

North Tyneside Council Housing Services Domestic Abuse Policy



Date: November 2018 **Version:** One **Author:** Dawn Statham



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1. Introduction

The Domestic Abuse Policy sets out how North Tyneside Council's Housing Service will assist and support any person experiencing or threatened with domestic abuse.

Domestic abuse is still a largely hidden crime and happens in all communities, regardless of gender, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership, pregnancy or maternity.

As a housing provider we are well placed to recognise the signs of domestic abuse. We take all reports of domestic abuse seriously and work positively and proactively with the victim to offer support. We will take action against perpetrators of domestic abuse and, in addition, we will assist perpetrators who wish to positively change their behaviour by helping them access support and assistance.

We also recognise that our staff may be experiencing domestic abuse and are committed to supporting them in accordance with North Tyneside Council's Employee Domestic Abuse Policy.

2. Aims of Domestic Abuse Policy

North Tyneside Council's customers should not live in fear of violence, abuse or harassment from a partner, former partner, or any member of their family.

Anyone reporting domestic abuse to the council will be treated in a sympathetic, supportive, non-judgemental way. Any disclosure of abuse will be taken seriously, and advice and assistance given as a priority. We will work with statutory and voluntary organisations to support victims, and to take action against perpetrators, where it is safe and appropriate to do so. We aim to:

- Raise awareness of domestic abuse;
- Ensure that employees of North Tyneside Council understand the role they can play in tackling domestic abuse and to develop a constant approach across the borough;
- Create a safe environment where victims of domestic abuse feel they can approach us, are encouraged to talk and are listened to, thus enabling them to make informed decisions about their lives;
- Ensure employees are trained to deal with disclosures of domestic abuse effectively;
- Support people who are experiencing domestic abuse, or have experienced abuse, by working in partnership with them and other support agencies;
- Support victims to take appropriate legal measures to protect themselves and their families;
- Make appropriate safeguarding referrals if we believe that a child, or a vulnerable adult, is at risk due to an abusive relationship;
- Support victims to make decisions around their housing needs, whether they wish to remain in their home or move to a new home; and
- Signpost perpetrators of domestic abuse, who recognise and seek to change their behaviour, to agencies, including a Multi Agency Task and Co-ordination (MATAC) referral who can offer them support in order to prevent the abuse reoccurring.

3. Definitions of Domestic Abuse

Domestic abuse is defined by the Home Office as:

‘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’.

Domestic abuse can encompass, but is not limited to, the following types of abuse:

- Psychological;
- Physical;
- Sexual;
- Financial;
- Emotional;
- Discriminatory;
- Controlling behaviour;
- Coercive behaviour;
- Honour based violence;
- Forced marriage;
- Female genital mutilation (FGM);
- Family and intergenerational abuse; and
- Elder abuse.

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

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, threatened or actual sexual abuse of children.

Financial abuse can include controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim’s name, allowing no say on how monies are spent, and refusing to allow them to study or work.

Psychological and emotional abuse has a profound effect upon victims and their children. It can leave a victim with little confidence that they can do anything to change the situation. Examples include:

- Creating isolation e.g. not allowing them to see other people, preventing them from making their own friendships, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them.
- Use of threats e.g. threats to kill their family, children, friends, pets, to throw them out and keep the children, to find them if they ever leave, to have them locked up, to tell everyone they are mad.
- Putting them down e.g. humiliating and undermining them in front of others or in front of their children, telling them they are stupid, hopeless, unlovable, that no-one would believe them, or that they are a bad parent.

Discriminatory abuse is motivated by an oppressive and discriminatory attitude towards a person’s:

- Disability;
- Physical appearance;
- Learning disability;
- Mental ill health;

- Sensory impairment;
- Race;
- Religion;
- Gender/gender identity;
- Age;
- Culture;
- Sexual orientation; and
- Appearance.

In 2014 the Government announced a new domestic abuse offence – controlling and coercive behaviour. The Serious Crime Act 2015 (the 2015 Act) received Royal Assent on 3 March 2015 and was enacted December 2015.

The Act introduces a new offence of controlling or coercive behaviour in intimate or familial relationships (section 76):

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependant 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.

Coercive and controlling behaviour underpins domestic abuse. This law helps to protect victims by outlawing sustained patterns of behaviour that stop short of serious physical violence, but amount to extreme psychological and emotional abuse. Victims of coercive behaviour can have every aspect of life controlled by their partner, often being subjected to daily intimidation and humiliation.

Honour based violence is defined by the Crown Prosecution Service and Association of Chief Police Officers as:

‘a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community’.

Forced marriage is defined by the Crown Prosecution Service as:

‘a marriage conducted without the valid consent of one or both parties and where duress is a factor’.

Female genital mutilation (FGM) is defined by the Crown Prosecution Service as: ‘a collective term for a range of procedures which involve partial or total removal of the female genitalia for non medical reasons’.

Family and intergenerational abuse. Domestic abuse approaches historically have had an emphasis on partner abuse. More focus is now being given to family and intergenerational abuse, and the way in which it may be different to partner abuse, for example, if the perpetrator is the victim’s (adult) sibling, child or grandchild. Abuse of an adult or a child may also be used by a perpetrator to exercise control over their victim.

Elder abuse. Research has found that domestic abuse is experienced by both women and men regardless of age, disability, and ethnic background. Elder abuse can be even more detrimental to a victim’s wellbeing due to problems with mobility, mental health and social isolation.

Older people may have come to accept some aspect of domestic abuse as the ‘norm’ dependent upon their generation. For example, in the past the male of the

relationship was traditionally seen as the breadwinner and thus would have control over their finances, and limit their partner's access to money.

4. Legislation

The following legislation has been taken into account when developing our approach to supporting victims of domestic abuse:

- Housing Acts 1985, 1988 and 1996
- Family Law Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Domestic Violence, Crime and Victims Act 2004
- Police and Justice Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Anti-social Crime and Policing Act 2014
- Care Act 2014
- Serious Crime Act 2015
- Claire's Law/Domestic Abuse Offender Disclosure Scheme
- General Data Protection Regulation 2018

4.1 The National Policy Context

In March 2016 the Government published the new 'Ending Violence against Women and Girls Strategy'. The strategy committed to on-going reductions in the prevalence of domestic abuse by:

- Breaking the intergenerational cycle of abuse
- Giving greater attention to the risk of becoming a perpetrator
- Challenging attitudes and beliefs about abuse
- Improving awareness among children and young people about healthy relationships

Relationship education is to be made compulsory in primary schools, and sex and relationship education will be compulsory in secondary schools in 2020.

4.2 Local Policy Context

4.2.1 North Tyneside Domestic Abuse Partnership

The partnership coordinates strategy and resources to afford protection, provision and prevention for people exposed to domestic abuse in North Tyneside. There is an action plan that sets out agreed priorities for the coming year. The action plan has four priorities:

- Prevention;
- Provision;
- Partnership working; and
- Justice outcomes and risk reduction.

4.2.2 'Our North Tyneside Council Plan' Priorities

Our Domestic Abuse Policy is underpinned by 'Our North Tyneside Council Plan 2016/19' priorities of:

- **Our People**

Will be listened to and involved by responsive, enabling services

- **Our Places**

Will be great places to live, and attract others to live and work here

4.2.3 Links to other North Tyneside Council policies:

- Anti-Social Behaviour Policy
- Allocations Policy
- Tenancy Agreement
- Safeguarding Adults and Children's Policies
- Employee Domestic Abuse Policy

5. Disclosure of domestic abuse

North Tyneside Council recognises that victims will often find it extremely difficult to make a disclosure and ask for help. It is vitally important therefore that if a disclosure is made, it is dealt with in a sensitive and supportive manner.

Reports of domestic abuse must be responded to within 24 hours.

At first contact, when interviewing either in person or over the telephone, the interviewing officer will:

- Offer same sex interviews and a translation service if necessary;
- Offer an interview either in a local office, the home or another venue that the victim is comfortable with;
- Believe the victim;
- Reassure the victim of confidentiality;
- Prioritise the safety of the victim and children;
- Handle all cases sensitively;
- Accept the information given by the victim as accurate;
- Discuss which agencies the victim is willing to share information with. The council has a duty to share information in relation to share information with. The council has a duty to share information in relation to child protection issues;
- Complete the Risk Indicator Checklist (RIC) on all incidents reported to ascertain the victim's level of risk. We currently use SafeLives Domestic Abuse, Stalking and Honour Based Violence (DASH) checklist.;
- Following completion of RIC, ensure appropriate referrals made to agencies;
- Discuss contact with the police and medical services;
- Discuss immediate housing options and tenancy rights;
- The interviewing officer may need to refer to specialist agencies. They may need to speak to a housing advice officer if temporary accommodation is required, and/or victim support agencies; and
- Ensure that those experiencing domestic abuse receive on-going support.

5.1 Advice should be offered to victims of domestic abuse regarding:

- How the council can help support the victim;
- Advice on remaining in the home (e.g. Sanctuary Scheme);
- Housing options if the victim cannot remain in the home;

- Temporary accommodation, where appropriate;
- Taking enforcement action against the perpetrator;
- Support services available; and
- Advice on claiming benefits.

5.2 Multi-agency risk assessment conference (MARAC)

A MARAC is a weekly local meeting to discuss how to help victims at high risk of murder or serious harm. The four aims of MARAC are:

- To safeguard victims of domestic abuse;
- Manage perpetrator behaviour;
- Safeguard professionals; and
- Make links with other safeguarding processes.

Information concerning the highest risk domestic abuse cases is shared between representatives of police, probation service, health services, child protection specialists, housing practitioners, independent domestic violence advisors (IDVAs) and other specialists from the statutory and voluntary sectors.

Representatives discuss options for increasing the safety of the victim and these are developed into a co-ordinated action plan. The MARAC also makes links with other bodies to safeguard children and manage the behaviour of the perpetrator. At the heart of the MARAC is the working assumption that no single agency can see the complete picture of the life of a victim, but all may have insights that are crucial to the safety of the victim. The meeting is confidential.

Any 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 consent the consent of the victim. This is to protect the victim and their family from potentially serious harm.

5.3 Barriers to ending an abusive relationship

It is important to understand that victims may not seek, or respond to, offers of help, choosing to remain in the abusive relationship. Reasons for this may include:

- Fear of the abuser and/or what they will do;
- Lack of knowledge of other victims who have successfully left an abusive partner;
- Doubt about any action taken by the police or the courts, and fear of pressure to pursue a criminal case;
- Lack of knowledge or awareness on how to access support services;
- Lack of resources, financial or otherwise;
- Fear of not being believed;
- Love, loyalty, attachment to their partner and the hope that they will change;
- Feelings of shame or failure;
- Pressure from family, children or friends;
- Religious or cultural expectations;
- Long term effects of abuse e.g. self neglect, depression, low self esteem;

- Drug and/or alcohol addiction; and
- Anticipated impact on children, or fear of losing contact with children, other relatives and friends.

People from a black and minority ethnic (BAME) community may also have additional barriers including:

- Language barriers;
- Family honour, shame or stigma;
- Fear of rejection by their community;
- Immigration status/no recourse to public funds;
- Cultural or community expectations;
- Racism (perceived or actual);
- Fear of 'honour based violence' ; and
- Lack of appropriate services.

Disabled people also have additional barriers to accessing services which can include:

- Lack of accessible information about abuse and legal rights;
- Lack of accessible domestic abuse services;
- Fear that interpreters (e.g. 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 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 an obligation to maintain the support and endure the abuse; and
- The abuser may be the only person with whom the victim has any contact.

6. Confidentiality

Any disclosure of domestic abuse will be treated in the strictest of confidence however, under the General Data Protection Regulation; we have a duty to disclose information in order to:

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

The Domestic Violence Disclosure Scheme (DVDS), also known as Claire's Law, allows the police to disclose to individuals the details of their partner's abusive past in order that they can make an informed decision about their situation.

7. Safeguarding

When dealing with domestic abuse full consideration will be given to our safeguarding responsibilities. A significant number of adults who need safeguarding are often experiencing domestic abuse in some form.

If domestic abuse is an isolated issue and there are no other safeguarding concerns then support can be sought via the MARAC (Multi Agency Risk Assessment Conference). If there is more than one safeguarding issue present, such as domestic abuse in addition to physical or mental health disabilities, then a referral should be made to Adult Social Care via the Multi-Agency Safeguarding Hub (MASH) to ensure that services can be co-ordinated to deal with the potentially complex issues.

Exposure to domestic abuse is always detrimental to children, although the impacts may vary. Children exposed to abuse at home may be affected by physical and/or emotional abuse, neglect and ongoing psychological damage. In domestic abuse cases where children are present a referral should be made to Children, Young People and Learning (via the MASH) to ensure that children are adequately safeguarded.

The Multi-Agency Safeguarding Hub (MASH) was set up in October 2017 to co-ordinate support and protection services to children and vulnerable adults. It is led by North Tyneside Council in partnership with Northumbria Police. Health services, North Tyneside Harbour Domestic Abuse Support Service, Northumbria Police, and probation services are also involved. The hub model aims to improve information sharing between the partners so that safeguarding concerns can be identified earlier and managed more effectively.

8. Wellbeing

The Care Act 2014 specifies that freedom from abuse and neglect is a key to a person's wellbeing. The guidance outlines that abuse takes many forms and practitioners should not be constrained in their view of what constitutes abuse or neglect. It describes numerous types of abuse including:

- Domestic abuse;
- Psychological abuse;
- Financial and material abuse;
- Sexual abuse; and
- Physical abuse.

The Care Act guidance specifies aims to stop abuse and neglect, prevent harm, and address what has caused the abuse.

9. Use of tools and powers

Every case of domestic abuse will be assessed on its own circumstances, taking into account the wishes and needs of the victim, the severity of the abuse and any additional criminality.

We will make use of the appropriate tools and powers to sanction and support victims of domestic abuse including injunctions, Notice of Seeking Possession, and possession proceedings.

9.1 Housing Act 1985

The Housing Act 1985 specifies domestic abuse as an anti-social behaviour ground for possession where:

'The dwelling house is occupied (whether alone or with others) by a married couple or a couple, living together as husband and wife, and

- a) One of both of the partners is a tenant of the dwelling house
- b) One partner has left because of violence or threats of violence by the other towards that partner, or a member of the family of that partner who was residing with that partner immediately before the partner left, and
- c) The court is satisfied that the partner who has left is unlikely to return'.

Domestic abuse is a clear breach of the Tenancy Agreement which states:

Section 10.1 Anti-social and criminal behaviour

10.1.4 You must not harass, threaten to harass, use or threaten violence or discriminate against anyone because of their age, disability, gender reassignment, race, religion or belief, sexual orientation and you must not encourage or allow anyone to do so.

10.1.5 You must not use any words or take any other actions to humiliate, ridicule, embarrass, intimidate, frighten, distress or threaten anyone.

10.1.6 You must not carry out acts of domestic abuse against your partner or anyone else living in your home, visiting or working in the area. Your tenancy will be at risk if you threaten or carry out any acts of domestic abuse.

10.1.7 You must not allow your home to be used for any activity that is criminal, illegal, immoral, dangerous or offensive.

If a person reports that they have left a council tenancy because of domestic abuse the case should be discussed with the Community Protection and Public Spaces Team who will investigate and take the appropriate action.

As well as the tools available to us as a landlord, we will also work closely with partners to ensure a holistic approach to tackling domestic abuse and that the tools and powers available to these partner agencies are fully considered.

10. 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).

A DVPO can prevent a perpetrator from returning to a residence, and from having contact with the victim, for up to 28 days. This allows the victim some time to consider their options and to engage with some support.

The law allows a magistrate to make a DVPO against the abuser even if the victim does not agree to it. In addition the magistrates will take into account the welfare of anyone under 18 who the police consider will be affected by the DVPO.

10.1 Restraining orders

These can be made in 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.

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 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.

10.2 Civil law – Part one injunction

Civil injunctions to tackle anti-social behaviour were introduced by the Anti-Social Behaviour Crime and Policing Act 2014. They can be used in domestic abuse cases. The injunction can be used to exclude persons from the home in cases of violence or risk of harm, regardless of tenure. One of the conditions to be met in injunctions containing this power is that:

- The court considers that the anti-social behaviour includes the use or threatened use of violence against persons, or there is a significant risk of harm to other persons, from the perpetrator.

Positive requirements – the injunction can require the perpetrator to do anything described in the injunction i.e. be assessed for/attendance on a perpetrator programme to address their behaviour or to address their alcohol misuse.

Attaching a power of arrest to an injunction – a court granting an injunction can attach a power of arrest to it where it considers that:

1. The anti-social behaviour in which the perpetrator has engaged in, or threatens to engage, consists of or includes the use or threatened use of violence against another person.
2. There is significant risk of harm to other persons from the perpetrator.

The power of arrest can be attached to a positive requirement i.e. if the perpetrator failed to attend a perpetrator programme.

Breaching an injunction – may result in a mandatory ground for possession.

Mandatory ground 7A – if the circumstances are proven then the court **must** make an order for possession.

10.3 Non molestation orders

A non molestation order 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 her.

If an order is breached, a criminal offence will have been committed. With the victim's consent and support, and if appropriate, the council may be able to use this as evidence to take action for breach of tenancy. Non molestation orders can be for a fixed period or indefinitely.

10.4 Occupation orders

An occupation order can order the abuser to move out of the home, or to keep a certain distance from the home. It can order the abuser to stay in certain parts of the home at certain times or order them to continue to pay the rent or bills. It can order the abuser to let the victim back into the home if locked out.

An order can last for 12 months and can be renewed. 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 result in a prison sentence of up to 2 years or a large fine.

11. Security measures

North Tyneside Council will support victims to remain in their homes should they choose to do so. To support the victim the council may carry out additional works and install security measures under the Sanctuary Scheme.

The **Sanctuary Scheme** is a multi- agency, victim centred initiative which aims to enable households at risk of violence remain in their own homes and reduce the risk of repeat victimisation through the provision of enhanced security measures and support. Examples of additional security measure and repairs could include:

- Locks to doors and windows;
- Door chain;
- Letter box jammer;
- Dusk till dawn lights (comes on at dusk and stays on until dawn);
- Window film (strengthens the windows);
- Door viewer; and
- Personal attack alarms.

The works are requested by the completion of a form which is sent to the Housing Advice Team. Sanctuary Scheme measures are not available to joint tenancies.

12. Equality and diversity

North Tyneside Council is committed to the principles of equality and diversity. Our Domestic Abuse Policy aims to:

- Meet the needs and choices of people from all backgrounds and takes into consideration gender, age, disability, gender reassignment, race, religion, or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity;
- Ensure our service is responsive and meets the needs of our existing and prospective customers ; and
- Understand the cultural implications and barriers to reporting domestic abuse
- Ensure that all sections of the community in which we work have access to our services.

13. Review

This policy will be reviewed as a result of changes in legislation and in line with best practice.

