



## **VHA Policy Document**

# **DOMESTIC ABUSE POLICY**

**Reviewed: October 2022**

**Next Review Due: October 2025**

## **VHA Domestic Abuse Policy**

### **1. Definition**

Nationally, the definition of domestic abuse and violence came into effect from 31 March 2013. The definition is that Domestic Abuse or Violence is: Any incident or pattern of incidents of controlling, coercive, 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  
Controlling and Coercive behaviour  
Physical  
Sexual  
Financial  
Emotional

Since then, the Domestic Abuse Act 2021 has come into effect which continues to strengthen the above definition by creating a statutory definition, see Appendix 1.

### **2. Background**

The Domestic Abuse Act 2021 came into effect 29<sup>th</sup> April 2021, bringing many vital changes to how Domestic Abuse will be dealt with within criminal justice, family courts, housing and health. The key changes the new Act will deliver:

- A legal definition of domestic abuse which recognises children as victims in their own right, see Appendix 1;
- A Domestic Abuse Commissioner to stand up for survivors and life-saving domestic abuse services;
- A legal duty on councils to fund support for survivors in 'safe accommodation'
- New protections in the family and civil courts for survivors – including a ban on abusers from cross-examining their victims, and a guarantee that survivors can access special measures (including separate waiting rooms, entrances and exits and screens);
- New criminal offences – including post-separation coercive control, non-fatal strangulation, threats to disclose private sexual images;
- A ban on abusers using a defence of 'rough sex';
- A guarantee that all survivors will be in priority need for housing, and will keep a secure tenancy in social housing if they need to escape an abuser;
- A ban on GPs for charging for medical evidence of domestic abuse, including for legal aid;
- A duty on the government to issue a code of practice on how data is shared between the public services survivors report to (such as the police) and immigration enforcement.

### **3. Introduction**

- 3.1 We recognise that Domestic Abuse is widespread in society. People can suffer domestic violence regardless of their socio-economic group, ethnic or national origin, gender or age. The majority of reported victims are women, abuse most commonly carried out by men against women. But men also experience violence, particularly in same sex relationships, and it can occur between other family members.
- 3.2 Controlling behaviour is behaviour designed to make a person subordinate and/or dependent by isolating them from sources of support, depriving them of 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 definition includes 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).
- 3.4 Victims of domestic violence are often isolated, ashamed and disempowered. Domestic violence is rarely a one-off event, often a systematic exercise of power and control over the victim. Abuse often increases in frequency and severity over time.
- 3.5 This policy sets out how we will take steps to assist and support any person suffering from or threatened with violence or abuse, it applies to all tenants, non-tenants living with our tenants and members of staff.

#### **4. Multi Agency Working**

- 4.1 We recognise the need for a co-ordinated approach to addressing domestic violence in the localities in which we work. We will liaise regularly with the Police, local authority, voluntary agencies and community groups. We will aim to continually improve channels of communication and promote any initiatives to protect and support victims of domestic violence.
- 4.2 We are a member of the local authority domestic violence forums and participant in Multi Agency Risk Assessment Conferences (MARAC) where these have been convened to support and protect our residents. The forums provide an opportunity to share information, expertise and experience in domestic violence.

#### **5. Victim Centred Approach and Support**

- 5.1 We believe that our tenants and householders should not live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive

and confidential response to anyone approaching us for assistance in cases of domestic abuse. We will:

- Attempt to identify victims at the earliest stages of a tenancy and will ask about any history of domestic abuse at the lettings interview. If a history is disclosed additional security measures will be considered.
- Enable residents to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party such as a police officer or IDVA (Independent Domestic Violence Advocate).
- Ensure that victims know that they can meet staff in confidence at our offices or at an agreed choice of safe venue.
- Share information with Multi Agency Risk Assessment Conferences (MARAC). We are participants in MARACs at which information is shared between agencies involved in domestic abuse cases and they produce multi-agency action plans in response to high risk cases. For cases which meet the MARAC risk rating threshold or if we have child protection concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the victim, we will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc).
- Agree an action plan with the victim, monitor the situation and review at a frequency agreed with them.
- Provide improved security to a victim's home (e.g. security lights, window locks) where a need is identified.
- Ensure that people experiencing domestic abuse access appropriate services as early as possible and are given advice to allow them to make choices about what to do next.
- Support victims to rebuild their lives by working in partnership with them and other support agencies.
- Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- Make use of civil laws to offer maximum protection to all victims to stop the abuse reoccurring.
- Follow the relevant child protection procedures if we believe a child is at risk due to an abusive relationship.
- Make domestic abuse awareness training available for all frontline staff

- Provide support and guidance to employees experiencing domestic abuse.
- Not tolerate domestic abuse from our employees.

## **6. Legal Advice**

- 6.1 We recognise the limitations of legal proceedings, such as injunctions and family law, as a mechanism for dealing with the immediate effects of domestic violence. We accept that the customer may not wish to pursue legal remedies. They will not be required to take legal action to demonstrate the seriousness of the situation. However, there are long-term benefits to pursuing legal action and customers will be advised accordingly and encouraged to seek the protection the law can provide.

## **7. Rehousing**

- 7.1 Victims of domestic violence whose safety is at risk may seek to move. It is unlikely that VHA would be able to provide immediate rehousing due to our limited resources, but we will advise customers on places of safety and their rights under homelessness legislation. If a permanent move is required, we will look to ensure that priority will be awarded under the Home finder lettings system. We will also look to work closely with other housing associations to speed the rehousing of victims.

## **8. Action Against Perpetrators**

- 8.1 We believe that Domestic Abuse constitutes unacceptable and anti-social behaviour. As such, we will include a clause in our tenancy agreement relating to domestic abuse. This will state:

“The Tenant agrees not to use or threaten to use any violence or abuse in any form which prevents or is likely to prevent a member of his/her household from continuing peaceably to live on the Premises.”

- 8.2 This obligation will be emphasised to new residents when they sign the agreement and again during the new tenant visit. Giving due consideration to any vulnerability, we believe abusers should be held accountable for their actions and will at our discretion instigate legal action to evict tenants who breach this clause.

## **9. Monitoring**

- 9.1 The number of cases reported, action taken and result of this action will be monitored regularly. Any learning from this will be applied in future policy reviews and everyday housing management practice.

**This policy should be read in conjunction with the VHA Safeguarding Policy.**

**October 2022**

### **Appendix 1**

#### **Domestic Abuse Act 2021 – Part 1 – Definition of domestic abuse**

##### **Section 1: Definition of “domestic abuse”**

- (1) This section defines “domestic abuse” for the purposes of this Act**
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if-**
  - (a) A and B are each aged 16 or over and are “personally connected” to each other, and**
  - (b) The behaviour is abusive.**
- (3) Behaviour is “abusive” if it consists of any of the following-**
  - (a) Physical or sexual abuse;**
  - (b) Violent or threatening behaviour;**
  - (c) Controlling or coercive behaviour;**
  - (d) Economic abuse (see subsection (4));**
  - (e) Psychological, emotional or other abuse;**

**And it does not matter whether the behaviour consists of a single incident or a course of conduct.**

- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to –
- (a) Acquire, use or maintain money or other property, or
  - (b) Obtain goods or services.
- (5) For the purposes of this Act, A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”, see section 2.

## **Section 2: Definition of “personally connected”**

- (1) Two people are “personally connected” to each other if any of the following applies –
- (a) They are, or have been, married to each other;
  - (b) They are, or have been, civil partners of each other;
  - (c) They have agreed to marry one another (whether or not the agreement has been terminated);
  - (d) They have entered into a civil partnership agreement (whether or not the agreement has been terminated);
  - (e) They are, or have been, in an intimate personal relationship with each other;
  - (f) They each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
  - (g) They are relatives.
- (2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if –
- (a) The person is a parent of the child, or:
  - (b) The person has parental responsibility for the child.
- (3) In this section –
- “child” means a person under the age of 18 years;

**“civil partnership agreement” has the meaning give by section 73 of the Civil Partnership Act 2004;**

**“parental responsibility” has the same meaning as in the Children Act 1989;**

**“relative” has the meaning given by section 63(1) of the Family Law Act 1996.**

### **Section 3: Children as victims of domestic abuse**

**(1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.**

**(2) Any reference in this Act to a victim of a domestic abuse includes a reference to a child who –**

**(a) Sees or hears, or experiences the effects of, the abuse, and**

**(b) Is related to A or B.**

**(3) A child is related to a person for the purposes of subsection (2) if –**

**(a) The person is a parent of, or has parental responsibility for, the child, or**

**(b) The child and the person are relatives.**

**(4) In this section –**

**“child” means person under the age of 18 years;**

**“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of the Act);**

**“relative” has the meaning given by section 63(1) of the Family Law Act 1996.**