities;
- increase awareness and understanding of this issue amongst residents and employees;
- encourage residents and employees to report domestic abuse;
- facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm;
- improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports;
- empower victims by providing information on the options available to them;
- improve the response to victims through effective engagement of appropriate external enforcement and support agencies;
- create a consistent approach for recording and monitoring incidents of domestic abuse;
- inform colleagues of best practice when responding to domestic abuse;
- ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse.

4. OPTIONS FOR ACTION

4.1 We recognise that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety;
- reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely;
- Rehousing and longterm housing options
- Advice on welfare benefits
- Referral to Domestic Violence support Services
- reporting incidents to the Police, which may result in criminal action against the perpetrator;
- where appropriate, legal action against the perpetrator by CHA.
- Advice on how to self-refer to for Domestic Violence Support
- A referral to social work services when there is a child in the household

The safety of the victim and their dependents will be our priority. An Action Plan setting out further actions will be agreed with the victim, and we will regularly contact the victim and keep them updated with progress.

4.2 Housing Options

4.2.1 Remaining in the property

The victim has rights to stay in their own home and have an abusive partner removed. Their rights to do so will depend on whether they and/or their partner have occupancy rights.

If they are married or in a civil partnership, they have an automatic right to stay in their home (**occupancy rights**) whether the house is in their name, their partner's name or joint names. This means their partner does not have the right to put them out or to refuse them entry to their home. It also means that they cannot transfer the tenancy unless agreed in writing. (legal advice at this stage should be sought before making this decision).

CHA will support those affected by domestic abuse to remain in the tenancy, if that is their choice; we will work with third party agencies such as police and Woman's aid and ensure the tenancy is safe and secure. We will not recharge tenants for lock changes, or any damage caused because of domestic abuse, we can also provide extra security such as spy holes/additional locks if required. Where appropriate we will charge such costs to the perpetrator.

4.2.2 Alternative Move

If the victim would rather move out of the tenancy but would like to remain a tenant of CHA, then we will also support them to do this. Any requests for permanent rehousing as a result of domestic abuse will be prioritised under our allocations policy (ie; Group 2 Urgent Needs). We will maximise the flexibility of the housing options available to those experiencing domestic abuse; In such cases the suspension policy will not be applicable, and we will review and determine the action to be taken on a case-by-case basis. There will normally be a limit on the number of occasions we will offer this

4.3 Emergency rehousing

If required, we will provide advice and assistance on accessing emergency accommodation provided by GCC Homeless Service or by a women's refuge. We will provide a referral letter where appropriate and advocate on our tenant's behalf.

4.4 Multi-agency approach

CHA acknowledges that tackling issues of Domestic Abuse requires a multi-agency approach and will endeavour to work with any useful local agencies in individual cases to ensure cases are dealt with in the most effective and efficient way.

We will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, meet their needs, co-ordinate available resources, access specialist services, act against perpetrators and share best practice.

4.5 Action against perpetrators

We will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator.

5. RESPONSIBILITIES

5.1 Management Committee:-

- To ensure that CHA. has approved and implemented a policy on domestic violence and abuse that complies with current regulations and guidance.

5.2 Director/Senior Officers:-

- To ensure all employees and Committee Members are aware of the policy and their responsibilities under it.
- To ensure that relevant employees are fully aware of their responsibilities under the policy, of the importance of reporting any incidents or pattern they become aware of.
- Ensure that training has been provided to the relevant staff, enabling them to fulfil their responsibilities under this policy.

5.3 Employees:-

To ensure they are aware of their responsibilities under this policy, and that they implement the policy and procedure when appropriate.

Will understand their role, be familiar with policies, procedures and pathways and will adopt a victim centred, non-judgemental approach when dealing with those experiencing domestic abuse. They will treat those always affected by domestic abuse with dignity and respect, whilst also ensuring that perpetrators are held accountable with support from senior management. staff will be responsible for recording any incidents of domestic abuse reported to them or by a third party.

6. COMPLAINTS / APPEALS

- 6.1 Any complaints about failure to follow this policy or about the way a tenant has been treated in relation to this policy will be dealt with by Calvay's complaints procedure. The procedure can be used by anyone who receives a service from Calvay and is affected by a decision or action taken by us, or anyone who represents such a person.

Our Complaints Policy can be found on our website www.calvay.org.uk

7. EQUAL OPPORTUNITIES

7.1 We will ensure that any action taken under this policy complies with our Equal Opportunities.

We aim to ensure that all our services provide equality of opportunity. We will not discriminate against any individual for any reason, including age, disability, gender re-assignment, marriage, civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or other status.

We will promote equality and diversity throughout our domestic abuse policy and related procedures by:

- providing accurate and clear information to customers about our domestic abuse policy
- using interpreters for people from black and minority ethnic groups, or for disabled people, as appropriate
- working in partnership with the Glasgow City Council to address homelessness and to promote social inclusion
- responding to the different needs and service requirements of individuals (including those with protected characteristics)
- monitoring our domestic abuse advice and services to ensure that they services
- prevent any form of discrimination, as well as promoting awareness of equal opportunity matters

8. CONFIDENTIALITY

8.1 Victims will be encouraged to allow CHA. to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent.

8.2 Victims will be encouraged to allow CHA to share information with other agencies, including Police and Local Authority departments, to ensure that the full range of civil and criminal action can be pursued and the appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent. The exceptions to this will be:

- Where we consider a child is at risk in any situation, or
- If there is a high risk of serious harm to anyone involved, or
- If we are obliged by law to disclose information.

The Operations Manager / Senior Housing Officer must approve any disclosure that does not have the victim's consent. Information will be shared with work colleagues on a 'strictly need to know' basis. We will adhere to all current data protection requirements

9. REVIEW

This Policy will be subject to a review every three years, or sooner in the event of any relevant legislative or regulatory changes or best practice guidance.

