

DOMESTIC VIOLENCE AND ABUSE POLICY

1.0 Introduction

This document sets out Trafford Housing Trust's policy relating to Domestic Violence and Abuse (DVA). The purpose of this policy is to set out the commitment, aims and approach to tackling and preventing domestic violence and abuse.

This policy is for the information of the public and staff members to provide them with guidance on how Trafford Housing Trust will deal with domestic violence cases.

1.1 Definition of Domestic Violence and Abuse

Trafford Housing Trust has adopted the Home Office's definition of domestic violence:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality”.

Trafford Housing Trust recognises that domestic violence occurs across society regardless of age, gender, race, sexuality, wealth and geography and involves the following types of behaviour:

- Physical behaviours, i.e. assault, indecent assault, rape, destruction of property and threats
- Non-physical behaviours, i.e. destructive criticism, pressure tactics, belittling, breaking trust, isolation, oppressive control of finances and harassment.

The physical manifestations of domestic violence are criminal offences; the non-physical forms may also amount to offences, under the Protection from Harassment Act (Home Office Multi-agency Guidance for addressing Domestic Violence 2000).

Whatever form it takes, domestic violence is rarely a one-off incident. Usually it's a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim.

The Home Office states that although domestic violence is chronically under reported, research estimates that it:

- accounts for 16% of all violent crime (Source: [Crime in England and Wales 04/05 report](#))
- has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the police)
- costs in excess of £23bn a year
- claims the lives of two women each week and 30 men per year
- is the largest cause of morbidity worldwide in women aged 19-44, greater than war, cancer or motor vehicle accidents
- will affect 1 in 4 women and 1 in 6 men in their lifetime.

1.2 Statement of intent

- That all reports of Domestic Violence and Abuse are dealt with fairly.
- That assistance and support will be provided to victims and their families.
- That emergency temporary re-housing will be provided for victims and their families where necessary.
- That permanent re-housing of victims and families will take place where necessary.
- To regularly review the monitoring, investigation and reporting procedure.
- That the perpetrators of domestic violence are dealt with. This may include possession proceeding where the perpetrators are Trafford Housing Trust's tenants or linked to Trafford Housing Trust tenancies.
- To work with all local agencies and members of the community to tackle Domestic Violence and Abuse.

1.3 BME communities

Trafford Housing Trust recognises that one of the major contributors of homelessness within BME communities in Trafford is domestic violence.

Trafford Housing Trust will aim to ensure that relevant support is developed in this area through the Specialist Coordinator for BME homelessness. The role of the Coordinator will be to develop support networks to increase accessibility to help BME people facing homelessness especially due to domestic violence. The coordinator will also be tasked with raising awareness within and outside Trafford Housing Trust as to the issues faced by BME communities when accessing housing support.

Trafford Housing Trust recognises that it is essential to work with all relevant statutory, voluntary and community organisations as domestic violence does not involve just housing issues but other issues such as finances, children, health etc.

Where required Trafford Housing Trust will provide information and advice (written and spoken) to victims and their communities in their relevant languages.

Where required in cases of domestic violence a trained interpreter will be used, however if this is not possible then full use of Language Line will be made.

1.4 Consultation and review

Trafford Housing Trust will review the Domestic Violence Policy and Procedure annually or as circumstances dictate.

Trafford Housing Trust will consult Trafford Council, GMP, Victim Support, Women's Aid and other relevant statutory and voluntary community organisations, annually in order to continually develop good practice in this area.

2.0 Policy statement

Trafford Housing Trust will work in partnership with other agencies to adopt a multi-agency approach to offer practical help and advice of any domestic violence incident which fits the description given by the Home Office.

It will work to reduce the risk of homelessness caused by Domestic Violence and Abuse.

Trafford Housing Trust recognises that domestic violence incidents take many forms, both directly and indirectly.

As a landlord, Trafford Housing Trust prohibits Domestic Violence and Abuse in its tenancy agreement.

Section 22 of the Tenancy Agreement states “you must not assault your husband or wife or partner or former husband or wife or partner or other family member whether they are living with you or not, and you must not harass them or use mental, emotional or sexual abuse or financial exploitation that might be expected to cause anyone who lives with you to leave your home.” Where appropriate Trafford Housing Trust will enforce the tenancy agreement or take other legal actions against the perpetrators. Where a perpetrator remains in the same household and their behaviour continues to cause harassment, alarm or distress to other neighbours an application for an Anti-Social Behaviour Order may be considered.

Trafford Housing Trust will ensure a uniform and effective approach to tackling the perpetrators of domestic violence.

Trafford Housing Trust will ensure that a central record of all domestic violence and abuse complaints, with attached reports as to their resolution, is maintained as opposed to individual teams keeping their own records.

Monthly statistical reports will be provided as necessary to the DV Co-ordinator.

All staff will receive effective training on the Domestic Violence and abuse Policy and Procedure.

2.1 Monitoring and Service Development

Trafford Housing Trust will regularly monitor and review our service to ensure continuous improvement. It will do this by the use of a DV Monitoring form which will collate information on domestic violence including repeat victimisation.

The aim of the DV monitoring form is to standardise the information collated on domestic violence and abuse. Completed DV monitoring forms have to be copied to the Housing Advice and Homelessness Coordinator based at Housing Options who’s task it is to review the forms and ensure the correct actions are taken. The results will be used to inform future policy/procedure development and service delivery.

An annual monitoring report will be produced on the effectiveness of policies, procedures, training initiatives and the implementation of programmes. The information monitored will include:

- Demand for the service e.g. numbers of individuals and number of repeat contacts
- Outcomes e.g. transfer, no action, injunction, etc
- Where referrals come from e.g. self/other agency
- Where cases are referred to complaints, as well as successes, in respect of the service.

2.2 Support

Formal training devised by Trafford Housing Trust will be made available to frontline staff, including housing officers and service centre staff.

2.3 Training

Cases involving domestic violence require a complex set of skills for an advisor to effectively deal with a customer. To achieve the necessary skills, the relevant Housing Officers and managers will be provided with training opportunities, which cover technical aspects (e.g. legislation), as well as front line service delivery (e.g. interviewing skills) and strategy development issues. The minimum training programme will include:

- Security of tenure/legislation
- Relationship breakdown, including emergency procedures
- General awareness training
- Council policy/procedure, including the allocations policy
- Homelessness
- Customer care and interviewing skills
- Links with other agencies.

2.4 Public information

Our domestic violence policy, including details of agencies which provide advice and support, will be publicised through:

- The tenants' and lessees' handbook
- Pulse - tenant newsletters
- Information available in all Trafford Housing Trust's reception areas
- A dedicated section on the Trafford Housing Trust website with relevant links.

3.0. Good practice guidelines to assist staff

Remember that the first point of contact is very important.

- Give your name and assurance that any information given will remain confidential and will only be given to other agencies (e.g. the Police and Social Services), if the customer gives their written agreement, or a child is at risk. Check if it is all right to send letters or phone the person at home.
- Inform the client on the time scale of dealing with their complaint – 24 hours for urgent cases.
- Perpetrators have been known to be very persistent in their determination to find their former partners. Confirm the identity of a caller if not completely satisfied. Always ring them back to check the number given by the caller independently. If you have any concerns about the information requested, **do not give any information** and consult your Line Manager.
- Ask whether an interpreter needs to be arranged, rather than wait for this to be requested. Young children should not be used for interpretation. The use of private individuals, other family members or staff speaking similar language is also not recommended. Always use a trained interpreter, if not possible arrange interpretation through Language Line.
- Adopt a victim centred approach - the safety of the client is of paramount concern. Although initial action is not dependent on obtaining evidence, subsequent action against the perpetrator may be impossible without some evidence from third parties. For example, a judge will only grant a Possession Order if s/he thinks that it is reasonable to do so, based on the evidence submitted to the Court.

- It is important to be aware of the effects of being brought up in different cultures, for example, in some societies domestic violence may not be publicly acknowledged.
- Offer the client an interview with an officer of the same sex.
- Conduct interviews in private (at a place of safety if required) and in a sympathetic and non-judgmental manner.
- Keep accurate and up-to-date records, including details of contact with any other agencies, and third party evidence with the customer's consent.
- Give the client details of outside agencies that may be able to offer support and counselling – (see Section 10)
- In all cases (including customers only seeking advice) a Domestic Violence Monitoring Form should be completed.
- Encourage the client to report the matter to the Police. However, this should not be a pre-condition for further action being taken.
- Establish whether there is an injunction against the perpetrator in force and, if so, encourage the customer to contact the Police to advise that it has been broken.

Appendix I

Procedural Guidelines for Trafford Housing Trust Staff

I. Arranging security and repairs

Trafford Housing Trust Tenants:

Check whether any security/repairs work is necessary to secure the property. For Trafford Housing Trust properties, the Repairs Team will carry out repairs to victims' properties where a Police crime reference number is provided. In certain cases where we are satisfied that domestic violence has occurred repairs can be carried without a crime reference number at the discretion of the member of staff. Where circumstances allow consult a Line Manager.

Tenants requiring additional security measures will be referred to the Trafford Council's DV Coordinator who can improve the security of victims of crime, referred to them by the Police or other agencies. They will contact all people referred to them to offer a security assessment. They can supply and arrange for the fitting of appropriate door viewers, door chains, locks, bolts and other security equipment to the homes of referred victims, as well as provide appropriate crime prevention literature and advice.

In cases of domestic violence where the victim wishes to remain in the property, security measures can be provided under the Trafford Sanctuary Scheme (check availability and assess risk factors). This is a new scheme designed to offer an alternative option to temporary accommodation if victims are threatened with homelessness due to domestic abuse. It provides free additional security measures to the victim's home to enable them to remain in their home and feel safe.

A 'Sanctuary Room' can be created, often in the main bedroom, by replacing the door with a solid core door that is fitted so that it opens outwards. Steel hinges, bolts and door viewer are fitted on the sanctuary room door. Additional security can be provided in the home, such as window and door locks and fire safety equipment.

2. Dealing with specific circumstances

2.1 Trafford Housing Trust Housing Options Team can offer assistance in various ways such as:

- General advice about housing options as well as agencies who can offer support and counseling
- Emergency accommodation
- Longer term housing
- Help to resolve tenancy issues.

2.2 The type of help that will be appropriate will depend on personal circumstances, including current tenancy status, and the point at which people ask for help. To ensure that an appropriate service is given, each officer should make enquiries to determine:

- What service or assistance does the person want and need?
- Who is best placed to deliver this service?

- Is the client able to access the service?

The rest of this policy is intended to provide guidelines for officers in specific circumstances and to enable officers to understand their role and responsibilities. It covers advice seekers, homeless applicants, emergency transfers and resolving tenancy issues.

3. Advice seekers

These are people who have no immediate need of re-housing (including non-priority homeless applicants), but need advice on their options to deal with domestic violence and abuse. Officers will respond positively and sympathetically to approaches made. All housing advice seekers should be offered clear advice and assistance on the full range of housing and legal options open to them, as well as domestic violence information. Advice seekers should be given the phone numbers for relevant useful agencies who can offer help, advice, or support (See section 10).

4. Homelessness

4.1 Homelessness facts

Official figures for households accepted as homeless in Trafford in 07/08 was 193. 44 of these gave the reason of domestic violence as the main cause for the loss of their last settled home.

4.2 Assessing homelessness claims due to domestic violence

Where people have made a homelessness application due to domestic violence Trafford Housing Trust will need to consider the risk of violence or threats of violence from inside or outside the home in assessing the needs of the applicant. Homeless application forms are kept for a minimum of six years.

4.3 Advice on legal remedies – see Section 8 for summary of legal options

The Housing Options Officer should outline the legal remedies available to an applicant and strongly encourage them to seek independent legal advice on a range of issues including their homeless application. However, failure to pursue legal remedies should not lead to a decision of intentional homelessness. If the applicant request details of a solicitor the officer should refer them to local directories i.e. yellow pages, websites etc. It is also good practice for Housing Options Officers to contact these clients to review progress at a later date. For priority need households, temporary accommodation may be provided for a short time period whilst an applicant seeks independent legal advice. This can give the applicant an opportunity to consider all their options.

Applicants should be advised of the role of Trafford Housing Trust's Good Neighbourhood Unit, which deals with all Hate Crime for Trafford Housing Trust.

4.3 Collating evidence

- It is always very difficult to prove that violence and abuse has taken place, therefore the word of the applicant should always be believed unless there is firm evidence to the contrary.
- Housing Officers should not ask the applicant for proof of domestic violence but should ask for names of agencies who can help the applicant's case e.g. their doctor, police (if called) social worker, etc. Information from relevant agencies can often speed up an applicant's assessment. Third party evidence from family and friends should never be requested if it may put the applicant at further risk.
- If an officer strongly suspects that an applicant may want to move for reasons other than domestic violence, they should investigate these concerns, but the applicant must receive full and sensitive consideration until firm evidence is available to confirm that domestic violence is not the issue. Such cases should be discussed with a senior manager before any investigation takes place. A written explanation should be placed on file.

4.4 Temporary accommodation

The Housing Options team will, if necessary, arrange for temporary accommodation to be provided pending further enquiries to any household that it believes may have a priority need. Housing Benefit can be paid in certain circumstances, on both a tenancy and temporary accommodation, under Regulation five of the Housing Benefit Regulations.

4.6 How will Trafford assess whether to accept the applicant as homeless?

Has the applicant got a priority need for accommodation?

Trafford Housing Trust recognises that someone without children can still be considered vulnerable under homelessness legislation as a result of violence or abuse. A number of cases are accepted as having a priority need through this category each year.

The Government is also keen to emphasise that Trafford Housing Trust should consider if someone is vulnerable as a result of suffering domestic violence. Neither the Government nor Trafford Housing Trust is saying that single people will automatically be considered vulnerable as a result of domestic violence but there is an expectation that the full test for vulnerability should be applied to this group.

Cases where there are families with children or there is a clear priority need It is the responsibility of Trafford Housing Trust's Housing Options Team to investigate a claim of homelessness due to domestic violence using legislation, the Homelessness Code of Guidance, and the relevant case law. The basic test to be applied is best summed up by the Code of Guidance when deciding whether to accept somebody as homeless as a result of domestic violence:

“The authority will need to consider the seriousness of the violence or threats of violence, the frequency of occurrence and the likelihood of recurrence”

Domestic violence is not confined to a person who normally resides with the applicant but can include threats from outside of the home from a previous association.

The Housing Options officer's approach to investigation should be sympathetic and believing.

As described above, all options should be fully explored with the applicant including extra security, legal remedies, and possible referrals to the Police, solicitor etc. The homelessness investigation should follow a step-by-step procedure with clear information given to the applicant on how their case will be processed.

4.7 Step-by-step homelessness investigation procedure

Housing Options officers should take a full statement from the applicant, which the applicant should sign. Include details and dates of:

- outreach/refuge involvement
- threats of or actual assault
- property damage
- police involvement
- hospital or GP involvement

- social worker or probation officer involvement
- any history of previous incidents and requests for rehousing.

NB. The case officer must be aware that the applicant may be too upset to provide all the above at a first interview. Applicants may require a place of safety first with a follow up interview arranged. Where applicants have fled the home in an emergency they may not be able to provide personal documentation to confirm status or identity. In such circumstances status/identity should be checked with the Department of Social Security, Housing Benefit, GP's etc. A standard applicant consent form for disclosure of information from such agencies should be used.

The Housing Options officer can contact all agencies listed by the applicant and investigate:

- How serious was the incident or incidents (incidents can involve threats as well as physical abuse)
- Is the perpetrator known to the agency
- Is there a history of abuse
- How likely are these incidents to reoccur
- Is any agency recommending an immediate move and if so, on what basis
- Having considered the seriousness of the violence or threats, the frequency of incidents and the likelihood of recurrence Trafford Housing Trust will notify the applicant of its decision. If the decision is to find the applicant not homeless they should be fully informed of their right to a statutory review of that decision. In some instances Trafford Housing Trust may advise an applicant to pursue any available legal remedies. This should never be done as a matter of policy but on the merits of each individual case. The need to ensure the proper safety of the applicant should always be taken into account. For those applicants not accepted as homeless or in priority need who claim domestic violence, clear advice and assistance must be given.

5. Trafford Housing Trust tenants claiming domestic violence

Trafford Housing Trust tenants who are victims of domestic violence should be supported to remain in their property if this is at all possible and if it is what the tenant wants. It maybe that we offer temporary accommodation as an interim place of safety to allow time for the victim to seek legal advice/protection. All of these options would need to be carefully worked through with the victim.

In very extreme cases an emergency transfer or reciprocal arrangement with another Local Authority area or Housing Association may be appropriate. All emergency transfers must be referred to the Exceptional Circumstances Panel.

6. Rent arrears

Any rent arrears that accrue after a tenant flees their home following domestic violence may be considered for write-off if they are solely responsible for the arrears. Arrears that existed before the tenant left will be pursued in accordance with our procedures on recovering former tenant arrears, although we would be mindful of the circumstances in which they had to leave their home. The debt would not be transferred to the rent account of any new tenancy granted. In some circumstances, Housing Benefit may be claimed on two addresses where the claimant has fled domestic violence i.e. the property being fled (if intending to return to the property) and the temporary accommodation.

7. Tenancy issues

Domestic violence presents particular difficulties for resolving tenancy issues. Legal remedies are available although they can aggravate violent situations and victims may feel unable to use them for fear of reprisals. When trying to reach the best solution to the tenancy situation the Housing Officer should establish:

- The safety needs of the victim and any children involved
- Whose names are on the tenancy agreement?
- The need to provide a home for the customer
- Community networks, personal or support networks.

7.1 Victim and perpetrator are joint tenants

A victim of domestic violence who is a joint tenant may want to take action to terminate the tenancy. In this instance the Housing Officer will:

- Remain impartial
- Advise the victim that s/he can sign a Notice of Termination which will end the tenancy for both joint tenants (McGrady v London Borough of Greenwich 1982).

- Recommend that the victim seeks advice prior to ending the tenancy
- Advise the victim that they will initially be housed in temporary accommodation.

If the victim still wants to terminate the tenancy, the Housing Officer will:

- Give the victim a Notice To Quit form to complete in his/her presence
- Process the Notice to Quit
- Take appropriate action to repossess the property.

7.2 Victim is the sole tenant and perpetrator lives in same property

A victim of domestic violence who is a sole tenant may want to remain in the property and take legal action against the perpetrator to prevent them from returning to the property. Alternatively, the victim may want to terminate their tenancy.

The Housing Officer will:

- Establish the course of action the victim wishes to pursue and present the options available
- Recommend that the victim seeks independent advice regarding the surrender of the tenancy
- Recommend that the victim seeks legal advice regarding the possibility of legal action e.g. an injunction against the perpetrator (see Section 8 - summary of legal options)
- Discuss what additional security measures the victim would require in order to feel able to remain in the property (see Section 1 - security/repairs) advise the victim that they will initially be housed in temporary accommodation/refuge if they leave the property.

If the victim decides to terminate the tenancy and the perpetrator remains in the property:

- Seek advice to initiate possession proceedings against the perpetrator upon expiry of the Notice To Quit to evict them from the property as the unauthorised occupant.

7.3 Emergency transfers to alternative accommodation

All Emergency transfers must be referred to the Housing Options Team and are only granted in exceptional circumstances where a significant and insurmountable problem associated with the current tenancy. All emergency transfer cases must be referred to the Exceptional Circumstances Panel for approval. Trafford Housing Trust tenants could obtain a property in another borough through reciprocal arrangements. Wherever possible if a case is serious enough to be accepted as homeless then an emergency transfer may well be the best option for a tenant so they do not lose out on security of tenure and a social housing rent. Temporary accommodation/refuges may be appropriate whilst an emergency transfer is pursued.

7.4 Trafford Housing Trust employees that are victims of domestic violence/abuse

All Trafford Housing Trust employees that are victims of Domestic Violence and Abuse will have access to speak in confidence with their Line Manager and/or with the Housing Advice and Homelessness Co-ordinator. The co-ordinator will be able to provide basic advice, guidance and access to relevant specialist services if and when required.

8.0 Summary of legal options

8.1 The Family Law Act 1996

There are two types of orders available under this Act:

- Non-molestation orders prevent the perpetrator from molesting the applicant or a relevant child.
- Occupation orders deal with the occupation of the dwelling and can define occupation rights including the exclusion of the perpetrator from the property or an area around it. There are stricter requirements with regard to obtaining an occupation order, and therefore care should be taken not to raise the customer's hopes.

8.2 Protection from Harassment Act 1997

This Act allows a victim of domestic violence to obtain a civil protection order against someone who has been harassing them. Breach of civil protection orders is an arrestable offence that could lead to a prison sentence.

8.3 Injunctions

- Injunctions can be taken out under the Family Law Act Part IV and the Children Act 1989.
- Injunctions are temporary measures. They are usually granted for a three month period that can allow time for both parties to make permanent arrangements.
- Injunctions may be inappropriate where the victim of domestic violence does not speak English as they may be unable to communicate that it is being broken.
- Not all injunctions carry powers of arrest. The Housing Act 1996 makes provision for the power of arrest to be attached to some injunctions issued.

Note: All staff should be aware that injunctions can aggravate a violent situation and a refusal to obtain an injunction should not be a pre-condition for further action being taken.

8.4 Property Adjustment Order

Property Adjustment Orders can be obtained in divorce or separation proceedings under matrimonial law for married women, or alternatively under the Children Act 1989 for unmarried women with children. Property Adjustment Orders provide a long-term measure as they direct who should be given the tenancy. They may be appropriate in instances where the victim of domestic violence has remained in the property and taken legal action to prevent the perpetrator from returning.

8.5 Crime and disorder legislation

Anti-Social Behaviour Orders (ASBOs) can be sought under the Crime and Disorder Act 1998. In broad terms an ASBO is likely to be relevant where there is behaviour of a criminal nature which causes or is likely to cause harassment, alarm or distress to other people not of the same household. The main test is that there is a pattern of behaviour which continues over a period of time but cannot be dealt with easily or adequately through the prosecution of those concerned for a single 'snapshot' or criminal event. An ASBO may not be the most appropriate way of dealing with domestic violence given the other options available. The use of ASBOs is dealt with in more detail in Trafford Housing Trust's Tackling Anti Social Behaviour Effectively Policy Statement.

9.0 Literature List

Domestic Violence: Break the chain multi-agency guidance for addressing domestic violence. (Home Office)

Relationship breakdown: A guide for social landlords (DETR)

British Crime Survey 2004/05

The provision of accommodation and support for households experiencing domestic violence in England (ODPM 2002)

Safety and justice: The Government's proposals on Domestic Violence (Home Office)

Homelessness – code of guidance for Local Authorities (ODPM 2002)

Reducing domestic violence... what works? Accommodation provision (Policing and Reducing Crime Unit, Home Office Research 2002)

Reducing domestic violence... what works? Meeting the needs of children (Policing and Reducing Crime Unit, Home Office Research 2002)

Causes of Homelessness Amongst Ethnic Minority Populations (ODPM 2005)
www.homeoffice.gov.uk/crime-victims/reducing-crime/domestic-violence/
www.crimereduction.gov.uk/dv01.htm

10.0 Useful Numbers

Trafford Women's Aid
0845 4500 789

Women's Domestic Violence Helpline (Northwest)
0161 636 7525

National Women's Aid Helpline
0808 2000 247 (24 hours)

Police Domestic Violence Unit
0161 856 7574

Trafford Social Services
0161 912 5199



TMBC DV Coordinator
0161 912 4246

Forced Marriages Unit
020 7008 0135

Karma Nirvana – Helpline for victims of forced marriages and honour based violence
0800 5999247

Date: 1st June 2008

Date of next review: 1st June 2009