

## **DOMESTIC VIOLENCE POLICY**

### **1.0 Introduction**

The purpose of this Policy is to clearly define South Lakes Housing's 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.

It also seeks to lay out a timely and supportive multi-agency response to any incidents of domestic violence and to create an enabling environment which encourages people to report such abuse. It underlines South Lakes Housing's 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 (Pence and Paymar, 1988; 1990) 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 homeless 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 phone calls

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, levels of education, income groups, 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 victimisation 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 recognise 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.

South Lakes Housing will 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 judgements about the complainant's situation but to give support and information about choices available to that individual. We also recognise that the need for confidentiality is paramount. Information on any particular case will only be declared to a third party with the complainant'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 South Lakeland District Council estates whether or not they are a tenant of South Lakeland District Council.

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 complainant 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 of the complainant should take place within 24 hours of receiving the initial complaint or the next working day.

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

South Lakes Housing staff should offer general advice. Staff should also be aware that if the complainant felt that they could not 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 complainant so wishes.

## **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 complainant wishes to proceed with the matter. It is also imperative to take into consideration the safety of the complainant, and the possible repercussion of any action.

## **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 complainant at further risk.

## **9.0 Rehousing of Complainants**

If, at any time during the interview, the complainant 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.

## **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**

Area panels, 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 publicise 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, 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 complainants 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. Awareness training will also be available for Area Panels and local residents associations.

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

Training needs are identified through annual job appraisal and development interviews and six-monthly reviews.

### **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 complainants will be kept confidential.

Such incidents will be incorporated in the annual report made to tenants via the tenants newsletter and regular reports given to Area Panels.

### **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.

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