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Domestic Abuse Policy

Title	Domestic Abuse Policy
Date Created	September 2020
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Approver	Board of Management
Applies to	General Needs social tenanted, Founder member residents & leaseholders

1 Introduction

- 1.1 This policy sets out CDS' approach to dealing with domestic abuse. We recognise that incidents of domestic violence or abuse can critically affect people's lives and its unacceptable.
- 1.2 We have a zero-tolerance attitude towards domestic abuse. Everyone has the right to be safe from abuse and fear, and so we take all reports of domestic abuse or violence seriously.
- 1.3 We will positively support residents who are victims of domestic abuse by doing what we can to help. CDS will take action against perpetrators of domestic violence where we can do so in partnership with relevant external agencies without compromising the safety of the individual experiencing the abuse.
- 1.4 CDS also recognises that its staff may be experiencing domestic abuse, and are committed to supporting them in any way that they can. This will be addressed as part of our staff support package. This policy will need to be
- 1.5 We will adopt a victim-centred approach by working in partnership with external agencies to tackle incidents of domestic abuse.

2 Scope of the policy

- 2.1 This policy applies to all CDS general needs , leaseholders as well as founder member cooperatives' residents and their household members. It does not apply to properties owned by clients, but clients may choose to adopt this policy as their own.

- 2.2 We will meet our statutory safeguarding requirements in line with our existing policies and procedures where there are safeguarding concerns about a vulnerable resident or customer. In all cases of domestic abuse, staff will refer to CDS' Safeguarding policy.
- 2.3 In cases of staff experiencing domestic abuse, we will follow our Wellbeing Policy and refer them to support agencies.

3 Definitions

3.1 What is domestic violence or abuse?

3.2 Domestic violence or abuse is a pattern of abusing and controlling behaviour which often escalate over time.

3.3 For the purposes of this policy, domestic abuse is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can include, but is not limited to:

- physical
- sexual
- financial
- psychological
- Emotional

3.4 **Physical abuse** – this could include hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder.

3.5 **Sexual abuse** - this could include rape and coerced sex, forcing a survivor to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children

3.6 **Financial abuse** – this could include controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim's name, allowing no say on how monies are spent, refusing to allow them to study or work.

3.7 **Psychological and emotional abuse** can have a profound impact upon victims and children. It can leave a victim with little confidence that they can do anything to change the situation.

Examples are: Creating isolation e.g not allowing them to see other people, preventing them from making their own friends, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them.

- 3.8 **Controlling behaviour** - A range of acts 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 and regulating their everyday behaviour.
- 3.9 **Cohesive behaviour** – An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victims. It includes forced marriages and so called “honour violence”.
- 3.10 Any form of domestic violence or abuse is unacceptable, and this policy is applicable whatever the nature of the intimate relationship.
- 3.11 It is recognised that majority of the victims of domestic abuse are women, although a significant proportion of men are affected, and this policy applies to men and women equally.

4 What residents can do to get help and support

- 4.1 You can report domestic abuse to us, the police and your local council.
- 4.2 Leaving an abusive relationship may be a hard thing to do and people may find it hard to accept that they are a victim of domestic abuse or violence. Help is available and whatever you decide to do, CDS will do what it can to assist you.
- 4.3 Apart from contacting us, the police or your local council, there are several places you can turn to for help – *see appendix 1*.
- 4.4 All the agencies listed in appendix 1 will prioritise your safety and confidentiality. They will help you explore your options and think about the decision you want to make.
- 4.5 Always dial 999 in an emergency. The police have a duty to protect and help you if your partner, ex-partner or family member is harassing, hurting, or threatening you or your children.
- 4.6 All police forces should have specially trained experienced domestic violence officers who will also contact you, keep you informed of what is happening and follow up the investigation.
- 4.7 We recommend that you get your own legal advice. This is particularly important for housing advice if you have a joint tenancy, are a joint leaseholder or joint homeowner with the person who is abusing you.

5 What CDS can do to help

- 5.1 When we receive a report of an incident of domestic abuse, we will contact the resident within **1 working day** of receiving the report to discuss the options available to the resident.
- 5.2 The Housing Officer is the first point of contact when reporting domestic violence or abuse. People experiencing domestic abuse can meet staff in confidence at an agreed choice of safe venue.
- 5.3 CDS will signpost the individual experiencing domestic violence or abuse to relevant organisations to provide advice and support as appropriate.
- 5.4 We will treat each case sensitively, sympathetically and in a non-judgemental manner, in accordance with individual's needs.
- 5.5 We will agree the method of contact that the individual wishes us to use to stay in contact with them.
- 5.6 We will endeavour to provide improved security where required to a resident's home in conjunction with partner agencies.
- 5.7 We will make a referral to our internal Welfare Benefit Advisor for any required support relating to financial issues.
- 5.8 We will agree an action plan with the person experiencing domestic abuse, monitor the situation and review at a frequency agreed with them.
- 5.9 We will report incidents to the police on behalf of individuals or support them in doing so (with their permission), where they feel too intimidated to report incidents themselves.
- 5.10 If we believe there is a safeguarding concern of an adult at risk or a child at risk living in the property where domestic violence abuse is taking place, we have a duty of care to raise this concern with the Local Authority (see the safeguarding policy).
- 5.11 Within CDS allocation policy, we have no provision for emergency or temporary housing. We will advise residents to contact their local authority's homeless person's service in cases where emergency temporary accommodation is required (for example refuges) if they cannot remain in their home and wish to move.
- 5.12 We will advise residents to seek their own legal advice in respect of their tenancy.

- 5.13 We will provide training for staff to ensure they are familiar with our policy and procedures on domestic abuse.
- 5.14 We will ensure that any staff experiencing domestic abuse are supported.
- 5.15 When dealing with domestic abuse full consideration will be given to our safeguarding responsibilities, details of which are included in the Safeguarding Vulnerable adults and children Policy.

6 Action against perpetrators

- 6.1 Domestic abuse is still a largely hidden crime and difficult to assess. Measuring the true scale of the problem is not only hampered by the reluctance of victims to report their experiences but also there is not a specific criminal offence which captures domestic abuse. There are, however, a number of possible offences for which perpetrators could be prosecuted depending on the specific acts, ranging from murder, rape and manslaughter through to assault, harassment and threatening behaviour.
- 6.2 CDS will adopt a multi-agency approach in dealing with perpetrators of domestic violence against its residents. This will include working with the police and the appropriate local authority departments and other organisations and agencies as required.
- 6.3 Domestic abuse is a breach of the Tenancy Agreement. The enforcement action taken against perpetrators (where evidence is available) will depend upon the individual circumstances. This will only be done in cases where we can do so without compromising the safety of the individual, and we will work closely with partner agencies and keep them informed of any action taken.
- 6.4 The actions taken may include: -
- Possession proceedings
 - Injunctions and exclusion orders
 - Issuing warnings to enforce tenancy conditions.

7 Residents' legal right

- 7.1 Victims of domestic violence or abuse can apply for any of the following:
- **Occupation order** - the order controls who stays at the family home, who can return and who should be excluded.
- Non-molestation order** – can protect a person and any relevant child from violence or harassment. A person can obtain a non-molestation order against someone who has not been physically violent, but has been harassing, intimidating or pestering them.

- **Restraining order** – this is made when there is a need for the order to protect a named person or persons from harassment or conduct that will put them in fear of violence.

- **Domestic Violence Protection Order** – can prevent a perpetrator from returning to a residence, and from having contact with the victim, for up to 28 days. This allows the victim some time to consider their options, and to engage with some support.

7.2 Specialist domestic abuse support agencies can provide advice of solicitors with experience in family law to help residents experiencing domestic violence apply for one of the above orders (refer to appendix 1 – support agencies).

8 Multi agency working

8.1 Domestic abuse cannot be tackled in isolation and we acknowledge that dealing with issues of domestic abuse requires a co-ordinated partnership approach.

8.2 CDS will endeavour to engage in good practice and work with all relevant agencies when dealing with domestic abuse, such as making referrals to MARACs (Multi Agency Risk Assessment Conferences).

8.3 **Multi Agency Risk Assessment Conference (MARAC)** – A MARAC is a meeting which combines up to date information sharing with a comprehensive assessment of a victim's needs, and links these directly to the provision of appropriate services for all those involved in the case; victim, children and perpetrator.

8.3.1 Only people identified as high risk are referred to MARAC. It includes a domestic abuse specialist (Independent Domestic Violence Advisor - IDVA), police, children's social services, health and other relevant agencies.

8.3.2 Referrals can be made to a local MARAC by any frontline agency representative that undertakes a risk assessment with a victim, and thereby determines that their case meets the high-risk threshold.

8.3.4 Any referrals to MARAC will be made after discussion with, and consent from, the victim. However, if consent is not granted and there is an immediate or potential risk (to the victim or the victim's family) a referral may be made without the consent of the victim to protect them and their family from potentially serious harm.

8.3.5 Referral is based on: -

- **Professional judgement** - a staff member can make a referral based on their professional judgement
- **Escalation** - any agency can make a referral based on escalation (the number of police callouts to the victim as a result of domestic violence in the past 12 months)
- **Visible high risk** - when a victim is assessed with a score of 14 or above using the Domestic Abuse, Stalking and Honour Based Violence risk assessment checklist

(DASH) - a tool created for the police and non-police agencies when identifying and assessing victims of domestic abuse, stalking and harassment and honour based violence).

- 8.3.6 The purpose of DASH risk checklist is to give a consistent and simple tool to practitioners who work with adult victims of domestic abuse in order to help them identify those who are at high risk of harm and whose cases should be referred to a Marac meeting in order to manage their risk.
- 8.3.7 The DASH checklist can be found on Safelives website at www.safelives.org.uk (the UK wide charity dedicated to ending domestic abuse for everyone).
- 8.3.8 When making a referral, staff should complete a MARAC Referral form and send via secure means to the relevant Marac and not to Safelives.
- 8.3.9 Staff can also contact the Independent Domestic Violence Advisor (IDVA) for the local authority where the victim lives for advice in relation to MARAC / cases of Domestic Abuse.

9 Customers right to appeal

- 9.1 If a resident is dissatisfied with our response in tackling domestic violence or abuse, they can make a complaint via the CDS Complaints policy.

10 Equality and diversity

- 10.1 Domestic violence or abuse can be traumatic for everyone involved with it and CDS will ensure that this policy is applied fairly and consistently and will not directly or indirectly discriminate against any person or group in line with equality laws and principles.
- 10.2 We will act sensitively toward the diverse needs of individuals and communities and will take positive action or make reasonable adjustments, where appropriate (i.e. where a resident is vulnerable).

11 Monitoring and continuous improvement

- 11.1 This Policy will be reviewed every three years, unless legislation, business or sector developments require otherwise, ensuring that it continues to meet its objectives and take account of good practice developments.

- 11.2 Information on cases will be logged and kept secure on our housing management system.
- 11.3 A case will be closed when it has either being resolved by whatever means or there is no further action which can be taken.
- 11.4 A clear conclusion is important to all concerned and ideally, the person experiencing domestic abuse should be satisfied with the result, but some cases will have to be closed even though they are not satisfied. This may be due to insufficient evidence to support further action, whether legal or otherwise.
- 11.5 The CDS Board of Management receives a dashboard of key performance indicators at each meeting, which includes information about ASB and domestic violence or abuse.
- 11.6 The Services Committee of the Board of Management receives commentary to accompany the monthly performance dashboard which provides analysis and proposes actions to improve performance on a variety of housing management areas, including ASB and domestic violence or abuse.
- 11.7 The Housing Officer will ensure written details of all actions taken, copies of letters, notes of interviews, and evidence are kept on our Housing Management system.
- 11.8 Formal closure of a case will be in writing. The case should be discussed with the Housing Services Manager before it is closed.

12 Confidentiality

- 12.1 CDS will collect and process data in line with our current Data Protection Policy.
- 12.2 All information provided will be treated with confidence and will only be passed to external agencies with prior consent.
- 12.3 All information provided will be treated with confidence and will only be passed to external agencies with prior consent.
- 12.4 Personal information may be shared between agencies without the consent of the person concerned where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone.
- 12.5 CDS is committed to working in partnership with the police, social services, and other relevant organisations in accordance with their local procedures and information sharing protocols. This is essential to enable these organisations to carry out their statutory duties to investigate concerns and protect vulnerable people.

13 Legislation and Regulation

13.1 This policy takes into account the following legislation, and staff are encouraged to refer to these where required.

- Domestic Violence, Crime and Victims Act 2004
- Protection from Harassment Act 1997
- The Family Law Act 1996
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- The Data Protection Act 1998
- The Housing Act 1996
- The Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act 2014

14 Associated policies and procedures

The following procedures are associated with this policy:

- ASB Procedure
- Allocation Sign up / lettings procedure
- Safeguarding procedure

The policy is supported by:

- Allocations policy
- Complaints policy
- Data protection policy
- Safeguarding policy
- ASB policy
- Lone working policy
- Staff wellbeing policy

Version control

Date	Amendment	Version control

Appendix 1 – support agencies:

National Domestic Abuse helpline:	0808 200 0247
Women’s Aid national helpline:	0808 2000 247
Male Advice and Enquiry line:	0808 801 0327
Victim Support:	0808 1689111
SaveLives	0117403 3220
Rights of Women – legal Advice (national – family law)	020 7251 6577

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