

## Domestic Abuse & Violence Policy

### INFORMATION

<b>Policy Name</b>	<b>Domestic Abuse and Violence Policy</b>
<b>Effective Date(s)</b>	<b>April 2021 – April 2023</b>
<b>Approved By</b>	
<b>Approval Date</b>	
<b>Policy Owner/Dept</b>	<b>Operations</b>
<b>Policy Author</b>	<b>Licia Inniss, Designated Safeguarding Manager</b>
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<b>Policy Framework Ref</b>	<b>SG3</b>
<b>Version Number</b>	<b>1.0</b>

Your Housing Group Strategic Theme	
<b>Operational Excellence</b> <input type="checkbox"/>	<b>Customer Experience</b> <input checked="" type="checkbox"/>
<b>Growth and Financial Strength</b> <input type="checkbox"/>	<b>People and Culture</b> <input type="checkbox"/>

<b>Relevant National Standards or Regulation</b>	Please State if the Policy aligns to any of the Regulators Standards: <ul style="list-style-type: none"> <li>• Neighbourhood and Community Standard</li> <li>• Tenant Involvement and Empowerment Standard</li> </ul>
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<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• Housing Act 1996</li> <li>• Children Act 1989 &amp; 2004</li> <li>• Family Law Act 1996</li> <li>• Human Rights Act 1998</li> <li>• Domestic Violence Disclosure Scheme (Clare's Law)</li> <li>• Domestic Violence Crime and Victims Act 2004 (s.9 implemented in 2011)</li> <li>• Equality Act 2010</li> <li>• The Care Act 2014</li> <li>• Anti-social Behaviour Crime and Policing Act 2014</li> <li>• Modern Slavery Act 2015</li> <li>• Serious Crime Act 2015 (Part 5, Section 76)</li> <li>• Domestic Abuse Bill 2019</li> <li>• Protection from Harassment Act 1997</li> <li>• Police and Justice Act 2006</li> <li>• Protection of Freedoms Act 2012</li> <li>• Data Protection Act 2018</li> <li>• Sexual Offences Act 2003</li> </ul>
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## **1. Purpose of the Policy**

Domestic abuse is a serious crime. It shatters the lives of its survivors and, in some cases, leads to tragic deaths.

This policy sets out how Your Housing Group (YHG) will take steps to assist and support any person suffering from or threatened with violence or abuse. It also sets out the action we may consider taking against perpetrators of domestic abuse. It applies to all customers, non-tenants living with YHG customers, anyone receiving a service from us and members of staff.

Our policy is that we will:

- Take appropriate action to reduce the risk of abuse where we think it might happen;
- Aim to keep the survivor of domestic abuse safe by working proactively with them, identifying the risk of further abuse;
- Provide the survivor of domestic abuse with options and empower them to make choices so that they are able to identify the option that best meets their individual circumstances;
- Liaise with the lead statutory agency and other relevant local bodies, including charities, to reduce risk;
- Support the lead statutory agency in taking action against perpetrators of abuse. This includes taking tenancy enforcement action against perpetrators where it is appropriate to do so; and
- Continually improve our response to domestic abuse by learning from survivor feedback and the feedback from a range of other agencies.

## **2. Scope of the Policy**

This document should be used by all employees, contractors and volunteers of YHG to understand the obligations placed upon the organisation to maintain a safe environment for their customers and employees within our properties.

## **3. Definitions**

There is no single accepted definition of domestic abuse. The Domestic Abuse Bill 2020 is seeking to change this by introducing a statutory definition of domestic abuse. Once the Bill is passed YHG will use the definition set out in the Bill. In the meantime, we will use the Governments definition of domestic violence and abuse which is included in Appendix 1.

## **4. Consultation**

Consultation has taken place with the Safeguarding Operational Group, Safeguarding Policy Review Group, Equality and Diversity Group, Trafford Safeguarding Board and the Safeguarding Lead for the Customer Operations Committee.

## **5. Background and Context**

The aim of this policy is to promote the health, safety, well-being and productivity of employees and customers.

This policy reflects local, national, strategic and operational guidance produced in response to the growing recognition of the detrimental effects that domestic abuse has on adults, children and society. It demonstrates the principle that domestic abuse and violence is unacceptable behaviour and that everyone has a right to live free from fear and abuse. It recognises the need to share information and work in partnership with other agencies with greater experience of domestic abuse in order to reduce the risk of harm to survivors.

Domestic abuse is a criminal offence and is also in breach of our tenancy agreement. As a housing provider we have a role in identifying domestic abuse issues and supporting people affected.

This policy is supported by a Safeguarding Procedure, Domestic Abuse Procedure, Domestic Abuse Within the Workplace Procedure which must always be read in conjunction with this policy.

## **6. Policy Detail**

YHG is committed to identifying potential problems of domestic abuse at the earliest possible stage, making positive interventions to prevent situations becoming more serious. YHG is committed to working with survivors to help determine the response in dealing with specific incidents of domestic abuse and to ensure all survivors are supported fully in the process.

We will establish clear lines of responsibility and accountability for the detection, recording and reporting of domestic abuse incident. We will undertake regular audits to ensure policy and procedures are followed.

Some aspects of safeguarding apply only to customers and other parts to staff. We have set out this policy accordingly.

### **Customers**

We will accept reports and disclosures of domestic abuse through any available communication channel.

Where a member of staff suspects or witnesses domestic abuse taking place in our homes or neighbourhoods, they must log the incident onto Datix.

We will provide clear guidance and training (details are included in the training framework) for all relevant staff on how to be alert to the symptoms and signs of domestic abuse, how to report their concerns and how relevant staff can manage cases

of domestic abuse. Dealing with issues of Domestic Abuse or Violence requires a multi-agency approach and YHG will endeavour to work with any useful local agencies in individual cases to ensure they are dealt with in the most effective and efficient way.

### **Staff**

YHG has a responsibility to provide all staff with a safe and effective working environment. For some staff, the workplace is a safe haven and the only place that offers routes to safety. YHG have a separate procedure in relation to managing domestic abuse towards staff.

This policy is part of YHG's commitment to a healthy, safe organisational climate and to the prevention and reduction of the incidence and effects of domestic abuse. YHG recognises that domestic abuse presents unique issues for the workforce.

Incidents of domestic abuse are workplace issues even if the incidents occur elsewhere. These incidents cross economic, educational, cultural, age, gender, sexual orientation, racial, and religious lines and occur in a wide variety of contexts. YHG will take every appropriate measure to prevent and/or address such violence and/or abuse.

Workplace-related incidents are incidents of domestic abuse, attempted acts, or threatened acts by or against employees, the families of employees and/or their property, that imperil the safety or well-being of any person associated with an employee of YHG, regardless of whether the act occurred in or outside the organisation's physical workplace.

The right of staff to make their own decisions about the course of action at every stage will be respected.

YHG will seek to prevent staff carrying out violence or harassment of partners while at work. Any incidents of this will fall within the remit of YHG's Harassment and Bullying Procedure and could in turn lead to disciplinary action and potential dismissal. This may also relate to conduct outside of the workplace which may lead to disciplinary action due to its impact on the employment relationship.

The policy provides for a strategy to be developed in collaboration with survivors to implement workplace safety options, including but not limited to handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, change in parking spots, and requests for escorts to and from workplace facilities.

## **Assessing the risk**

We take a risk-based approach to managing any ongoing threat to survivors of domestic abuse so that, with the survivor, we can consider the best options available to prevent further abuse from happening.

Effective prevention of further domestic abuse often requires successful multi-agency partnership working. Therefore, we will complete a Domestic Abuse Stalking and Harassment Risk Indicator Checklist (DASH RIC) assessment when domestic abuse is reported and then work with specialist external agencies in order to develop an action plan to find a solution for the survivor. If the risks are high, we will refer details to the local Multi-Agency Risk Assessment Conference (MARAC) (see “working in partnership” below.)

We will always accept the survivor’s account as a true reflection of actual events upon receiving their reports.

We will help survivors to tell us about the abuse quickly and safely so that telling us doesn’t put them at further risk. As part of the action plan we will agree with survivors how future contact can be made safely.

## **Managing domestic abuse cases**

We will repeat the risk assessment and action plan at appropriate points throughout our involvement to ensure we continue to take appropriate action.

We will act to secure the survivor’s home where a domestic abuse incident has been reported to us. Measures to specifically reduce the threat of harm are set out below.

We will put a safety plan in place as a key part of the action plan. We will agree the safety plan with the survivor and any supporting agencies where perpetrators remain in the home or have ongoing access to enter (for instance in the case of joint tenancy). This will set out specific details to equip the survivor and their family with a strategy to leave the property and go to a safe place quickly, if they feel at risk of harm.

We will promote the opportunity for the survivor to remain in their home where it is their choice and it is safe for them to do so. This may involve putting in place additional security measures (*as described in tools and resources section*).

Where we agree with the survivor that rehousing is the best option, we will explore other housing opportunities which may be in a different location from the current home in order to provide protection to the victim. We continue to monitor the risk throughout and after the move, until we are satisfied that it has reduced to an acceptable level.

## **Tools and resources to remove risk of harm**

We will work with the survivor to decide whether security measures (such as lock changes or blocking letterboxes) are required to reduce or remove the risk of harm to the survivor whilst at home. In the homes we manage, we will ensure the necessary action is taken.

We will explore the use of new technologies to support survivors and manage risk. This includes promoting new mobile applications available to survivors for them to record incidents such as (Bright Sky/Hollie Guard). Survivors may also use these applications to access help and support services.

## **Working in partnership**

Dealing with issues of domestic abuse requires a multi-agency approach and YHG will endeavour to work with any relevant local agencies or partnerships in individual cases to ensure they are dealt with in the most effective and efficient way.

Where the risk threshold is met, we will liaise with the local Multi-Agency Risk Assessment Conference (MARAC). This is coordinated by the local authority (or police) for the area where the survivor is housed. We will also liaise with the Multi-Agency Public Protection Arrangement (MAPPA). We will do this where the local threshold is met, where we have serious concerns, or if the risk of harm originates from them. We will carry out the multi-agency action plan actions assigned to us by the MARAC. We will also ensure we understand our role and the correct processes to follow.

We will actively participate in other relevant local partnerships where appropriate and we will work with specialist support agencies such as Victim Support.

## **Support needs and vulnerability**

We will make a child safeguarding referral to the relevant local authority when the need to protect a child/children is identified or the domestic abuse may be having a negative impact on the child/children.

We will offer domestic abuse survivors the opportunity to access translation services or to speak to an employee of the same gender and/or sexual orientation. If the survivor disengages from their agreed support plan, and that places them or their family at greater risk; or the abuse is having a negative impact on the wider community, we will review what action to take to most effectively manage that risk and impact.

## **Action against the perpetrator**

We will consider the available legal action or remedies (both civil and criminal) available to us to deal with perpetrators of domestic abuse. We will monitor and seek to understand what action is being taken by the statutory agencies in this respect to ensure

that we are working together. In circumstances where it is appropriate to do so, we may signpost perpetrators to domestic abuse perpetrator programmes.

Any breaches of tenancy agreement will be managed in line with the Anti-Social Behaviour Policy and Procedure, to ensure that perpetrators are held accountable for their behaviour and actions.

## **7. Responsibilities under this Policy**

All staff are responsible for implementing this Policy and being vigilant in identifying any incidents that may fall under it. Incidents should be discussed with your Line Manager or the Safeguarding Team. If any member of staff has any concerns about the safety or wellbeing of a child and/or adult at risk, they must immediately follow the YHG Safeguarding Procedure.

Responsibility for the execution of this policy rests with all staff and contractors working on behalf of YHG, whether that work is paid or voluntary.

This includes:

- Your Housing Group employees
- Agency Staff
- Managing Agents
- Contract Staff – when working under contract to the group e.g. contractors working in Your Housing Group owned or managed homes.
- Volunteers – when working by agreement for or on behalf of the group e.g. providing assistance at social occasions or during consultation events.
- Third parties - this list is not exhaustive.

The Safeguarding Team are responsible for providing advice and support to managers.

## **8. Risk Management**

Safeguarding is a key responsibility for housing, care and support providers. YHG will seek to mitigate business risk through this policy.

The risk here is not just risk to the business – the first and most crucial risk is to customers and staff who are experiencing domestic abuse. Where it is practicably possible YHG will always try and safeguard children and adults at risk who live in our properties or receive our services.

## **9. Data Protection, Record Storage and Retention**

It is recognised that incidents of Domestic Abuse are extremely sensitive, private incidents for survivors to report and YHG shall maintain the confidentiality of a disclosure regarding

violence to the extent allowed by law and unless to do so would result in significant risk of harm to any person on any cases that are reported.

YHG will however, share relevant information with local agencies such as the police where necessary, to deal with cases more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the survivor and/or their dependants to provide better or more effective support.

YHG recognises and respects an employee's right to privacy and the need for confidentiality and autonomy. The principles of GDPR and YHG's GDPR Policy will apply to this Policy. YHG shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law and unless to do so would result in significant risk of harm to any person and/or jeopardise safety within the workplace.

When information must be disclosed to protect the safety of individuals within the workplace, YHG shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. Where possible YHG shall provide advance notice to the employee who disclosed the information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. YHG shall also provide the employee with the name and title of the person to whom YHG intends to share the employee's statements and shall explain the necessity and purpose regarding said disclosure.

## **10. Equality and Diversity**

The policy complies with the requirements of the Equality Act 2010 to ensure equality of treatment for all customers without discrimination or prejudice. Domestic abuse can be experienced by anyone, including those with protected characteristics and males.

Issues around diversity been considered around access to and delivery of any services covered by the Policy.

An EIA has been undertaken on this Policy.

On request, YHG will provide translations of all its documents, policies and procedures in various languages and other formats by contacting YHG.

## **11. Communication**

All staff will be required to read the policy under the mandatory reads section of Youggle. Domestic Abuse training will also refer to the policy.

## **12. Learning and Development**

Training on domestic abuse is available as part of training on Safeguarding. YHG is committed to have arrangements in place to ensure effective training of all staff. YHG expects all their staff to be trained in children and adult safeguarding at level 1. Further levels of training will be determined by the responsibilities set out in job descriptions/role functions and described within the YHG Safeguarding Training Framework. The Safeguarding Training Framework is designed to provide the approach for Safeguarding training for YHG. Its aim is to ensure that all staff working with children and/or adults are alert to the need to safeguard and promote the welfare of children and adults and are appropriately skilled and competent in carrying out their responsibilities for safeguarding appropriate to their role.

## **13. Performance Management of this Policy**

Cases of domestic abuse will be reviewed by the appropriate manager. Cases will also be logged by individual officers and monitored regularly at meetings as with all safeguarding cases.

The effectiveness of this policy will also be monitored through dip sampling of case records to include risk assessments.

## **14. Review of this Policy**

This policy will be formally reviewed on a two-year basis in consultation with customers and partner agencies of Your Housing Group.

## Appendix 1 - Definitions

Term	Description
Domestic abuse	<p>The Government definition of domestic abuse at the first reading of the Domestic Abuse Bill is summarised as follows</p> <p>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:</p> <ul style="list-style-type: none"> <li>• psychological</li> <li>• physical</li> <li>• sexual</li> <li>• financial</li> <li>• emotional</li> </ul> <p>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.</p> <p>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.” *</p> <p>This definition, which is not a legal definition, include 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.</p>
Multi-Agency Public Protection Arrangements (MAPP)	<p>A statutory arrangement that requires the police, local authorities and the prison service to assess and manage the risk posed by sexual and violent offenders. Other agencies that can be involved in MAPP include Jobcentre Plus, Registered Providers, strategic health authorities, Care Trusts and NHS Trusts and electronic monitoring providers.</p> <p>The principles that govern MAPP are to:</p> <ul style="list-style-type: none"> <li>• Identify convicted offenders who may pose a risk of harm</li> <li>• Share relevant information about them</li> <li>• Assess the nature and extent of that risk; and</li> <li>• Find ways to manage that risk effectively by protecting survivors and reducing further harm.</li> </ul>
Multi-Agency Risk Assessment Conference (MARAC)	<p>MARAC is a meeting between representatives from statutory, community and voluntary agencies working with survivors of domestic abuse, children and the alleged perpetrator.</p>
Survivor	<p>This term replaces the use of the word “victim” to describe those who have experienced domestic abuse. It covers individuals who are working on removing the risk of harm and those for whom the risk of harm has been removed.</p>
Staff	<p>The term “Staff” is used to refer to staff working on behalf of Your Housing Group whether paid or voluntary and that come into contact with, or are actually regularly working with, children (including unborn children) and adults at risk in our accommodation or services.</p>

### Related Documents

Document Type	Name
<b>Connected Policies and Procedures</b>	<p>The Domestic Abuse and Violence Policy is supported by separate YHG associated policies entitled:</p> <ul style="list-style-type: none"> <li>• Equality and Diversity Policy and Strategy 2016</li> <li>• Confidentiality and Data Protection Policy 2016</li> <li>• Data Protection Act Guidance - Information Sharing 2016</li> <li>• Safeguarding Children and Adults Policy 2021</li> <li>• ASB Hate Crime Policy 2019</li> <li>• Equality and Diversity Procedure</li> <li>• Management of Allegations Against Staff Procedure 2021</li> <li>• Harassment and Bullying Procedure</li> </ul>
<b>Forms and Letters</b>	
<b>Leaflets/Publicity Material</b>	
<b>Training Materials Available</b>	<b>YHG Safeguarding Training Framework</b>
<b>Intranet/ Website Page</b>	

