1.0 Introduction

1.1 This document sets out the housing policy for people in need of housing services as a result of domestic abuse or the threat of domestic abuse. In developing the policy, account has been taken of the Swansea Domestic Abuse Delivery Plan 2014 – 2017, which states that in implementing cross-cutting objectives the council will deliver services to help reduce abuse, including domestic abuse, and that housing will continue to be an effective and committed partner in working with others to find multi-agency community safety solutions. The Swansea Domestic Abuse Delivery Plan 2014 – 2017 can be viewed at http://www.scvs.org.uk/Resources/SCVS/OTHER%20ORGANISTIONS%20-%20Documents/domestic-abuse-delivery-plan-2014-17.pdf

2.0 Policy Statement

2.1 Domestic abuse is an abuse of human rights, and in some cases where there is for example, physical and sexual abuse, it can also be a criminal offence. The Council will treat all incidents of domestic abuse reported to us as high priority and will work with victims and respect their wishes (except in those circumstances where there are safeguarding issues) and take action where we have the power to do so.

2.2 We will adopt a client centred and non-judgemental approach when responding to reports of domestic abuse and will always begin by accepting as accurate what we are told by the person reporting abuse.

3.0 Definition of Domestic Abuse

3.1 The Home Office Definition of domestic abuse is 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:

- Psychological
- Physical
- Sexual
- Financial
- Emotional
3.2 Controlling behaviour is 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.

3.3 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 also includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage. (www.gov.uk/domestic-violence-and-abuse)

3.4 Although the definition recognises adults as being those aged 16 years or over, who are in intimate partner relationships, domestic abuse often overlaps with child abuse where children may witness and/or are victims of abuse.

4.0 Aims of the Policy

4.1 Aims and Objectives

- to ensure that any person or persons experiencing domestic abuse can approach the Council in confidence knowing that staff will be sympathetic and supportive
- to establish close working relationships with other housing providers and external support agencies and to encourage and maintain joint working where appropriate
- to ensure that our response to domestic abuse meets the needs of everyone irrespective of age, gender, race, class, culture, sexuality or disability
- to treat all reports of domestic abuse seriously and as a matter of high priority
- where necessary, to signpost residents to appropriate agencies that can help them by providing specialist advice and support
- to maintain a clear and concise policy and procedure, outlining the assistance the Housing Service can offer residents affected by domestic abuse.

5.0 Victim Centred Approach

5.1 Every effort will be made to ensure that those subjected to domestic abuse are dealt with in a sensitive and sympathetic manner by officers taking a non-judgemental approach. A key aim of this policy will be to enable the victim to find a solution that suits them and their individual circumstances. Key considerations include:

- the option to be interviewed by someone of the same sex
- to be interviewed in the location of their choice (subject to satisfying any concerns about staff safety)
- where possible, not to be interviewed in the presence of their children
- with notice, the provision of a translation service
- a friend or advocate may be present at the interview if they wish.
6.0  **Children and Domestic Abuse**

6.1  Domestic abuse should always be considered as having a negative impact on children. When working with people experiencing domestic abuse, Officers should also always consider the wellbeing and safety of the child, either at the hands of the perpetrator, or any other person.

6.2  If there are any concerns at all about child protection in a domestic abuse case, staff have a duty to pass this information on to appropriate agencies.

7.0  **Health and Safety of Staff**

7.1  The Council recognises its responsibility for ensuring the health and safety of their employees and will endeavour to meet their obligations under relevant Acts and Legislation.

7.2  The Council accepts that there is a potential risk of violence and aggression towards staff when performing their duties which could be high in certain circumstances. In order to reduce this risk staff are expected to follow health & safety and lone working procedures particularly when working outside the office.

8.0  **The Allocations Policy 2009**

8.1  The Allocations Policy 2009 states that:

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\begin{align*}
2.22 & \quad \text{The Council is committed to ensuring that all customers can access services easily and on equal terms. Domestic abuse often has consequences for the housing situation of those affected and the Council will ensure that all staff adopt a common approach to giving advice, guidance and assistance to customers experiencing domestic abuse.} \\
2.23 & \quad \text{Safety and confidentiality are paramount. The Council will only involve other agencies or divulge information to a third party with the consent of the person, unless required to do so by law or unless that information is necessary for the protection of people at risk.}
\end{align*}
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9.0  **Our Response**

9.1  **Provision of Accommodation and Homelessness**

As part of the procedure for assisting victims of domestic abuse, staff must assess the risk to the victim and the options available to the individual at the time. This may include providing assistance to enable the victim to remain in their current home through the use of mediation, legal remedies or the DASS (Domestic Abuse Safety and Security) Scheme. There may be occasions when the victim is unable to remain in the property and alternative accommodation such as a safe house or emergency temporary accommodation will need to be secured to allow housing staff to offer advice and assistance and consider all the options available. This may include providing support to enable the victim to return when the appropriate safety
measures have been put in place; or assisting the victim to make a homelessness application if the victim is unable to return or remain in their home once other options to prevent homelessness have been exhausted.

Multi Agency Risk Assessment Conferences (MARAC) are held fortnightly to provide a multi-agency response to cases that are considered to be high risk. Housing will be a key member of the MARAC and will ensure that a representative will attend every conference held. Appropriate staff trained in carrying out risk assessments will identify when cases should be referred to MARAC. As well as organising conferences to discuss individual cases, MARAC also provides a forum for agencies to meet to share skills and knowledge and to look at ways in which services can be improved.

We will ensure that any victim experiencing domestic abuse will be referred to the appropriate support with their consent and we will work closely with the Tenancy Support Unit to ensure an appropriate and responsive outcome.

9.2 The Tenancy Agreement

It is noted that domestic abuse can be grounds for possession under section 2a of the schedule to the Housing Act 1985 as amended, and that future legislation is likely to create a specific right to gain possession against a perpetrator.

Where tenants or members of their household experience domestic abuse, the Neighbourhood Officer will provide advice and assistance. A brief summary of the approach to be adopted under this policy is listed under the following headings:

Remedies
Where the victim is a tenant’ or tenant’s partner they may need advice about legal remedies or the DASS Scheme. This will be provided by their Neighbourhood Officer who may discuss the option of, security measures or a move using, for example a “management transfer”, or suitable alternative accommodation and the process of giving notice. Consideration will be given to the DASS Scheme or to the behaviour modification programme for the perpetrator rather than immediately assuming that a move is the best course of action.

Re-housing
This policy makes provision, subject to an assessment, for additional preference to be given to victims of domestic abuse, and the increased priority may permit an urgent transfer to take place. There is also the provision for a management transfer to be carried out and housing management will consider a transfer after taking into account the details of individuals’ circumstances. Housing Options will discuss the homelessness process and provide housing advice and assistance where appropriate, but all efforts to prevent homelessness and source alternative and safe options will be pursued before considering homelessness.
**Joint Tenancies**
Where there are joint tenants, either party can give notice and terminate the tenancy. In situations where domestic abuse is the grounds for wishing to terminate the tenancy, both parties should be advised to seek legal advice, and also to contact the Housing Options team for advice and assistance.

**Perpetrator is Sole Tenant**
Where the perpetrator is the sole tenant, the Council can use ground 2a of schedule 2 of the Housing Act 1985 as amended to seek possession, although a careful review of the evidence and consequences will be required.

**Arrears or Anti-Social Behaviour**
The existence of rent arrears or anti-social behaviour will not override the safety of the victim and will not affect any emergency assistance offered.

9.3 **DASS - Repairs and Security Improvements for Council Tenants**
The Council aims to enable tenants experiencing domestic abuse to remain in their own home when it is safe to do so. This is facilitated through the Domestic Abuse Safety and Security Scheme (DASS). Referrals, with the tenant’s consent, are made to the Police who will carry out a risk assessment and arrange for a crime prevention officer to survey the property to recommend home security modifications. As a landlord, the council will fit new locks or undertake other security arrangements without charge, although usually subject to a cost limit.

Where damage has occurred as a result of domestic abuse the victim would not normally be re-charged for the repair. However, attempts may be made to recover the costs from the perpetrator.

9.4 **Legal Options**
There are legal procedures which are generally available to victims of domestic abuse through the courts regardless of tenure and which seek to protect those experiencing domestic abuse and allow them to remain in their own homes. These include occupation orders and non-molestation orders. Victims would always be advised to seek legal advice when considering these options.

10.0 **Legislation**
- The Domestic Violence, Crime and Victims Act 2004
- The Protection from Harassment Act 1997
- The Family Law Act 1996
- General Data Protection Regulation 2018
- Human Rights Act 1998
- Anti-Social Behaviour Act 2003
- The Crime & Disorder Act 1998
- The Housing Act 1996
10.1 Offences that apply equally in a non-domestic setting, including common assault, battery, assault occasioning actual bodily harm, wounding with intent to cause grievous bodily harm, sexual assault and rape can be applied to domestic abuse victims. According to HMIC, 96,000 assault with injury crimes reported in 2013-14 were domestic abuse related.

11.0 Equality and Diversity

11.1 The Council recognises that domestic abuse occurs across society, regardless of age, gender, race, marital status, sexuality, religion, disability, wealth, geographical location, academic achievement or educational ability. The incidents can occur at any stage of a relationship, may escalate in frequency and severity, and may continue after the relationship has ended. The evidence however, shows that it is overwhelmingly perpetrated by men against women who have been, or who are in, an intimate relationship. This policy applies equally to men who have experienced domestic abuse, and to people in same sex relationships, as well as other household members not in an intimate partner relationship.

11.2 The City and County of Swansea recognises the needs of a diverse population and always acts within the scope of the Equality Act 2010. This policy complies with the Council’s Equality and Diversity Policy that sets out the Council’s commitment to recognising diversity and providing services that take account of these issues.

11.3 Information can be made available in other formats on request.

12.0 Confidentiality

12.1 Maintaining strict confidentiality is central to our handling of reports of domestic abuse. We understand that residents must feel assured that a perpetrator of abuse will not become aware of their whereabouts if they decide to leave the relationship, or that they have been obtaining advice and support if they are still living with an abuser. To this end, we will not give out information about anyone to a third party without their written consent, and we will not contact the victim to follow up contact made with us, unless they give us permission to do so.

12.2 No contact will be made with the perpetrator unless the victim has given us consent to do so. If contact has been agreed, the victim must be informed of our intention to make contact before doing so wherever possible. The victim must agree with the date/time that any contact is to take place including when any letters are going to be sent or telephone calls made.

12.3 Under the General Data Protection Regulation 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:
• anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
• sensitive organisational information

12.4 Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

• the information is necessary for the protection of children
• we are required to by law. For example we cannot withhold information if being questioned by the Police during a criminal investigation

13.0 Monitoring and Review

13.1 We will collect statistical data to enable us to tailor the most effective service to target and deal with domestic abuse.

13.2 This Domestic Abuse Policy will be subject to review from time to time, particularly in response to significant changes to legislation or other local circumstances.