

Domestic Abuse Policy and Procedure

Policy details

Name of policy/procedure:	Domestic Abuse	Author name:	Nikki Spenceley
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Policy applies to:	Co-op Homes and associated client co-ops	No. of pages:	5

1. Statement of Intent

1. This policy sets out Co-op Home's approach to dealing with reports of domestic violence and abuse, ensuring best practice and safe resolutions.
2. We will ensure that confidentiality is respected and information sharing is maintained through agreed information sharing agreements in a multi-agency context. Co-op Homes will follow policies and procedures to ensure that actions are taken in a way that supports the principles of good practice.
3. We will take steps to assist and support any customer suffering from or threatened with violence or abuse. This policy encapsulates what standards of behaviour are expected of customers and outlines the service standards that customers can expect from Co-op Homes.

2. Relevance

This Policy applies to how we respond to reports of Domestic Violence from all CO-OP HOMES tenants and members of the household.

3. Guiding Principles

We believe that our tenants or members of our associated client co-ops should not live in fear of violence or abuse. Domestic violence and abuse is a serious crime and we are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. Co-op Homes will therefore work in partnership with the appropriate agencies to take reasonable and proportionate steps to support any victim living within our properties.

We recognise the significant impact that domestic violence and abuse can have on an individual's life and will not accept any form of domestic violence and abuse within our properties.

We recognise that some victims may be vulnerable and consequently Co-op Homes' employees will report any allegation or suspicion of abuse in accordance with current safeguarding regulations. Victims of abuse have the right to be treated fairly in a way that respects their human rights, independence and choice.

The Domestic Abuse Act 2021 – see <https://www.legislation.gov.uk/ukpga/2021/17/part/1/enacted>

The definition of "domestic abuse" for the purposes of this Act:

The 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.

The 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.

“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.

Also note that amendment to Section 177(1) of HA 1996 means that it is now not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or domestic abuse against the applicant, the person who normally resides with a member of the applicants family, or any other person who might reasonably be expected to reside with the applicant.

Confidentiality

Where reports of domestic violence and abuse are received, Co-op Homes’ employees will not make contact with the alleged perpetrator, unless requested to by the reporter.

Co-op Homes will ensure that all incidents of domestic violence and abuse are discretely recorded within our housing management system and shared within the guidelines of the Information Sharing Protocol of the Boroughs in which we work in a consistent and accurate manner, so that the data can be used for prosecutions where necessary, and at a local and national level to provide management and performance information for all stakeholders.

Co-op Homes is a signatory to information sharing protocols with the majority of boroughs in which we work. These allow agencies to share information where this may prevent or reduce domestic violence and abuse. The information shared remains confidential and is stored and used according to strict protocol.

Connected documents

1. Safeguarding Policy
2. Tenancy Agreement
3. Inclusion Policy
4. Allocations Policy

Measures of success

1. Number of victims referred to management transfer panels
2. Number of victims referred to Refuge

Responsibilities

The Business Services Manager and the Head of Client Services are responsible for ensuring that this policy is consistently applied and through this protect Co-op Homes and its customers.

The Business Services Manager is responsible for updating this policy.

Implementation

We apply a victim-centred approach when investigating domestic violence and work with other local agencies to develop best practice and secure safe resolutions.

1. We enable customers to report domestic abuse to us in a variety of ways, including face to face, in writing, by telephone, email, text, online or via a third party such as the Police or a boroughs' Independent Domestic Violence Advocate (IDVA).
2. We will arrange an interview with the victim within one working day of receiving a report of DV. Wherever possible and or if requested the interview will be carried out by an officer of the same sex or cultural background.
3. At the interview we will be sensitive to the needs and state of the person. In order to determine the advice or assistance provided we will try to find out:
 - Whether they can or are willing to remain at the property
 - Who is living at the property – if there are children, what are their ages and who will they be residing with
 - The status of the tenancy
 - Whether the couple are married or cohabiting and whether there are any children
 - Whether both parties are still living at the property
 - What action they have or are intending to take against the perpetrator
 - If they are in rent arrears
4. We will treat all reports confidentially wherever possible and protect the anonymity of both victims and witnesses. Exceptions to this may be where we believe someone is at a serious risk of harm, or we have concerns for the welfare of a child.
5. The victim will be informed fully of their rights and obligations and the implications of action they take. These could include:
 - Contacting the local authority housing needs department, CAB or a solicitor for independent advice
 - Contacting the local authority housing needs department to make a homeless application
 - Options for transferring the tenancy. Either through a court order or under our procedures
 - If they are the tenant or joint tenant their rights and obligations for the tenancy including the payment of rent.
6. Where appropriate and with the permission of the victim we will contact external agencies such as the police, domestic violence help lines and local borough websites

7. Once a case is referred to the appropriate Multi Agency Risk Assessment Conference (MARAC), we will follow any recommendations or action plans that may arise from them. Co-op Homes will assess the risks posed by perpetrators of domestic violence in a way which is necessary, proportionate and safe.
8. We take a victim centred approach in responding to complaints of domestic abuse. We recognise that evidence of domestic abuse may not be easily available, and we will work with the victim. Evidence will be required where legal action is to be taken, and some verification may be needed where certain solutions, such as management transfers, are being considered.
9. The victim will be advised of action open to them in both the short term and long term. This will include remedies such as injunctions and ouster orders as well as action we can take under the Housing Act 1996.
10. If the victim is unable to return home and cannot stay with friends or relatives they should be referred to the local authority or a women's refuge. The Local Authority should be reminded of their duty to ensure that a 'lifetime tenancy' of social housing is not lost if the person requiring housing or a member of their household is, or has been a victim of, domestic abuse.
11. The victim may be able to remain in their home either on a temporary or permanent basis if additional security measures are provided such as locks. These will be fitted on an emergency basis.
 12. Local Authorities have a legal obligation to respond to situations of domestic violence – Housing Act 1985 Part 3.
 13. Where there is a joint tenancy, consider the use of the Greenwich v McGrady devise where the victim serves NTQ on us ending their joint interest in the tenancy. However, they should be advised to seek legal advice before pursuing this action.
 14. Where there is sufficient evidence action should be taken to evict the perpetrator if they are a Co-op Homes tenant.
 15. If the victim is able to remain in their home temporarily but requests re-housing the case should be referred to the Senior Management Team to be considered as a management transfer. See the emergency re-housing procedure as an amendment to Section 177(1) of HA 1996 means that it is now not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or domestic abuse against the applicant, the person who normally resides with a member of the applicants family, or any other person.
 16. After the interview record the action taken and or agreed.
17. The case should be monitored and reviewed regularly by the Housing Officer until a member of the SMT is satisfied that it has been resolved through re-housing or other means.
 18. Where it is evidenced that a victim and/ or their family are at high risk of direct harm we will consider temporary accommodation and / or a referral to the Management Transfer Panel for a permanent rehousing, or where accommodation is not available, a direct referral to the local authority for emergency re-housing. If a sole tenant they can give us notice and we should accept a shorted notice period.
 19. If a joint tenancy and the victim is being rehoused, they should end the joint tenancy. The other joint tenant should be informed and advised to seek their own legal advice. Any notice must be an effective NTQ and must comply with any terms of the tenancy relating to tenant's termination notices

20. If the other joint tenant does not leave the premises will should issue proceedings based on the departing tenant's NTQ/termination notice to re-gain possession. The following grounds can be used:
 - Ground 2A (Domestic Violence) • Ground 12 (Breach of Tenancy) • Ground 2 (Nuisance)
21. We will investigate cases using the most appropriate intervention and enforcement methods.
22. We will agree an action plan with the victim, monitor the situation and review the case regularly as agreed with the victim.
23. We support victims to rebuild their lives by working with them and other support agencies. We will ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible. Co-op Homes will signpost families to Achieving for Children where appropriate.
24. We may explore taking legal action where necessary with the co-operation of victims, witnesses and police.
25. Victims and support agencies are expected to engage and work with us. Where victims are unable to engage, and where the behaviour is having an impact on neighbours, we may consider addressing the behaviour under our Anti-social Behaviour Policy or Tenancy Agreement.
26. We recognise that incidents of domestic abuse are extremely sensitive, however, we may share relevant information with local agencies such as the police, to deal with cases more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator, or sharing information in the interests of the victim and/or their dependants to provide better or more effective support.

Appeals & Complaints

An appeal against any aspect of this policy or procedure will be dealt with as if it were a complaint and will be dealt with in accordance with Co-op Homes' Complaints Policy & Procedure.