|  |
| --- |
|  |
| **Domestic Abuse Policy****SER-POL-33****Version 5.0** |
| **Date approved: 07/02/2023****Approved by: People and Places Committee** |

# Introduction and Principles

* 1. This policy sets out how the Trust will respond to and safely manage disclosures of domestic abuse from our tenants and their households. It provides a definition of domestic abuse, coercive control and stalking.
	2. Our aim is to provide support, guidance and advice to survivors of domestic abuse, to enable them to live safely at home, working with other agencies. We will do this by adopting a non victim blaming and strengths based approach.
	3. We will refer to and work with other agencies to hold perpetrators of domestic abuse to account.
	4. The Trust will support Manchester City Council (MCC) in delivering its Domestic Violence and Abuse Strategy.
	5. In August 2018 the Trust signed up to Make a Stand, the Chartered Institute of Housing’s pledge to tackle domestic abuse to:
	+ Make information about support services available on our website and other places
	+ Put in place a policy to support members of staff
	+ Appoint a champion at a senior level in the organisation.
	1. This policy and the accompanying procedure will ensure staff have the right training and learning. They will also provide clear guidelines to follow when responding to reports of domestic abuse, which reflect best practice.
	2. The Trust recognises that other statutory and voluntary agencies may be better placed to respond to domestic violence and abuse and our actions will be taken in partnership as part of a coordinated response to ensure the safety of the survivor.

# Legal Requirements and Definition

2.1 The Trust has a legal requirement under the Crime and Disorder Act 1998 to respond to reports of domestic abuse as a member of the local community safety partnership.

2.2 The Trust has adopted the extended definition of domestic abuse and violence set out in the Domestic Abuse Act 2021:

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[[1]](#footnote-1) to each other, and

(b) the behaviour is abusive.

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.

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).

2.3 Children are legally recognised as victims of domestic abuse if they see, hear or experience the effects of abuse.

* 1. Controlling behaviour is defined as an act 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 or regulating their everyday behaviour.
	2. Coercive behaviour is defined as acts of assault, threat, humiliation, intimidation or other abuse that are used to harm, punish, or frighten their victim.
	3. Home Office guidance also includes culturally specific forms of harm which impact upon black and minority ethnic (BME) women. This can include, but is not limited to, forced marriage, dowry related abuse, honour crime and female genital mutilation.

2.7 Stalking is defined as a course of conduct which is defined in the Protection from Harassment Act 1997). The Trust’s response to reports of stalking behaviour will be, on a case by case basis, either in line with this policy or the Anti-Social Behaviour Policy.

2.8 Adults with care and support needs and children at risk of abuse and neglect are more likely to be affected by Domestic Abuse and Violence. In these cases, the Trust will also refer to its Safeguarding Policy.

# The Trust’s Approach

**Responding to Disclosures**

* 1. This policy is supported by a Domestic Abuse Support Procedure and the Trust will use a Multi-Agency Domestic Abuse Toolkit to respond to and safely manage disclosures of domestic abuse.
	2. On receipt of a domestic abuse disclosure Officers will assess whether there is an immediate danger and, if so, contact the Police using 999. In addition, Officers can assist with contacting Manchester Women’s Aid and / or the National Domestic Violence Helpline (0808 2000 247) to secure a place of safety.
	3. The Trust will have well trained and competent staff who provide an effective service and a sensitive response to reports of domestic abuse and violence.
	4. The Trust will provide a safe environment where survivors are encouraged to talk and are listened to. Reports can be made at our offices or in a safe venue of their choice. Survivors will be given the opportunity to ask for a staff member of the same gender to deal with their case. Officers will agree a contact method and a timescale for keeping in touch.
	5. Officers will respect confidentiality and only divulge information with the consent of the person concerned. The only exception to this would be if when it is necessary to safeguard survivors or their family.

**Early Intervention and Support**

* 1. As early as possible the Trust will complete a Domestic Abuse, Stalking and Honour based risk identification checklist (DASH) and agree an action plan. Officers will provide safety planning advice and practical support.
	2. As part of a coordinated response to risk management, Officers will provide:
* Tenancy support
* Benefits and money advice
* Referrals to specialist support agencies.

	1. When survivors are referred to the Multi Agency Risk Assessment Conference (MARAC), the Trust will share information and ensure that all actions assigned to the Trust are prioritised and completed.
	2. If the survivor wishes to stay in their current home, Officers will provide support including but not limited to
* Safety planning
* Target hardening
* A sanctuary scheme
* Taking legal action against the perpetrator.
	1. If the survivor requires a move, the Trust will work closely with partner agencies to assist in securing temporary or alternative accommodation through rehousing, in line with Manchester’s Allocation Policy. Survivors can be rehoused in the area they currently live in if there is sufficient legal protection in place to prevent further incidents occurring.

**Holding the Perpetrator to Account Including Legal Action and Enforcement**

* 1. The Trust has a role to play in holding perpetrators of domestic abuse to account as part of the wider Coordinated Community response, working in partnership with other agencies, neighbours and the victim.
	2. Legal action against the perpetrator or to end a joint tenancy will be taken on a case by case basis in consultation with the survivor and partner agencies.
	3. Actions the Trust can take to disrupt, challenge and change a perpetrator’s behaviour can include informal approaches and support as well as legal action and includes, but is not limited to:
* An injunction against the perpetrator
* An application for possession of a perpetrator’s property
* Either placing on the Rehousing Review List or providing support to move as part of a planned behaviour change intervention
* Visits in response to concerns for welfare
* Visits to discuss possible other tenancy breaches such as unauthorised or undeclared occupiers or rent arrears
* Acceptable Behaviour Contracts and Tenancy Warnings
* Referrals to support to perpetrator programmes .
* Working in partnership to manage other legal orders such as Domestic Violence Protection Orders or probation exclusion orders.
	1. Our Domestic Abuse Support Coordinator will provide advice and support to survivors who chose to use other civil and criminal laws to protect them and their families and prevent further incidents.

# Partnership Working

* 1. The Trust will work in partnership with other agencies, including MCC, Greater Manchester Police, and specialist agencies such as Early Help, Women’s Aid, Saheli and the LGBT Foundation.

# Staff Training and Continuous Improvement

* 1. The Trust will ensure that we have sufficient staff in place to respond effectively to reports of domestic violence and abuse within a 24-hour period and in emergencies.
	2. The Trust has a Domestic Abuse Support Procedure which includes the Multi-Agency Domestic Abuse Toolkit. The procedure will state which staff members have responsibility for:
* Receiving and responding to reports,
* Case management – enforcement and holding the perpetrator to account.
* Case management - providing support.
	1. Staff directly involved in the delivery of the service will be provided with domestic abuse and safeguarding training.
	2. Cases and incidents will be reviewed and monitored on a regular basis and the Trust will collect satisfaction feedback about the way cases have been handled to enable lessons learned and improve performance.

# Equality and Diversity

* 1. An Equality Impact Assessment has been completed to ensure that all appropriate actions are put in place to support those tenants who have protected characteristics.
	2. In responding to disclosures, the Trust aims to deliver support and services that are inclusive and diverse, understanding of the impact of intersectionality - the way that multiple forms of discrimination combine or overlap. We will take steps to address discrimination and inequality in access to support and services by identifying and working in partnership with culturally specific and specialist services.
	3. The Trust wants to hear the voices of and actively integrate all minoritised groups in our communities. In delivering our support services we aim to actively involve service users, consult experts, and make cultural and other adaptations to service delivery, promoting and advocating for transformation change, where we recognise discrimination and inequality.
	4. This Policy will be available on our website.

# Related Policy Documents

* Anti-Social Behaviour Policy and Procedure
* Employee Domestic Abuse Policy
* Safeguarding Policy
* Responsive Repairs Policy
* Tenancy Support Policy
* Hate Crime Policy and Procedure
* Single Equality Scheme
* Manchester Allocation Scheme
* Southway Tenancy Agreement

|  |
| --- |
| **POLICY REVIEW HISTORY** |
| *To be completed during each review* |
| **Previous versions**(version number – approved by – approval date – title if different)v1 – Shadow Board – 17/07/2007 (later incorporated into the ASB Policy)v2 – Board – 18/03/2014 – Domestic Abuse Policyv3 – Board 21/02/2017 – Domestic Violence and Abuse Policyv4 – People and Places Committee – Feb 2020V5 –People and Places Committee 7 February 2023 |
| **Date of last EIA:** | 18/01/2022 |
| **Review lead by:** | Claire Davies – Age Friendly and Tenancy Support Lead |
| **Main points or amendments made and reasons**As part of our work towards achieving Domestic Abuse Housing Alliance (DAHA) Accreditation, this policy has been reviewed in line with recommendations to:* Title amended to Domestic Abuse – change in common terminology
* Definition updated to reflect new legislation
* Reports changed to disclosures – change in common terminology
* Updated the section on Legal Action against the perpetrator to Holding the Perpetrator to account and added the other actions we will take
* Additions to the Equality and Diversity section to demonstrate our commitment to delivering accessible and inclusive services
 |
| **Next review due:** | **Q4 2023/24** |
| **Review Level:** | **People and Places Committee** |

1. For the purposes of this Act, 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;

(g)they are relatives. [↑](#footnote-ref-1)