

Previous Review: August 2007

Date: November 2010

Next Review Date: November 2013

DOMESTIC VIOLENCE POLICY

1.0 Key Objective

To clearly define our commitment to the rights of every person to live a life free of domestic violence and safe from fear and abuse in their own home.

Also to lay out a timely and supportive multi-agency response to any incidents of domestic violence and to create an enabling environment that encourages people to report such abuse. It underlines our condemnation of domestic violence and our commitment to working in partnership in order to combat it.

2.0 Strategic Links and Context

Legal Framework

Housing Act 1985 as amended 1996

Family Law Act 1996

Children Act 1989

Children Act 2004

Crime and Disorder Act 1998

Anti Social Behaviour Act 2003

Human Rights Act 1998

Protection From Harassment Act 1997

Guiding Principles

Community Strategy for South Lakeland

Agenda 21

Conditions of Tenancy

3.0 Definitions

Domestic violence includes any form of physical, sexual or emotional abuse between people in a close relationship. It can take a number of forms such as physical assault, sexual abuse, rape, threats and intimidation. It may be accompanied by other kinds of intimidation such as

degradation, mental and verbal abuse, humiliation, deprivation, systematic criticism and belittling. (Definition taken from guidance published by the Home Office)

Domestic violence typically involves a pattern of physical, sexual and emotional abuse and intimidation which escalates in frequency and severity over time. It can be understood as the misuse of power and the exercise of control by one partner over the other in an intimate relationship, usually by a man over a woman, occasionally by a woman over a man and also occurring amongst same sex couples. It has profound consequences in the lives of individuals, families and communities. (Definition taken from LGA briefing paper, 'Domestic Violence and Child Abuse' 1998)

For the purposes of the homelessness legislation (Part VII of the Housing Act 1996) domestic violence means 'violence – or threats of violence which are likely to be carried out – by an associated person'.

However someone suffering from say, severe mental cruelty, would still be considered under this category if they presented themselves as homeless.

Examples of Domestic Violence

Domestic violence covers a range of situations, which may include:

Physical, sexual or psychological abuse, e.g. slapping, pushing, kicking, punching, stabbing, rape, verbal abuse, humiliation

Financial or emotional deprivation, e.g. withholding money, not allowing friends to visit or make contact

The threat of using legal sanctions against a partner, e.g. threats about the custody of the children, threats of deportation

Denial of rights, e.g. denial of medical care or physical freedom

Context

Domestic violence can affect all members of the community irrespective of their age, gender, social class, culture, ethnicity, sexuality, ability/disability, level of education, income group or occupation. Violence can happen at any stage in a relationship - at the beginning, after many years, or when the relationship is over. There are no boundaries.

Domestic violence is almost always a repeat victimization crime, most victims having experienced more than one attack by the same perpetrator. The victim will be most at risk at the point at which they are leaving or considering leaving the perpetrator.

Children who witness domestic violence between their family members are at risk of suffering long term psychological and emotional damage either as a result of witnessing violence or becoming actual targets of violence.

4.0 Policy Statement

South Lakes Housing will not tolerate acts of domestic violence being perpetrated in Council properties or on its estates. We recognize that domestic violence is a violation of human rights and that every person has a right to live a violence-free domestic life and to live safe from abuse and fear within their own home.

We shall take a victim centred approach to domestic violence and will ensure that the victim's safety is the highest priority. All reports of domestic violence will be taken seriously and appropriate help offered.

The role of South Lakes Housing's staff is not to make judgments about the victim's situation but to give support and information about choices available to that individual. We also recognize that the need for confidentiality is paramount. Information on any particular case will only be declared to a third party with the victim's express consent (except issues covered by information exchange protocols). Extreme caution will be exercised by staff when dealing with any request for information and appropriate validation will be required to ensure that the applicant for any information is genuine.

We may take action against persons who we believe to be the perpetrators of domestic violence or abuse in or around the locality of our estates whether or not they are a tenant of ours. We shall also ensure appropriate support is provided to victims.

We will:

- act promptly and effectively in investigating incidents of domestic violence or abuse
- provide practical support for victims of domestic violence or abuse to protect them from further violence or abuse, and identify and take action (or support other agencies taking action) against the perpetrators of domestic violence or abuse
- monitor incidents of domestic violence or abuse and the effectiveness of the policy and procedure and review at least every three years or as necessary due to any legislative changes
- work in partnership with other agencies to create an environment in which domestic violence or abuse will not be tolerated

5.0 Victim Centred Approach

We operate a victim-centred approach, i.e. where the victim believes that domestic violence or abuse has occurred, the investigation will begin from that premise and the domestic violence or abuse procedure will be implemented.

6.0 Investigation

We will investigate complaints received in person or by letter or by phone or email. An interview with the victim should take place within 24 hours of receiving the initial complaint or the next working day.

If the victim's first language is not English and they prefer to use their first language, all reasonable steps will be taken to ensure that an interpreter is present to assist in the interview. This could be accessed remotely via a telephone service.

If the victim wishes, an advocate could be engaged to help facilitate an independent interview. Suitable arrangements will also be offered if the victim has a physical or learning disability, or a mental health problem. There may also be a necessity for physical assistance for a disabled person to leave or move out of their home.

South Lakes Housing staff will offer general advice. Staff will also be aware that if the victim is afraid to return to their property, they should be referred as a matter of urgency to South Lakeland District Council's Community and Housing group for further advice and assistance (under the Housing Act 1996, Part VII). Referrals should also be made at that time to other support agencies if the victim so wishes.

The victim will be encouraged and supported to contact the police domestic violence officer if they have not already done so but will not be required to do so. However, in terms of

evidence for formal action where the perpetrator is the tenant, not doing so may limit the types of action available.

7.0 Action Against Perpetrators

It is our policy to take firm action against any tenant, or other person, perpetrating domestic violence or abuse, in or around the locality of South Lakeland District Council's estates. This may include injunctions, the pursuit of prosecution for criminal offences and the ultimate sanction of eviction against council tenants and removal of illegal occupants.

However, such action will take into consideration whether or not the victim wishes to proceed with the matter. It is also imperative to take into consideration the safety of the victim and the possible repercussions of any action.

South Lakes Housing will consider the use of statutory grounds for possession against a tenant who remains in the property after the victim has vacated.

However, we also recognize that there are circumstances where there may be a need for support services to be provided to the perpetrator and we will endeavour to signpost to relevant agencies.

8.0 Property Repairs

We will treat all repairs arising as a result of domestic violence as an emergency and we will provide such other additional security measures as are reasonably practical. We will endeavour to recover the costs of any repairs from the perpetrator if this does not place the victim at further risk.

9.0 Rehousing of Victims

If, at any time during the interview, the victim states that they can no longer live in their home and do not have suitable alternative accommodation, a referral must be made as a matter of urgency to South Lakeland District Council's Community and Housing group for an assessment to be made under the Housing Act 1996, Part VII (as amended by the Homelessness Act 2002).

It is recognised that victims of domestic violence may wish to move from the property or area where problems are experienced. Each case will be dealt with sensitively and on its merits based on the evidence gathered. Such moves would be dealt with on a priority basis as a management transfer.

10.0 Challenging Domestic Violence

The Role of Our Tenants

Tenants who live near victims of domestic violence can play an important role in helping to support victims. They can establish a climate where domestic violence is unacceptable. This can help to deter perpetrators. The Domestic Violence Policy will be well advertised especially with new tenants coming into council tenancies. It will also be promoted through newsletters, South Lakes Housing's website and information in our reception areas. It is essential that all tenants are aware of their responsibilities under their conditions of tenancy including the unacceptability of domestic violence.

The Role of Resident Associations

Residents associations and tenants' representatives play a vital role in establishing an environment that discourages domestic violence. They can offer support and a point of contact for victims and they are ideally placed to promote and publicize the unacceptability of domestic violence within their community.

The Role of Other Agencies

We will work with other agencies within the South Lakeland Crime and Disorder Reduction Partnership including the police and community support agencies to ensure that victims can access all available support networks. We will encourage victims of domestic violence to access these networks in order to pursue legal remedies against the perpetrators, receive personal support and, where appropriate, obtain emergency rehousing in refuge accommodation or similar.

Systematic records will be kept of all complaints and decisions taken in relation to the complaints. We will ensure that the victims will be kept fully informed of the outcome of the investigation and of the options available.

Training

We will ensure that all our employees and Board members are aware of the policy. We will provide on-going training for relevant employees as to the procedures they will need to implement in cases of domestic violence. We will also raise awareness of the Domestic Violence Policy with all of our Tenants and Residents Associations.

Refresher training and further training where legislation changes or in pursuit of best practice will also be provided.

11.0 Monitoring and Consultation

All incidents will be recorded, monitored and treated in confidence. Statistics will be reported to the Crime and Disorder Reduction Partnership on a quarterly basis for the purpose of future strategy and forward planning. The statistics will also be reported to the Board and Tenants Committee on a regular basis. Local District Council members will be alerted to any serious cases in their wards as and when they occur though the specific details of the victims will be kept confidential.

Such incidents will be incorporated in the annual report made to tenants via the tenants newsletter.

12.0 Service Development and Review Priority

Changes to the service may take place as the result of the work of relevant Service Improvement Groups with tenant representation. The policy will be reviewed at least once every three years to ensure that it is meeting the current needs of the community and to ensure that it takes into consideration any changes to legislation at any given time.

13.0 Equality and Diversity

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy

which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community who are either housed by South Lakeland District Council, living near properties managed by South Lakes Housing or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.

