

# **Ayrshirehousing**

## **DOMESTIC ABUSE POLICY**

### **Introduction**

1.1 Ayrshire Housing (AH) recognises that domestic abuse is a serious issue which can impact on many households and will take all practical steps to support individuals including our tenants and housing applicants who are victims of domestic abuse.

### **2. Making a Stand Pledge**

2.1 The Make a Stand pledge has been developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It has been created to encourage housing organisations to make a commitment to support people experiencing domestic abuse. AH has signed up to the Make a Stand Pledge. Our commitment is to update our policies and procedures to ensure that we are offering appropriate support to both our tenants and staff that have experienced domestic abuse.

### **3 Policy Statement**

3.1 AH acknowledges that domestic abuse is a crime. Domestic abuse impacts on the quality of life of victims, their children, families, and friends as well impacting on a person's home.

3.2 This policy sets out how AH defines domestic abuse, and how we will take steps to assist and support any person suffering from or threatened with domestic abuse. The policy details how we will respond to and seek to deal with any reports of such abuse affecting tenants or members of their households. The term "abuse" covers physical as well as verbal or other forms of abuse.

3.3 AH believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. AH will therefore take the strongest action possible against perpetrators of domestic abuse where it has the power to do so to protect the victim.

3.4 AH will deal with all reports of domestic abuse within 1 working day. Applying a "survivor centred" approach, we will assist the victim to reach a decision which they feel best secures their safety by:

- Assessing their current housing situation
- Enabling the level of assistance they want, and
- Taking action against the perpetrator where appropriate.

### 3.5 By adopting this policy AH aims to:

- Improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which adversely affects the health of individuals, families, and the wider community.
- Increase awareness and understanding of this issue amongst residents and employees.
- Encourage tenants and employees to report incidents of 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 the victims through effective engagement of appropriate external enforcement agencies.
- Create a consistent approach to recording and monitoring incidents of domestic abuse.
- Inform colleagues of best practice when responding to domestic abuse.
- Ensure that all staff are clear in their roles in tackling and responding to issues surrounding domestic abuse.

## 4 Definition of Domestic Abuse

4.1 Domestic abuse, as gender based violence, can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate people and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of coercive controlling behaviour such as isolation from family and friends). It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.

4.2 The definition of domestic abuse used by Police Scotland is:

*'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 can be committed in the home or elsewhere including online.'*

4.3 Coercive controlling behaviour is a range of acts designed to make a person subordinate and or/dependent by:

- Isolating the victim from sources of support.
- Exploiting their resources and capacities for personal gain.
- Depriving them of the means needed for independence, resistance and escape.
- Regulating their everyday behaviour.

- 4.4 Coercive controlling 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.
- 4.5 Domestic abuse can manifest itself through the actions of immediate and extended family members via unlawful activities such as forced marriage, honour-based abuse and female genital mutilation. Extended family members may condone or even share in the pattern of abuse. Any such actions are not acceptable, whatever form they take.

## **5 General Principles**

### **5.1 Ayrshire Housing will:**

- Ensure that employees understand the important role they can play in tackling domestic abuse.
- Provide training and guidance for staff supporting tenants experiencing domestic abuse.
- Support tenants who are experiencing domestic abuse by taking a proactive and sympathetic survivor-centred approach.
- Take a non-judgemental approach to victims of domestic abuse.
- Work with other agencies to deliver the best possible outcome for victims with safety being the overriding priority. This will also include signposting victims to external support agencies and assist victims to access such support.
- Assist victims to obtain temporary accommodation or suitable permanent alternative accommodation as appropriate. We will work in partnership with the local authority and support agencies.
- Encourage victims to allow us to share information with the Police and local authority services to pursue appropriate civil and/or criminal action.
- Treat all information confidentially unless obliged to disclose by law, where a child is at risk or there is a high risk of harm to someone else.

## **6 Prevention**

### **6.1 As part of our arrangement to prevent domestic abuse we will:**

- Work collaboratively with other agencies and partners including Scottish Women's Aid, South Ayrshire Women's Aid, South Ayrshire Council and Police Scotland and Revive Scotland and AMIS.
- Focus on raising awareness of domestic abuse including the sources of support and assistance available to victims and by challenging attitudes and reinforcing the principal that domestic abuse is unacceptable and should not be tolerated.
- Promote awareness through information in our tenant handbook, newsletters, website and social media.

## **7 Options for actions**

7.1 AH recognises that every case of domestic abuse will be different. Therefore, our response will be tailored to the individual circumstance and the needs of the victim. When a tenant or a household member reports domestic abuse, all available options will be discussed with them, including:

- Personal safety.
- Housing options.
- Reporting incidents to the police, which may result in criminal actions being raised against the perpetrator.
- Possibility of legal action being taken against the perpetrator by AH.
- Where there is a significant risk, referrals being made to external agencies.
- Support services available.

7.2 First and foremost we will make arrangements for their immediate personal safety.

7.3 Where the victim requires advice or assistance, we will offer an interview by someone of the same sex.

7.4 We will provide a range of housing options to meet the individual needs of victims and survivors of domestic abuse.

7.5 These options include:

- Supporting victims to remain in their home.
- Rehousing the perpetrator.
- Using management transfers to support victims to make planned moves and avoid homelessness.
- Supporting victims to transfer the tenancy to their name.
- Supporting victims to gain legal information and advice.
- Supporting relocation across different locations through partnership working.

7.6 AH will take a proactive and sympathetic approach. Each case will present its own challenges and so the type and level of assistance will be determined by the Senior Housing Officer or by the Head of Housing and Communities.

## **8 MARAC**

8.1 MARAC is a Multi-Agency Risk Assessment Conference which takes place every month and focuses upon high-risk domestic abuse cases, where victims are assessed as being at high risk of murder or serious harm. In a single meeting, a MARAC combines current information regarding risk with a comprehensive assessment of the victim and children's needs and provides robust pathways to the provision of appropriate services for all those involved. The primary focus of MARAC is to safeguard the adult victim; however the MARAC will also make links with other agencies to safeguard children and manage the behaviour of the perpetrator.

8.2 MARAC comprises representatives from Police Scotland, Women's Aid, Health, Community Addictions, Children and Families, Adult Services, Housing, Education etc.

8.3 Referrals can be made based on:

- Professional judgement. If the staff members feels that due to their professional judgement a referral should be made, they should go ahead.
- Escalation. Any agency can make a referral based on escalation. One way to identify this is the number of police call outs (threshold 3 call outs in 12 months).
- Visible high risk - when the victim is assessed with a score of 14 or above using the DASH assessment tool.

Ayrshire Housing will ensure that relevant staff are trained in the use of the DASH tool.

When making a referral, staff should complete a MARAC Referral form and send to Ayrshire MARAC Coordination team - [aa.ayrshiremarac@nhs.scot](mailto:aa.ayrshiremarac@nhs.scot)

8.4 If the victim cannot return home and has nowhere else to stay, advice will be offered regarding options for rehousing with the local authority or other agency.

8.5 If the victim is the sole tenant, sympathetic consideration will be given to a change of property request. The appropriate officer will consider how best this can be achieved under the terms of AH's allocations policy.

8.6 We will aim to provide on-going support to victims of domestic abuse by ensuring that contact is maintained and by ensuring that the victim is referred to other specialist agencies that can provide support.

## **9 Remaining in the Property**

9.1 Where the victim wishes to remain in the home, we will consider action which will facilitate this. Such action might include legal action to transfer the tenancy to the victim or action to rehouse the perpetrator i.e., a management transfer.

9.2 Where the victim wishes to remain in their own home AH will work with them to ensure their personal safety is a priority. AH will provide a lock change free of charge and not seek to recharge for any damage to the property caused by the perpetrator. Where appropriate all charges will be raised against the perpetrator. AH may report the damage to Police Scotland as a crime.

9.3 Where the property has been damaged by the perpetrator of domestic abuse, repairs will be carried out by AH in line with the relevant policy. A crime reference number is usually required however, in exceptional circumstances this will be waived by the Senior Housing Officer or Head of Housing and Communities.

9.4 AH will accommodate any requests to install additional security where there has been a request by Police Scotland. Permission will be given immediately subject to agreement on who will maintain the equipment.

## **10 Emergency Rehousing**

10.1 Where there is a need for emergency accommodation AH will provide advice and assistance on how to access emergency accommodation provided by South Ayrshire Council or by a refuge. Where appropriate we will support the referral in writing as well as advocate on behalf of our tenant.

## **11 Tenancies**

11.1 Where a tenant is experiencing domestic abuse and they are named on the tenancy agreement they may be able to transfer the tenancy agreement solely into their own name however this is dependent upon:

- The legal status of the relationship
- Whose name is on the tenancy agreement.

11.2 If the tenant is married or is in a registered civil partnership, the partner will have the right to live with the tenant within the family home, even if their name is not on the tenancy agreement. They will need to apply to the court for an exclusion order to suspend their partner's rights to live in the home.

## **12 Action against Perpetrators**

12.1 AH 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 to transfer a tenancy to the victim.
- Legal action for recovery of possession against a perpetrator, where other members of the household have left the home because of domestic abuse.
- Action to rehouse a perpetrator.
- Supporting the police in their activities to deal with perpetrators (subject to data protection requirements).

## **13 Confidentiality**

13.1 AH understands that incidents of domestic abuse are extremely sensitive and tenants can be assured of total confidentiality in cases that are reported. Information will be shared within AH on a "need to know" basis. AH will adhere to current data protection requirements.

13.2 AH may, however, share relevant information with external agencies such as Police Scotland or Social Work Services. This will mean that cases are dealt with more effectively and with correct support mechanisms in place.

13.3 Victims will be encouraged to allow AH to share information with other agencies including Police Scotland or local authority departments. This is to ensure that the full range of civil and criminal action can be pursued, and appropriate assistance and support provided. Any information provided by the victim will be treated in confidence and only passed to the relevant agencies with the proper and informed consent of the victim.

13.4 The exceptions to this will be:

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

13.5 The Senior Housing Officer or Head of Housing and Communities must approve any disclosure that does not have the victim's consent.

## **14 Training**

14.1 Training will be provided to allow staff to understand and respond to domestic abuse, coercive control, and other forms of violence against those subjected to domestic abuse.

14.2 Training will be provided by experienced and appropriate providers who have an understanding and knowledge of abuse.

## **15 Responsibilities**

15.1 Board

- To ensure that AH has approved and implemented a policy on domestic abuse that complies with the current legislation and guidance.
- To monitor compliance with the policy through reporting where appropriate.

15.2 Senior Management Team (SMT)

- To ensure that all employees and Board members are aware of the policy and their responsibilities within it.
- To ensure that the relevant training is implemented to enable employees to recognise and respond to incidents of domestic abuse.
- To ensure the policy is implemented and make appropriate decisions based on the policy and relevant legislation.
- To ensure all relevant employees are fully aware of their responsibilities under the policy, in particular the importance of reporting any incidents or pattern that they may become aware of.

### 15.3 Employees

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

## 16 Appeals and Complaints

- 16.1 Appeals or complaints against our operation of this policy will be processed through AH Complaints Handling procedure, a copy of which is available on our website or by request.

## 17 Equalities and Human Rights

- 17.1 Ayrshire Housing is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In delivering this policy, Ayrshire Housing's staff will comply fully with the requirements of the association's Equalities and Human Rights Policy.

## 18 Further support and Information

### **Women's Aid South Ayrshire**

Crisis Line: 01292 266482 Option 1

Provides free, confidential support and information for women experience domestic abuse.

[www.womensaid.scot](http://www.womensaid.scot)

### **Scotland's Domestic Abuse and Forced Marriage Helpline**

Phone: 0800 027 1234 (24-hour service)

Provides confidential information and support to anyone affected by forced marriage or domestic abuse.

### **AMIS (Abused Men in Scotland)**

Phone: 03300 949 395

Supports men who are experiencing or have experienced domestic abuse. Call the confidential helpline (it's free to call from landlines and most UK mobiles, and does not appear on itemised phone bills).

### **Victim Support Scotland**

Phone: 0800 160 1985 (Monday to Friday, 8am to 8pm)

Provides information and support for victims and witnesses of crime.

<https://www.victimsupport.org.uk>



**Revive Scotland**

<https://homefinderuk.org/revive-scotland>

**Rape Crisis Scotland**

Phone: National Helpline on 08088 01 03 02 (6pm to midnight, 7 days a week)

Provides a rape crisis helpline and email support for anyone affected by sexual violence. They can also put you in touch with local rape crisis centres or other services for on-going support.

**National LGBT Domestic Abuse Helpline**

Phone: 0300 999 5428 or 0800 999 5428

Provides help and support for lesbian, gay, bisexual and transgender people who are experiencing, or who have experienced, domestic abuse.



## Equality and Human Rights Impact Assessment (EqHRIA)

Title of Policy	Domestic Abuse Policy
Relevance to the Business Plan	Tenancy Sustainment and Access to Housing
Name of Lead Person	Head of Housing and Communities
Date EqHRIA completed	16.03.2023
Review date and frequency of reviews	3 yearly from date of approval

### Scoping

What is the purpose of the proposed policy (or changes to be made to the policy)?	<p>The aim of the policy is to:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Increase awareness and understanding of this issue amongst residents and employees.</li><li>• Encourage residents and employees to report domestic abuse.</li><li>• Facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm.</li><li>• 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.</li><li>• Empower victims by providing information on the options available to them.</li><li>• Improve the response to victims through effective engagement of appropriate external enforcement and support agencies.</li><li>• Create a consistent approach for recording and monitoring incidents of domestic abuse.</li><li>• Inform colleagues of best practice when responding to domestic abuse.</li></ul>
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	<ul style="list-style-type: none"> <li>Ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse.</li> </ul>
Who is affected by the policy or who is intended to benefit from the proposed policy and how? (stakeholders)	Tenants and members of the household
What human rights are engaged?	Article 8 and Article 14
How will this policy impact on the equal enjoyment of human rights?	No adverse impact
In what way is the Equality Duty engaged?	Compliant with Equality Act 2010
How will this policy affect compliance with equality duties?	No impact

### Evidence

Given the people potentially affected by this policy, have you gathered information on their diverse needs and/or experiences?

Do you have information on:					
Age	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Disability	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Sex (including pregnancy and maternity)	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Lesbian, Gay, Bisexual & Transgender	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Race	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Religion and Belief	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Staff	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Tenants	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
Those on the waiting list	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>
The local Community	Yes	<input type="checkbox"/>	No	N/a	<input type="checkbox"/>

Is this information sufficient for the purposes of the assessment? **Yes**

If no, outline when and how it will be sourced to inform a further review. If the information is not relevant explain why there is unlikely to be an impact from the Policy on this group.

N/A

### Impact

What does the information you have, tell you about how this policy might impact positively and/or negatively on your stakeholders and specific equalities groups?

Ayrshire Housing believes that the policy is not discriminatory and that there are no significant issues that we consider would impact negatively upon the various groups.

However, there is evidence that domestic abuse affects different protected groups in different ways and to different extents. For example, there is clear evidence that women are at greater risk of experiencing partner abuse than men.

### Please summarise the results of the EqHRIA.

Policy is in line with current legislation and Equality Act 2010

### 7. What is your recommended course of action?

<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination, and no adverse impact or breach of human rights articles has been identified.	<b>Recommended</b>
<b>Outcome 2:</b> Proceed with adjustments to: address discrimination, remove barriers to the advancement of equality of opportunity and fostering good relations, address breaches of human rights.	
<b>Outcome 3:</b> Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	
<b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	

### 8. Please explain how you will monitor and evaluate this policy to measure progress:

This policy is on a 3-year cycle review

**9. Who will you share this EqHRIA with?**

Applicants, tenants, stakeholders, the wider community and staff.

**10. How will you share this EqHRIA?**

Published with the policy – available on website and on request

**AUTHORISATION TO RECOMMEND IMPLEMENT THE POLICY**

<b>Authorisation date</b>	<b>1 March 2023</b>
<b>Authorisation Manager</b>	<b>Jim Whiston, Director</b>