

Domestic Abuse Policy

Purpose:	To establish DPHA's policy and set out our position on Domestic Abuse
Review Date:	May 2019
Guidance:	<ul style="list-style-type: none"> • Housing (Scotland) Act 1987/2001/2010/2014 • Human Rights Act 1998 • Data Protection Act 1998 and 2018 • Domestic Abuse (Scotland) Act 2018 • General Data Protection Regulations 2016 (GDPR) • Equality Act 2010 • The Scottish Social Housing Charter
Regulatory Standards:	<ol style="list-style-type: none"> 1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. 3. The RSL manages its resources to ensure its financial well-being and economic effectiveness. 4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
Relevant Policies	Child Protection and Vulnerable Adult Policy GDPR Policy Equality and Diversity Policy Complaints Policy Allocation Policy Anti-Social Behaviour Policy
Date reviewed by Policy Review Working Group (draft):	19.0.2019
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1.0 INTRODUCTION

- 1.1 At Dalmuir Park Housing Association (DPHA) we understand that anyone can be a victim of domestic abuse. Abusers and victims can be male or female, any race or religion and from all different types of background.
- 1.2 Domestic abuse can be carried out by partners or ex partners, extended family, friends or carers. It can be:
- intimidation, degradation, isolation and control, with the use or threat of physical or sexual violence
 - emotional or psychological
 - physical
 - sexual
 - financial
 - harassment and stalking
 - online or digital abuse
- 1.3 DPHA believes that domestic abuse presents a high risk to personal safety and is unacceptable. We will therefore take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.
- 1.4 We will deal with all reports of domestic abuse as a matter of urgency 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.

2.0 DEFINITION

- 2.1 DPHA uses the Scottish Government definition of domestic abuse, which is:

Domestic Abuse, as gendered 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 women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, with-holding money and other types of 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.

Source: National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000

- 2.2 **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.

2.3 **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.

3.0 AIMS OF THE POLICY

3.1 By adopting this policy, DPHA aims 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;
- 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;

4.0 RESPONSIBILITIES

4.1 Management Committee

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

4.2 Management

- Director: To ensure all employees and Committee Members are aware of the policy and their responsibilities under it.
- Senior Corporate Services Officer: To co-ordinate the provision of any training required to enable employees to recognise and respond to incidents of domestic violence or abuse.
- Team Leaders: To ensure that relevant employees are fully aware of their responsibilities under the policy, in particular of the importance of reporting any incidents or pattern they become aware of.

4.3 Employees

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

5.0 LEGISLATIVE AND REGULATORY REQUIREMENTS

5.1 This policy has been developed taking into account the legislation and regulations governing Registered Social Landlords (RSLs). Legislation relevant to this Policy includes:

- Housing (Scotland) Act 1987/2001/2010/2014
- Human Rights Act 1998
- Data Protection Act 1998 and 2018
- Domestic Abuse (Scotland) Act 2018
- General Data Protection Regulations 2016 (GDPR)
- Equality Act 2010
- The Scottish Social Housing Charter
- Matrimonial Homes Act 1983

6.0 OUR APPROACH

- 6.1 DPHA encourages all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.
- 6.2 If a person feels they are experiencing domestic abuse we will deal with it under this policy.
- 6.3 We will deal with all reports in a non-judgemental and non-discriminatory manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance.
- 6.4 We will only act 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. We will follow our Child Protection and Vulnerable Adult policy if we believe a child or vulnerable adult is at risk due to an abusive relationship or home environment.

7.0 PREVENTION

- 7.1 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;
 - provide advice and information within our office.

8.0 CONFIDENTIALITY

- 8.1 Victims will be encouraged to allow DPHA 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 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.

8.3 Information will be shared with work colleagues on a strictly 'need to know' basis. We will adhere to all current data protection requirements.

9.0 OPTIONS FOR ACTION

9.1 We recognise that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and the 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;
- helping them to access support from local Women's' Aid services
- referral to West Dunbartonshire Council's Homeless Service
- reporting incidents to the Police, which may result in criminal action against the perpetrator;
- where appropriate, legal action against the perpetrator by DPHA.

9.2 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.

Remaining in the Property

9.3 We will advise victims who wish to remain in their own homes of any local 'sanctuary' schemes (i.e. funds available to improve the security of their existing accommodation).

9.4 We will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damages due to the domestic abuse. Where the Police have been involved and there is an incident number and locks are changed, where appropriate, we will charge costs to the perpetrator.

Emergency Rehousing

9.5 Where a resident reporting domestic abuse needs emergency accommodation DPHA will provide advice and assistance on accessing such accommodation provided by West Dunbartonshire Council or by a women's refuge.

Permanent Rehousing

9.6 Where a resident reporting domestic abuse requests permanent rehousing, DPHA will prioritise their application as a 'management transfer'. 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. Only one offer will be made on this basis.

- 9.7 Where there is no suitable DPHA housing available, or the rehousing requires to be out of the area, we will work with West Dunbartonshire Council to access alternative accommodation.

Multi-agency Approach

- 9.8 DPHA will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, co-ordinate available resources, access specialist services, and take action against perpetrators. We will do this in conjunction with, and support from, West Dunbartonshire Council's policy 'No Home for Domestic Abuse'.

Action Against Perpetrators

- 9.9 DPHA 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, where other members of the household have left the home because of domestic abuse.
- 9.10 Subject to data protection requirements, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.

10.0 STAFF TRAINING AND AWARENESS

- 10.1 We will ensure that all staff and our Management Committee are aware of this policy and receive appropriate training.

11.0 EQUALITY AND DIVERSITY

- 11.1 We are committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Diversity Policy.

12.0 COMPLAINTS

- 12.1 Although we are committed to providing high levels of service, we accept that there may be occasions where you may not be satisfied with the service you have received from us. We value all complaints and use this information to help us improve our services. Our Complaints Policy describes our complaints procedure and how to make a complaint.

13.0 GDPR

- 13.1 We will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing your data is provided in our Customer Fair Processing Notice.