



Housing Services Domestic Abuse policy (2024)

CONTENTS

1. Introduction

- 1.1 - Purpose of this policy
- 1.2 - Aims of this policy
- 1.3 - Scope of this policy
- 1.4 - Legal context of this policy

2. Background

- 2.1 - Definitions
- 2.2 - Recognising DA
- 2.3 - Types of DA
- 2.4 - Violence Against Women and Girls

3. DAHA (the Domestic Abuse Housing Alliance)

4. How to report a DA incident

- 4.1 - Domestic Violence Disclosure scheme (Clare's Law)
- 4.2 - How reports are investigated and progressed
- 4.3 - Multi-Agency Risk Assessment Conferences (MARAC)

5. How Housing Services deals with DA incidents

- 5.1 - Emergency temporary accommodation
- 5.2 - Family and friends
- 5.3 - Out-of-borough, emergency temporary accommodation
- 5.4 - Reciprocal arrangements
- 5.5 - Management transfers

6. The consequences for perpetrators of DA

- 6.1 - Rehabilitative support (Project Restart')
- 6.2 - Eviction

7. Additional support for victims of DA

- 8. Staff Training**
- 9. Equal Opportunities statement**
- 10. Data Protection statement**
- 11. Dissemination and communication of this policy**
- 12. Implementation of this policy**
- 13. Monitoring and review of this policy**
- 14. Delegated authority to make minor changes to this policy**

1. Introduction

1.1 - Purpose of this policy

Housing Services has an important role to play in helping to reduce the instances of domestic abuse in Havering.

The purpose of this policy is to ensure that Housing Service has appropriate measures in place to combat domestic abuse in Council homes and support victims who approach us for help and assistance.

Housing Services will seek to ensure that it is able to assist, support and, insofar as possible, meet victims' needs fairly, appropriately and consistently, in line with best practice and in full compliance with relevant regulatory guidelines and legislative requirements.

1.2 - Aims of this policy

This policy aims to:

- ensure that the service meets the housing needs of those experiencing domestic abuse;
- ensure that Housing Services response is appropriate to the needs of the individual and in line with good practice to provide secure and safe accommodation;
- outline our responsibilities and the support that is available to people who are experiencing domestic abuse;
- ensure that those who have experienced domestic abuse are treated with respect and sensitivity by well-trained council officers
- raise awareness of the issue across our whole workforce, and within other Council services that engage directly with our customers, and enable relevant employees to provide appropriate support, and
- secure DAHA (Domestic Abuse Housing Alliance) accreditation.

This policy sets out how Housing Services will hold to account existing abusers, and provides a clear deterrent to potential future abusers.

1.3 - Scope of this policy

This policy applies to all Council residents and Housing Services staff.

Whilst the delivery of this policy may vary across various service areas within Housing Services and Council residents, the spirit and objectives remain the same.

1.4 - Legal context of this policy

Housing Services recognises and acknowledges its legal duties and obligations under legislation relating to domestic abuse:

This policy takes into account the following legal and regulatory requirements:

- Domestic Abuse Act 2021
- Domestic Violence, Crime and Victims Act 2004
- Domestic Abuse Statutory Guidance framework
- Housing Act 1996 (parts v1 and v11) and Homelessness Act 2002
- Homelessness Reduction Act 2017
- Localism Act 2011
- Family Law Act 1996
- Civil Partnership Act 2004
- Children's Act 1989
- Care Act 2014
- Equality Act 2010
- GDPR Act 2018
- Safeguarding Vulnerable Groups Act (SVGA) 2006
- Tackling Violence against Women's and Girls strategy 2021
- Havering MARAC protocol
- Housing Allocations Policy
- Temporary Accommodation Allocations Policy
- Protection from Harassment Act 1997
- Anti-Social Behaviour, Crime and Policing Act 2014
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Serious Crime Act 2015
- Crime and Disorder Act 1998
- Modern Slavery Act 2015
- Forced Marriage Act 2007
- Police, Crime, Sentencing and Courts Act 2022

2. Background

2.1 - Definitions

- **Domestic Abuse**

The Domestic Abuse Act 2021 (the 'Act') defines domestic abuse (DA) as the behaviour of a person ("A" – the perpetrator of domestic abuse) towards another person ("B" – the victim/recipient of domestic abuse) where:

- a) A and B are each aged 16 or over and are personally connected to each other, and
- b) The behaviour is abusive.

- **Abusive Behaviour**

Under the Act 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
- e) Psychological, emotional or other abuse and it does not matter whether the abusive behaviour consists of a single incident or a course of conduct.

- **Economic abuse**

Economic abuse means any behaviour that has a substantial adverse effect on B's ability to:

- acquire, use or maintain money or other property, or
- obtain goods or services.

- **Personally connected**

Two people are "personally connected" to each other if any of the following applies. They -

- are, or have been, married to each other;
- are, or have been, civil partners of each other;
- have agreed to marry one another (whether or not the agreement has been terminated);- They have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- are, or have been, in an intimate personal relationship with each other;
- each have, or there has been a time when they each have had, a parental relationship in relation to the same child;-
- are relatives.

- **Parental relationship**

A person has a parental relationship in relation to a child if the person:

- is a parent of the child, or
- has parental responsibility for the child.

Children are also considered to be victims where the actions of the perpetrator of domestic abuse negatively impacts on their physical or mental well-being.

Any reference in the Act to a victim of domestic abuse includes a reference to a child who:

- sees, hears or experiences the effects of the abuse, and
- is related to persons A or B.

- **Child**

For the purposes of the Act, “child” means a person under the age of 18 years.

A child is related to a person if:

- The person is a parent of, or has parental responsibility for, the child, or
- The child and the person are relatives.

- **Relative**

The term ‘relative’ has the meaning given by section 63(1) of the Family Law Act 1996.

- **Parental Responsibility**

The term ‘Parental Responsibility’ has the same meaning as given in Section 3 of the Children Act 1989.

2.2 - Recognising DA

The term ‘domestic abuse’ is not confined to physical acts of violence. It includes a wide range of other abusive behaviours, such as;

- Sexual abuse
- Controlling and coercive behaviour
- Emotional and psychological abuse (including ‘gas lighting’)¹

¹ Gas Lighting is a form of emotional abuse that causes the victim to question themselves, giving the abuser partner even more power. Examples include; **Countering** (where the abuser questions the victim’s memories/recollections); **Withholding** (where the abuser refuses to engage in conversation with the victim, and **Trivializing** (where the abuser belittles or disregards the victim’s feelings.

- Spiritual abuse
- Economic abuse
- Verbal abuse
- Technological abuse
- Stalking and Harassment

These forms are described in more detail in the [Domestic Abuse Statutory Guidance Framework](#).

2.3 - Types of DA

There are many types of domestic abuse that adversely impact on both the victim and other members of the household.

The Domestic Abuse Statutory Guidance Framework identifies the following:

- Intimate partner abuse
- Teenage relationship abuse
- Abuse by family members
- Child-to-parent abuse
- Forced Marriage
- Honour-based abuse

2.4 - Violence against Women and Girls

The term 'Violence against Women and Girls' (VAWG) is also a form of domestic abuse.

VAWG describes a range of serious crime - predominantly, but not exclusively - experienced by women and girls, such as:

- Stalking and Harassment
- Female Genital Mutilation (FGM);
- Honour-based abuse
- Prostitution;
- Trafficking;
- Sexual and/or criminal exploitation, and
- Modern-day slavery

Acts of VAWG are included within the context of this policy.

3. DAHA (Domestic Abuse Housing Alliance)

The [Domestic Abuse Housing Alliance](#) (DAHA) was established in 2014 by three leading specialist agencies;

- [Standing Together](#); A national charity bringing communities together to end Domestic Abuse.
- [Peabody](#); A national housing charity offering advice and support to victims of Domestic Abuse and
- [Gentoo](#); A national Housing Association offering advice and support to victims of Domestic Abuse

The DAHA's mission is to improve the housing sector's response to domestic abuse through the establishment of a set of standards and an accreditation process for housing providers.

The alliance is endorsed by the Ministry for Housing, Communities and Local Government (MHCLG).

Havering Council is committed to providing the best possible levels of service and support to the victims of domestic violence in its housing provision and is, therefore, equally committed to securing full DAHA accreditation.

4. How to report a DA incident to Housing Services

If you are a Council resident suffering from, or are aware of another Council resident experiencing, domestic abuse, please use the following contact details to inform the Council:

- Telephone (9am-5pm, Mondays to Fridays): 01708 432824
- Telephone (after office hours/other times): 01708 433999
- Email: housing.solutions@havering.gov.uk
- Website: www.havering.gov.uk/homelessness
- Website: www.havering.gov.uk/dutytorefer (Partner agencies)
- Customer Portal: www.havering.gov.uk/Jigsaw

If you, or someone you know, is in immediate danger, please call 999.

For non-emergencies, please call 101.

Can't talk to the Police in privacy?

Find out [how to call the police when you lack sufficient privacy and can't speak](#).

4.1 Domestic Violence Disclosure scheme ('Clare's Law')

The Domestic Violence Disclosure scheme (DVDS) is also known as 'Clare's Law' and came into effect following the death of Clare Wood in 2009 due to domestic abuse.

The scheme enables the Police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending.

The scheme comprises two key elements:

1. The "Right to Ask"

Right to Ask allows the victim, potential victim or a relevant third party (for example, a friend or family member) to ask the Police to check whether a current or ex-partner has a violent or abusive past. It is possible to make a request online, in person at a police station or by calling 101.

The public can also make enquiries into the partner of a close friend or family member.

If records show that the individual may be at risk of domestic abuse from a partner or ex-partner, the Police will consider disclosing the information.

2. The "Right to Know"

Right to Know empowers the Police to make a disclosure at their discretion, if they receive information about the past violent or abusive behaviour of an individual that may impact on the safety of that person's current or ex-partner.

This could be information arising from a criminal investigation, through statutory or third sector agency involvement, or from another source of police intelligence.

Under 'Right to Know', a disclosure can be lawfully made by the Police if the disclosure is based on the Police's common law powers to disclose information where it is necessary to prevent crime, providing the disclosure also complies with established case law, as well as fulfils current data protection and human rights legislation.

The decision must be reasonable and proportionate for the Police to make the disclosure, based on a credible risk of violence or harm.

Applications for a disclosure can be made by attending a Police station, or, alternatively, applying [online](#).

4.2 - How reports are investigated and progressed

If a victim becomes homeless as a result of domestic abuse, the Council will do all it can to source an alternative, safe place to stay.

Council Housing officers will check the tenancy status of the victim and abuser, and may need to seek legal advice to determine whether the tenancy is in sole or joint names.

The victim may choose to remain in their own home if they believe it would be safe to do so, or to return at a later date.

Legal action to assist a return to the victim's home can be taken in the form of Occupation orders and Non-molestation orders.

These help to establish who has a right to stay in the home and, therefore, will legally require the abuser to move out of the home/keep a certain distance.

Independent Domestic Violence Advocates (IDVA's) can assist victims to obtain these orders, or refer them to specialist solicitors. Unemployed victims on benefits or those on low income may be able to secure legal aid to help finance any associated costs.

4.3 - Multi-Agency Risk Assessment Conferences (MARAC)

The MARAC is a multi-agency partnership comprising a wide range of specialist experts who meet on a weekly basis to consider, assess and review cases of major crimes where the victim/s has/have been identified as being at high risk of serious harm.

The purpose of the MARAC is to:

- Determine whether the perpetrators of serious crime, such as domestic abuse, pose a significant risk to other members of the household of the general community
- Jointly construct and implement a risk management plan that provides professional support to all those at risk in order to minimise exposure to further harm
- Reduce repeated victimisation
- Improve agency accountability
- Improve support for and the safety of staff involved in high risk domestic abuse cases.

Housing Services is able to complete a domestic abuse risk assessment, based on the victims perception of the risks posed to them. When a case is deemed high-risk the officer can then refer the victim's cases to the MARAC.

5. How Housing Services deals with DA incidents

Returning to the family home may not always be immediately possible, and various emergency temporary accommodation options will be explored.

Options would include:

5.1 - Emergency temporary accommodation

If the victim is in immediate danger, the Council will contact a refuge that may be able to provide emergency temporary accommodation until a more permanent and settled solution is found.

5.2 - Family and friends

Family and friends can be a great source of support and safety where there is an immediate danger, and may be able to keep you safe for an interim/limited period of time. It is advisable to secure appropriate specialist support from the various agencies available (please see below).

5.3 - Out-of-borough, emergency temporary accommodation

Whilst the Council does as much as possible to provide safe and secure accommodation for homeless people, accommodation of all types within Havering is extremely limited.

Sometimes, the victim may prefer to re-locate to another borough to help ensure their safety, and the Council will always attempt its best to provide a suitable and safe out-of-borough home.

However, a safe in-borough place of temporary stay may not be immediately available and out-of-borough relocation may be the only available solution.

5.4 - Reciprocal arrangements

In some cases where the victim would be unsafe to remain permanently in the borough, the Council (with the advice of relevant professionals) will attempt to seek a reciprocal (property exchange) arrangement with another local authority/social landlord.

However, reciprocal arrangements can be difficult to arrange for many reasons such as lack of suitable housing supply, inbound demand, etc.

Consequently, victims will be encouraged to be flexible about their areas of choice in order to maximise their chances of relocation.

5.5 - Management transfers

Management transfers are offered to applicants (or someone in their household) whose circumstances (or a combination of circumstances) are considered to be life-threatening and where the need to move is supported by:

- Health professionals;

- Havering Council's Housing and Social Services;
- A senior Police Officer, and/or
- As a result of a MARAC assessment.

The victim will be given Band 1 (highest) priority, and eligible to bid for a 'like for like' home via Havering Council's [Choice Homes scheme](#)².

In extreme cases, the Council will make ONE direct offer of a 'like for like' home in alternative housing stock.

6. The consequences for perpetrators of DA

Housing Services will take firm action against any person perpetrating domestic abuse in a Council home setting.

Our multi-agency approach is intended to make sure that the full range of civil and criminal remedies can be pursued and, where appropriate, encourage victims of Domestic Abuse to seek restraining orders or injunctions to a) prevent further domestic abuse, or b) remove the abusive person from the home.

Possible injunctions include a **non-molestation order** or an **occupation order** which can protect victims from abuse committed by, or threatened by, a person associated with the victim ("the respondent").

6.1 - Non-Molestation Order

A non-molestation order commonly states that a respondent must not:

- Use or threaten violence towards the applicant or any relevant children.
- Intimidate, harass or pester the applicant or any relevant children.
- Contact the applicant or any relevant children directly or indirectly.
- Damage, attempt to damage or threaten to damage the family home or any property belonging to the applicant.
- Instruct or encourage another person to take any of the above actions.

A non-molestation order can also prohibit a respondent from attending or coming within a specified distance of the family home, the children's schools or other property.

If contact with the children has not been prohibited, non-molestation orders often include a clause allowing the respondent to contact the applicant directly or through solicitors to make arrangements for contact.

Domestic violence protection notices and orders are the equivalent of non-molestation

² The 'Choice-Based Lettings' (CBL) scheme offers housing applicants the opportunity to bid for a Council or housing association property of their choice, without involving any financial outlay to the applicant.

orders in the criminal courts and can prevent harassment or exclude a perpetrator of domestic abuse from the home. Both provide temporary protection to a client while other options are considered.

6.2 - Occupation Order

An occupation order can exclude one party from the home or from a defined area within the home. That party may also be excluded from a defined area surrounding the property.

An order may also require one party to permit another party to enter the property or part of the property.

The appropriate action will be decided on a case-by-case basis, and would include re-possession of the property when other members of the household have been forced to leave the home due to domestic abuse.

Depending upon the circumstances, this would provide an opportunity for the victim and children to:

- i) remain in the home,
- ii) return to the home at a later date, or
- iii) provide them with an alternative permanent home, allowing the home to be re-let to another family.

If the victim does **not** wish to remain in the family home, Housing Services will seek to offer safe and secure, alternate accommodation.

In most circumstances this will mean issuing an Emergency Referral notice and would include eligibility for the victim to apply for the Council's 'Choice Based Lettings' scheme³.

6.3 - Rehabilitative support ('Project Restart')

Project Restart is a multi-agency programme offering early intervention and support to families experiencing domestic abuse.

This is a pilot scheme that aims to stop domestic abuse at the earliest stage and hold perpetrators to account for their behaviour.

Victims of domestic abuse will have one-on-one meetings over at least four weeks with a trained professional (a 'case manager') who will work with the victim to help identify their key priorities (e.g. housing, education, health etc).

The perpetrator of the domestic abuse will also be supported independently by a different case worker.

At the end of the four weeks, the victim, perpetrator, and their respective case manager will agree the best way forward and offered the necessary support.

6.4 - Eviction

In some circumstances, the victim of domestic abuse will leave the family home and seek protection elsewhere, which allows the perpetrator to remain at the property.

Where if the perpetrator is the sole tenant and there is substantial evidence to prove they conducted the abuse, court action may be taken to evict them.

Where the victim and perpetrator hold joint tenancy rights and the victim wishes to remain in the property, Housing Services may decide to allow the victim to end the tenancy on behalf of both tenants and issue a new, sole tenancy to the victim.

If the perpetrator refuses to leave the property at the end of the statutory notice period, Housing Services will take the appropriate legal steps to ensure their eviction.

7. Additional support for victims of DA

- **Havering Women's Aid**

Havering Women's Aid is an organisation that offers floating support to both men and women in Havering affected by domestic abuse and violence.

Support is available to people aged 16 plus who are resident of Havering. It includes safety planning with agreed outcomes, specialist information and advice, access to their one-to-one counselling, and group courses such as the Freedom Programme.

For further details, please telephone 01708 728759 or visit the Women's Aid website.

- **MENDAS**

Men's Domestic Abuse Service (MENDAS) is based in Havering and offers support to male victims of domestic abuse and violence.

MENDAS assists victims by providing emotional and practical help; advice and information; advocacy support; help to access specialist support, and one-to-one counselling.

For further details, please visit their [website](#) or telephone 01708 397 974.

- **Havering IDVA team**

The role of an IDVA is to address the safety of the victim who is at high risk of abuse from partners, ex-partners and family members.

An IDVA will become involved with an identified high risk victim at the point of crisis and will work to ensure the safety of the victim and any children involved. This is achieved through safety planning, risk assessments, identifying suitable options and then supporting the victim to achieve these outcomes.

An IDVA is the voice of the victim and so will advocate for the victim during court processes to obtain injunctions, requesting housing moves and securing a place at refuge.

For further details email: havering.IDVA@havering.gov.uk

- **Victim Support/IDVA service**

IDVA (Independent Domestic Violence Advocates) is a specialist, pan-London service operated by Victim Support that offers a range of support to DA victims coming through the Criminal Justice system.

For further details, please visit their [website](#) or telephone 0808 168 9291.

- **Refuge**

Women and child victims of DA can speak to a member of the National Domestic Abuse Helpline team, operated by the charity **Refuge**, at any time, day or night.

A team of specialist advisers will offer confidential, non-judgmental information and expert support.

For further details, please visit their [website](#) or telephone for free on 0808 2000 247.

- **Ashiana Network**

Ashiana Network specialises in supporting Black and Minority Ethnic women (BME) specifically from South Asian, Turkish and Iranian communities aged 16-30 at risk of domestic and sexual violence.

For further details, please visit their [website](#) or telephone 0208 539 0427.

- **Solace Women's Aid**

Solace Women's Aid provides a range of services aimed primarily at women at risk, or who are victims, of domestic violence.

Services include counselling, location of refuges, advice and advocacy support services.

For further details, please visit their [website](#) or telephone 0808 802 5565.

- **Men's Advice Line**

Men's Advice Line is a team of friendly Advisors who will listen and believe you.

Their aim is to offer male DA victims and their children non-judgmental support, practical advice and information to improve their safety.

For further details, please visit their [website](#) or telephone for free on 0808 8010327.

- **GALOP**

Galop is an independent advocacy group that provides support for LGBT+ victims of domestic abuse, sexual violence, hate crime, so-called conversion therapies, honour-based abuse, forced marriage, and other forms of abuse.

Services range from specialist support and advice on matters such as the law for those in a same-sex relationship.

For further details, please visit their [website](#) or telephone for free on 0800 999 5428.

- **Samaritans**

The Samaritans is a free, 24/7 service for those feeling in despair and in need of someone to listen and provide emotional support.

For further details, please visit their [website](#) or telephone 116 123 for free on any phones.

- **Citizens Advice Bureau**

Citizens Advice Bureau provides advice and lists a range of organisations offering specialist advice and support to victims of domestic abuse.

For further details, please visit their [website](#) or telephone 03003 302179.

8. Staff Training

Well-trained staff are key to delivering the aims set out in this policy. Recognising domestic abuse and the Council's principles and procedures for responding to it will be covered in inductions for new officers, and regular "refreshers" will be scheduled.

Regular, ongoing training will also ensure that staff are up-to-date on new legislation and best practice. We will ensure that staff have access to trauma-informed training and bystander training whenever appropriate, with staff wellbeing being a key consideration.

Unconscious bias training will also be made available to ensure that the important intersections with other inequalities and disproportionalities are well-understood by officers.

9. Equal opportunities statement

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) has been carried out and accompanies this policy.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

The Council will seek to ensure that this policy is, at all times, implemented in a manner that is fair to all sections of the local community.

All applicants for housing or re-housing will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the policy to ensure that they are not disadvantaged in any way.

They also will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory or a requirement for acceptance of an application.

However, such information will help monitor the number and types of protected characteristics requiring hostel support, and will help ensure that service improvement evolves in line with any changing local needs.

Equalities records will be kept and monitored to ensure hostel accommodations are offered and allocated fairly. This policy will be regularly reviewed ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people.

All information provided will be kept confidential and treated with respect at all times.

10. Data Protection statement

Havering Council takes personal privacy matters very seriously and will never share the individual's personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

11. Dissemination and communication of this policy

Housing Services will consult with all affected stakeholders to ensure this policy clear and transparent.

This policy will be made available to all affected stakeholders and in any required formats (e.g. hard copy and electronic versions, easy read, multi-lingual, braille and audio, etc) upon request.

12. Implementation of this policy

This policy will take effect from September 2024 and will operate for three years.

Responsibility for the successful implementation of this policy will be with Havering Council's Assistant Director of Housing Demand.

13. Monitoring and review of this policy

This policy will be reviewed annually to ensure it remains fit-for-purpose.

However, it will be subject to alteration to accommodate any relevant, new or adjusted legislative or regulatory requirements that may be introduced.

For any advice or assistance concerning this policy, please email: housing.solutions@havering.gov.uk

14. Delegated authority to make minor changes to this policy

The Assistant Director of Housing Demand, in consultation with the Director of Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.