

Supplementary Agenda



Meeting name	Meeting of the Cabinet
Date	Wednesday, 14 September 2022
Start time	4.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire. LE13 1GH
Other information	This meeting is open to the public

Meeting enquiries	Democratic Services
Direct Dial	01664 502579
Email	democracy@melton.gov.uk

No.	Item	Page No.
9.	<p>DOMESTIC ABUSE The Portfolio Holder for People and Communities (Deputy Leader) to submit a report updating Members on the Domestic Abuse New Burdens Funding and outlining practices currently underway to fulfil new duties and responsibilities under The Domestic Abuse Act 2021.</p>	1 - 36

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Cabinet

14th September 2022

Report of: Councillor Malise Graham MBE -
Portfolio Holder for People and
Communities (and Deputy Leader)

Domestic Abuse – Updates and Changes

Corporate Priority:	Excellent services positively impacting our communities
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision:	Yes
Subject to call-in	Yes

1 Summary

This report provides an update on recent legislative changes introduced by the Domestic Abuse Act 2021 and sets out how the Council is responding, to ensure duties on the Council are fulfilled; with a focus on safeguarding and protecting people who experience domestic abuse.

2 Recommendation(s)

Cabinet are asked to:	
2.1	Note the duties and responsibilities on the Council as a result of the Domestic Abuse Act 2021
2.2	Approve the updated domestic abuse policy and delegate to the Director for Housing and Communities, in consultation with the Portfolio Holder for People and Communities, authority to make any further amendments as required to reflect legislative changes
2.3	Confirm commitment to work towards achieving accreditation with the Domestic Abuse Housing Alliance (DAHA) and associated implementation plan (Appendix A)

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| 2.4 | To delegate authority to the Director for Housing and Communities in consultation with the Portfolio Holder for People and Communities, to oversee implementation and delivery of the DAHA implementation plan |
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3 Reason for Recommendations

- 3.1 To ensure compliance with legal duties and safeguarding responsibilities.
- 3.2 To work towards best practice in embedding domestic abuse awareness and response across services through accreditation with the Domestic Abuse Housing Alliance (DAHA).

Background

- 3.3 The Domestic Abuse Act 2021 placed extra duties on local authorities to protect and support people at risk of and experiencing domestic abuse.
- 3.3.1 Whilst many of the new responsibilities fall within the remit of Leicestershire County Council (LCC) as a Tier 1 Local Authority, all Councils across the county are required to work in partnership to enact the support functions related to domestic abuse. New burdens funding has been allocated to county and district councils to support this.
- 3.4 Responsibilities for Melton Borough Council include:
- Automatic priority need status to be given to anyone approaching as homeless and fleeing domestic abuse
 - Where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy
 - The Council will be required to assist LCC through collaboration and local leadership to ensure the [Domestic Abuse Reduction strategy 2022-2025](#) is implemented across our area of Leicestershire.
- 3.5 The Council has received new burdens funding of £32,364 in 2021/22 and again in 2022/23 to enact the new responsibilities owed by a local district / housing authority. This will support staffing costs in the housing options service, ensuring we fulfil our legal obligations in relation to the new commitments. During this time, the council will ensure a focus and commitment to increasing awareness and response to domestic abuse across the teams and a focus on treating domestic abuse as a priority.
- 3.6 All district and borough councils across Leicestershire are asked to work towards achieving accreditation with the '[Domestic Abuse Housing Alliance](#)' (DAHA) which will ensure a set of rigorous policies, procedures and practices are in place and embedded by April 2023. This accreditation is being funded by LCC subject to completion of the required elements by the deadline. An implementation plan has been developed and is included at Appendix 1.
- 3.7 The thematic lead for the response to Domestic Abuse will be the strategic lead for housing options and homelessness. The lead officer will ensure the work is monitored and consistently applied across the council.

4 Main Considerations

The 5 priorities of the Leicestershire Domestic Abuse Reduction Strategy 2022-2025¹ are:

1. Early Intervention and Prevention
2. Targeted Support
3. Reachable Services
4. DA Act (Part 4) - Safe Accommodation
5. Strong Partnership

The Council has updated its domestic abuse policy to reflect the new requirements.

The policy is currently being reviewed by the Council's Legal team to ensure all elements of the legislation have been included. Delegated Authority to the Director for Housing and Communities, in consultation with the Portfolio Holder for People and Communities is requested to make any further amendments as required to reflect legislative changes, ensuring effective policy version control and implementation at all times.

The summary below is how Melton BC will be involved with each of the 5 priorities:

5.1 Early Intervention and Prevention

- 5.1.1 Upskilling of front-line officers/staff. This involves Housing Options officers all being trained to a high level to create resilience within the team. (Levels to be determined in a training plan like safeguarding)
- 5.1.2 Increased awareness and confidence to report may lead to increase in staff disclosure for victims and perpetrators. The Council will need to ensure a safe and appropriate response to support staff
- 5.1.3 Promotion of the DA Toolkit and identification of Domestic Abuse Champions across the different teams within the council
- 5.1.4 Automatic priority need status to anyone approaching as homeless because of domestic abuse. This is already in place; staff are aware of the legal requirements but are not confident at completing risk assessments. As a result, the initial contact is not as strong as it could be.
- 5.1.5 Working with our contracting partners such as Axis to assist with early identification of domestic abuse.
- 5.1.6 An officer group to work towards accreditation for DAHA has been put together including officers from tenancy services, case management, HR and Community Safety

5.2 Targeted Support

¹ [Leicestershire Domestic Abuse Reduction Strategy 2022-2025](#)

- 5.2.1 To ensure that support is delivered to the groups where it is needed by feeding into county-wide consultations regarding demand and access.

5.3 Reachable services

- 5.3.1 Training of front-line staff using the principles of Making Every Contact Count (MECC)
- 5.3.2 Building and developing partnerships to deliver services across our borough and to the right sectors of our communities.

5.4 DA Act (Part 4) – Safe Accommodation

- 5.4.1 Working with our district and county colleagues to become accredited through the Domestic Abuse Housing Alliance (DAHA) and working towards a housing reciprocal agreement. This would ensure clear policies and procedures are set across the councils that are fair and transparent and addresses the right support for people affected by domestic abuse.
- 5.4.2 A commitment to further training on legal policies regarding security of tenure, right to a permanent home and advice on how to live safely and independently.
- 5.4.3 This will need support from senior leadership and members to reiterate this is a priority and ensure training and awareness is completed.

5.5 Strong Partnerships

- 5.5.1 Representation at the DA local Partnership Board. This is already in place.
- 5.5.2 To ensure data collection is consistent with our district colleagues and IT systems can capture this.
- 5.5.3 Demonstration of strong internal partnerships. This involves close working with Human Resources, Housing Options, Legal, Communications, Case Management, Tenancy Services, Community Safety and Customer Services to ensure a consistent, systematic approach is embedded across the council as everyone's responsibility in line with the wider principles of safeguarding.

5 Options Considered

- 5.1 The Council could choose not to work towards DAHA accreditation. This is not recommended as it would not demonstrate commitment to best practice in protecting and supporting victims of domestic abuse.
- 5.2 The Council must fulfil legal duties in relation to domestic abuse.

6 Consultation

- 6.1 This is a national policy which has been created with extensive national consultation. The role of Melton Borough Council is to ensure this is enacted at a local level. Regular

consultation is undertaken with DAHA and district colleagues to ensure it is always relevant and meets the needs of residents.

- 6.2 An operational group is in action to ensure any local issues are picked up and addressed

7 Next Steps – Implementation and Communication

- 7.1 A DAHA implementation Plan is included at Appendix 1.
- 7.2 A communications plan is part of the accreditation and will be refreshed every 12 months. Communications are part of the operational group enacting the implementation plan
- 8.3 Updates to be communicated to SLT and portfolio holder on a quarterly basis.

8 Financial Implications

- 8.1 The Council received £32,364 in 2021/22 and again in 2022/23 to enact the new responsibilities owed by a local district / housing authority. This will support staffing costs in the housing options service, ensuring our legal obligations in relation to the new commitments are fulfilled alongside supporting the delivery of the implementation plan as outlined in Appendix 1.
- 8.2 The grant will be managed within the homelessness service budget and will need to be spent in accordance with the grant conditions.

Financial Implications reviewed by: Corporate Services Manager

9 Legal and Governance Implications

- 9.1 The report sets out the new legislative requirements placed upon authorities through the DA Act.
- 9.2 The statutory guidance is issued under section 84 of the [Domestic Abuse Act 2021](#) ('the 2021 Act'). It is intended to increase awareness and inform the response to domestic abuse. It also conveys standards and promotes best practice.
- 9.3 Section 84(4) of the 2021 Act requires persons exercising public functions, to whom the guidance relates, to have regard to the guidance in the exercise of those functions. The statutory guidance should therefore be read in conjunction with other relevant guidance and codes of practice.
- 9.4 The updated policy is currently being reviewed by the Council's Legal team to ensure that all elements of the revised legislation are incorporated. Delegated authority to make any further amendments in line with the legislation is requested as part of this report.

Legal Implications reviewed by: Monitoring Officer

10 Equality and Safeguarding Implications

- 10.1 A full EIA is not required as the national policy would have undergone an equality impact consideration. A equality impact assessment was also carried out when the Domestic Abuse Policy was created in 2020. The changes made ensure the policy remains up to date and in line with legislative changes. It ensures a greater focus on domestic abuse and support for people experiencing domestic abuse.

11 Community Safety Implications

- 11.1 Domestic Abuse will be high on the agenda of the Community Safety Partnership and ensure that any potential victims are not treated as perpetrators and complaints dealt with accordingly.
- 11.2 Victims/survivors will feel listened to and that the council is assisting with their situation. This would mean that Melton Borough Council is assisting with the prevention, identification and reduction in harm for Domestic Abuse cases.
- 11.3 As outlined in the report, the work undertaken by Melton Borough Council will support the work for the county's Domestic Abuse Reduction Strategy.

12 Environmental and Climate Change Implications

12.1 n/a

13 Other Implications (where significant)

14 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	MBC unable to meet DAHA accreditation	Low	Marginal	Low Risk
2	Low levels of awareness and ineffective response to domestic abuse leading to victims being at risk	Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1	2	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Infrastructure in place in terms of operational groups within MBC. Constant communication with district colleagues across the colleagues to look at progress across colleagues
2	Policy, training, and communication focus. Oversight from lead officers and taken seriously as a safeguarding matter.

15 Background Papers

15.1 None

16 Appendices

16.1 Appendix 1: Domestic Abuse Housing Alliance Implementation Plan

16.2 Appendix 2: Domestic Abuse Policy and associated changes

Report Author:	Aysha Rahman , Leisure, Culture and People Manager
Report Author Contact Details:	01664 502502 arahman@melton.gov.uk
Chief Officer Responsible:	Michelle Howard , Director for Housing and Communities (Deputy Chief Executive)
Chief Officer Contact Details:	01664 504322 mhoward@melton.gov.uk

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DAHA Accreditation Plan

Objectives

Overall: *housing providers will equip themselves to intervene early and improve the lives of their residents who are subject to domestic abuse. The accreditation standards set out how providers can take steps to make this a reality, from establishing values and principles, to implementing training, policies and procedures for staff, to raising awareness in the community.*

As Domestic Abuse Commissioner, it is my role to raise public awareness about domestic abuse, hold agencies and government to account in tackling

The purpose of the framework is to ensure local authorities and housing providers embed a domestic abuse response at every level of their originations, so that all residents/tenants experiencing domestic abuse receive an effective, consistent, and supportive housing response.

To influence the values that guide the behaviour of MBC staff and Principles will show how we behave as individuals and as an organisation.

1	Policies and Procedures
2	Staff development and Support
3	Partnerships and Collaboration
4	Safety led case management
5	Victim survivor led support
6	Intersectional and anti racist practice
7	Perpetrator accountability
8	Publicity and Awareness Raising

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Implementation Plan

<u>Not started</u>	<u>In progress</u>	<u>Complete</u>
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	Strategic Objective and Task Required	Objective	Actions	Date for actions and progress	Comments	
Policies and Procedures						
Page 10	1.1	A Resident/ Tenant domestic abuse policy is in place & embedded in practice	Review current policy in line with DAHA accreditation standards Procedures for how the council responds to disclosures of Domestic Abuse	Policy created but needs updated. Comments have been sent to SJC. To go to MH for office delegation due to pre approved policy. With officer delegation Procedures to be revised (LS) and implemented across teams	14th sept to be completed	Policy out for comment for updates. To then be signed off by MH LS has sent RP a copy of the referral process. Training on DASH risk assessment booked for 21 st September across teams
	1.2	A Staff domestic abuse policy is in place	CBM has compiled a staff policy but both policies to reference perpetrators and support available To have policies as part of induction process	Policy has been to DAHA for approval. Now on work plan for SLT and Joint Staff Working Group Can HR have this as an onboarding?	30th Aug	Policy on work plan SOC looking into this

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		Item for checking contracted providers have training/awareness to deal with domestic abuse Identify level required of contractors and how we implement when issuing contracts	DS/CF to check with contractors what level of awareness they have re DA. Can this be interlinked with safeguarding requirements?	30 th Aug	
1.3	Procedures for responding to domestic abuse are in place embedded in practice	To have clear procedure for responding to DA	LS to do procedure of referral process – DONE Procedure to be discussed at working group as need to embed across teams. Team managers to identify training needs in accordance with referral process at working group	30 th Aug	Referral process established. To embed DASH risk assessment training booked 21 st September
		Sanctuary schemes – How do we deal with tenant safety and referrals for non-MBC tenants?	Procedure for sanctuary scheme for tenants	COMPLETED	Referral process in place
2. Staff development and Support					
2.1	All staff are aware of domestic abuse & how it impacts families	Case reviews of DA cases to understand staff awareness Team focus groups to understand what development they want Everyone within MBC to undertake the basic awareness training	Training procedure. Identify the courses needed for staff to attend	31 st Aug 31 st Aug	Managers to give staff referral process and identify training needs

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		Training courses to be identified for different job roles	<p>RP to get threshold of what case review means. Case reviews to be done within 1 month</p> <p>RP – procedure for case review</p> <p>Rachel and SOC to do list of training</p> <p>Training log – e learning recorded</p>	31st Aug	
2.2	Relevant staff receive domestic abuse training from specialists	Identify job roles to attend different level of training. In line with safeguarding clarification	<p>RP to contact healthy Homes officer re courses and send email agreeing to draft training plan</p> <p>RP and LS to work through training groups</p> <p>Training log – how are these courses logged? SOC</p>	7th Sept	<p>Training plan drafted.</p> <p>Now looking for courses to complete it</p> <p>HO and TS teams identified for courses</p>
2.3	Continued staff learning and development	Delivering trauma informed responses - HR			
2.4	Domestic Abuse Champions including Workplace Champions for staff	Identifying people within the organisation	Once policies launched to ask for volunteers to be DA Champions	30th Sept	
2.5	Staff wellbeing	Wellbeing policy that can be linked into	CBM to comment on this and reference	30th Aug	
2.6	Staff domestic abuse policy	As 1.2	SLT 6 th Sept and then JSWG	30th Aug	
2.7	Response to staff disclosures	Support for staff specific to DA in place	– offer details of EAP Need to refer to DA services	30th Aug	

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		To look in staff policy to see what can be offered to them and if anything specific on discretion	Formulate a response to a disclosure re a perpetrator (HR)		
3. Partnerships & Collaboration					
3.1	Shared governance and leadership	Community Safety Partnership. Have domestic abuse as a section on the partnership agenda	David Walker rep from EH	30 th Sept	
		DA Local Partnership Board - Attendance	RP to attend with LS as reserve	30 th May	MBC feeding into plan
		clear procedures for escalating any problems or decision making regarding the organisation's response to domestic abuse and to resolve issues for individual cases	Would this be involved in complaints or grievance process? (SOC)	30 th Sept	
3.2	Information sharing	Establish information sharing protocols? What do we have in place?	Do we need a combined ISA across teams? Guidance needed from information officers	30 th Sept	JAG and sentinel terms of agreement Police looking at an ISA
3.3	Participation in safeguarding and multiagency information sharing forums	MARAC review – Fully participate DA Working Group VARM.	Procedure for how we respond and refer to MARAC – RP	30 th Sept	

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		<p>JAG? Adults at risk? Safeguarding? Low to medium level DA cases. Do they get escalated if needed? Does MBC refer many cases in?</p> <p>Information sharing procedure in place for JAG VARM? AAR? Community Safety Partnership? – Need to look at this</p>	<p>Awaiting information from MARAC review</p> <p>Gather evidence of submissions to MARAC</p> <p>Minutes from VARM</p> <p>Minutes from JAG and</p> <p>Aar -multi agency info sharing, Attended by multi agency teams</p> <p>RP to speak to Maddy Shellard at H&B re MAPPA</p>	30 th Oct	
3.4	Referral Pathways and relationships	Relationships with DA providers. Referral pathways – See section 2 for procedures	Nominate a MARAC rep for the council		Strategic lead for housing options and homelessness
		To analyse the co location of LWA and Case Management and how can this be expanded upon into Housing Options	<p>RP to speak to Healthy Homes Officer re Freeva</p> <p>LS, RP to discuss and meet with</p>		Training booked to assist with this and booked onto service itnroductions

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3.5	Support for specialist domestic abuse and by and for Services Specialist	<p>Evidence that we are supporting local services and pushing referrals</p> <p>To refer through safeguarding route but clearly highlight it is a DA case</p>	<p>Info re contract for Phoenix House (LS)</p> <p>To have DA logged as a item on safeguarding log</p>	30 th Aug	<p>LS established procedure.</p> <p>To be embed across teams</p>
4. Safety led case management					
4.1	A case management system (CMS) that supports safe practice	<p>Procedure for logging DA cases</p> <p>Can we identify DA victims and perpetrators on IT systems? – NO. need to identify how we do this?</p> <p>Can DA be managed in a separate module to make it distinguishable from ASB. If not, how is this monitored Access MARAC minutes easily – No storage of minutes</p>	<p>RP to speak to Nick Evans and Amanda Challoner re security on NorthGate</p> <p>To have separate focus group on IT management with Amanda Challoner or appropriate rep</p> <p>To be included on procedure for ecins and in DA procedure (LS/DW)</p> <p>This is done on e cins RP to find out how this is done on Northgate</p> <p>DW to look at this for logging DA cases</p>	30 th Sept	
4.2	Non-judgemental and believing language	<p>To demonstrate there is no victim blaming. Responsibility of harm is on perpetrator and responsibility of support is on service providers</p> <p>Case review for percentage of DA cases per 2 months.</p>	<p>RP to do checklist of standards and outcomes and address training needs moving forward</p> <p>RP, LS, DW and DS. To not be reviewed by manager of team</p>	30 th Oct	<p>Policy checked by DAHA and with officer for delegated authority for approval</p>

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4.3	Risk identification and safeguarding	How are we referring into marac? Training log will identify who can do risk assessments and who has done level 1 and 2 training	RP to speak to Marac coordinator re referral into MARAC and access to Modus Recording onto safeguarding log with actions	30 th Aug	MARAC is under review at present and access to Modus has been difficult across the county. Feeding into county groups to resolve this Training booked for 21 st September re MARAC process
4.4	Recording information	Ensure markers on system		30 th Sept	
4.5	Case supervision	Review of DA cases on the system to ensure notes and risk assessments have been conducted appropriately Case reviews One to one's	RP to do set of standards for case supervision Team Leads – to embed across all teams. Notes to be made of case reviews and supervisions and collated	30 th Sept	
4.6	Data collection, monitoring and evaluation	The CMS can be used to collate and analyse data on the demographics of victims/survivors, perpetrators and children including all protected characteristics, to identify any gaps and target those groups. Safeguarding log	Identify systems used and can we break these categories down E cins Northgate OneVu		
5. Survivor led support					
5.1	Creating physical and emotional safety within the home	Details of conversations with victims. Offer of sanctuary schemes or option of moving Partnership working To demonstrate not just a hand off	Case review re actions taken from persons approaching DS, RP, LS, DW, CF Case review checklist	30 th oct	

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5.2	Creating physical safety with professionals or services	Partnership working To demonstrate not just a hand off		30 th oct	
5.3	Creating emotional safety, trust, and boundaries with professionals	Partnership working To demonstrate not just a hand off To provide all support information and document this even if back with perpetrator	Case reviews DW, DS, LS and RP	30 th oct	
5.4	Enabling autonomy and choice through a needs-based approach	Partnership working To demonstrate not just a hand off Making clear referral pathways to officers and training to ensure correct referrals are made	Training log and staff identified (RP and LS) Case reviews	30 th oct	
5.5	Collaboration, participation, and empowerment	Victim informed support services – Local DA Partnership on how this is working	RP to get feedback on this RP to collate information and ask Comms for how we share this on website	30 th oct	
6. Intersectionality and anti racist practice					
6.1	Embedding intersectional and anti-racist practice through values, principles, and policies	How does this happen across the council? Policies and practice that breaks down barriers to create a service accessible to all victims/survivors, particularly those from Black and minoritized communities.	LS to look at DA policies in line with intersectionality awareness session	30 th oct	To ensure policies are accurate and inclusive

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6.2	Creating intersectional & antiracist awareness and Understanding through staff training, development & support		Intersectional awareness – outcomes AR and LS to provide guidance		
6.3	Understanding the intersectional needs of residents/tenants through effective case management and data collection	Evaluating data recorded on CMS systems re demographics and assessing if this is typical of demographic of the borough and do our services meet the needs of the demographic the data represents	Can we record anything we have done for Ukraine and other languages? Data to be drawn from ecins and analysed in line with policies and procedures	30 th Oct	
6.4	Providing victim/survivor-led support that considers the intersectional needs of each victim/survivor	Links to groups within minoritized communities	RP – DA Partnership Board. To raise with Partnership Board re works being undertaken and how this links with Melton	30 th Nov	
6.5	Publicity and awareness raising	Ensuring that publicity material is in the main language of the area and can be translated if required		30 th Nov	
6.6	Removing systemic barriers	Ensuring that publicity material is in the main language of the area and can be translated if required	To understand main demographic of Melton	30 th Nov	

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7. Perpetrator accountability					
7.1	Values and principles reflect perpetrator accountability	Your choice group to reflect values and principles "We care, we innovate, we achieve"	Policies and procedures to state that perpetrators are responsible for their behaviour – RP and HR to follow up on this	31 st Jul	Policies out for comment
7.2	Identifying perpetrators of abuse and recording and sharing relevant perpetrator information	To be able to identify perpetrator and show how we sensitively share information	Collate no of referrals into the perpetrator programme – LG Access to modus – RP Perpetrators within Melton at MARAC – identify them on IT systems	30 th Oct 30 th Oct 30 th oct	
7.3	Enforcement action	DA policy – tenancy services how we respond to perpetrators	DS to gather case information re action taken against a perpetrator or summary of case involving a Melton tenant who is a perpetrator.	30 th Oct	
7.4	Positive engagement	To compile case review checklist	Case review of perpetrator and what action has been done (DS)		
7.5	Your Perpetrator response does no harm to victims/survivors	To seek advice on how this can be monitored and evaluated		30 th Nov	
8. Publicity and awareness raising					

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8.1	Publicising your domestic abuse response with tenants/residents	Tenant newsletter to publicise UAVA	DS to speak with Leslie Armstrong re next edition RP to have a number of articles from abuse services that we can use as well as publicising the work MBC is undertaking		
8.2	Targeting your communications to reach everyone	Comms Plan for DAHA and beyond to be drawn up and submitted to comms Corporate messenger Sept Agenda items on team meetings Posters round the building DA Awareness week octo. Website, dedicated page for DA on melton.gov	RP to draw up comms plan in line with national campaigns and that of LWA and FREEVA RP and LS to receive promotional material from UAVA for Phoenix House and Parkside AA might have some contacts/resources Neighbourhood support officers – ambassadors for men’s DA	30 th sept	With Healthy Homes Officer re regional and national campaigns
8.3	Awareness raising: hosting, organising, and supporting	The organisation regularly takes part in and organises awareness raising or fund-raising events or campaigns	Social media campaign To have access to FREEVA, Womens Aid and LWA	30 th Sept	

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	events and campaigns	about domestic abuse and coercive control.	campaigns so can link in with them. Can Healthy Homes Officer assist with this?		
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**Melton
Borough
Council**

Helping people | Shaping places

DOMESTIC ABUSE POLICY

Final Draft, subject to legal review

Service Area	Housing & Communities
Policy Owner	Strategic Lead for

		Homelessness and Housing Options	
Introduced	2020	Last Reviewed	06/07/2002
Version	One	Review Date	2025

Final Draft, subject to legal review

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1. Introduction

1.1. Three simple facts that are difficult to read:

- domestic abuse is a leading cause of homelessness for women in the UK;
- two women are killed by their partner or ex-partner every week; and
- one in four women and one in six men experience domestic abuse in their lifetime.

1.2. Research shows that domestic abuse is known to escalate in severity and frequency over time - the sooner it is identified and responded to, the better. That is where a local authority like Melton Borough Council comes in - we want to build on the unique and close relationship with our residents.

1.3. Whilst the human cost is immeasurable, tackling domestic abuse makes business sense, too. 60% of survivors of domestic abuse are in rent arrears of £1k or more. Early intervention to support people who are experiencing domestic abuse helps sustain tenancies and build safe, thriving communities.

2. Scope and Purpose of the Policy

2.1. This policy sets out how the Council will take steps to assist and support any person suffering from or threatened with domestic abuse. It applies to all customers of the Council, including all tenants and non-tenants living in our properties.

2.2. It sets out how the Council will work in partnership with domestic abuse services, police, registered housing providers to address the issues that are caused by domestic abuse.

2.3. This policy will assist the Council in monitoring and continually improving its performance in identifying and responding to reports of domestic abuse.

2.4. The policy is intended to invite, empower and enable victims/survivors to disclose their experiences safe in the knowledge they will be believed, validated and supported to make choices

2.5. 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 cases of suspected child abuse staff will refer to Melton Borough Council's Safeguarding policy. In all cases of domestic abuse, staff will also refer to Melton Borough Council's Safeguarding policy.

3. Strategic Context

3.1. This policy will assist the Council to meet the long-standing aspirations

within its Corporate Plan, particularly:

“Excellent services positively impacting on our communities.”

“Continue to consolidate high-volume customer facing services into a single directorate.”

“Refocus community support services to respond to Covid impacts including increased unemployment, and increased financial, mental wellbeing and physical health needs.”

3.2. It will also assist the Council to meet aims within its Community Safety Partnership Plan:

“Continue to focus on reducing repeat victims of Domestic Abuse and increase awareness of Interpersonal Violence and how to access services.”

4. Legislation and Guidance

4.1. The Domestic Abuse Act 2021 has created a statutory definition of Domestic Abuse:

Behaviour by a person (“A”) towards another person (“B”) is “domestic abuse” if -

- a) A and B are aged 16 or over and are personally connected; and
- b) the behaviour is abusive.

4.2. This can encompass, but is not limited to, the following types of abusive behaviour:

- physical or sexual abuse;
- violent or threatening behaviour.
- controlling or coercive behaviour;
- economic abuse; and
- psychological, emotional or other abuse. (See Appendix A for expanded definitions)

4.3 The Domestic Abuse Act 2021 included several offences including a non-fatal strangulation offence. Further details can be found in Appendix A

4.3. The Housing Act 1996 created a new ground of domestic violence, giving registered social landlords the power to evict a perpetrator of domestic abuse, whether or not they are a joint or sole tenant of the property.

4.4. Melton Borough Council has legal responsibilities in managing personal data. We recognise that incidents of domestic abuse are extremely sensitive,

private incidents for survivors to disclose and will ensure confidentiality on any cases that are disclosed (with reference to section 7 of this policy). There will be some occasions where information will have to be shared with other partner organisations. Information is available on our website:

[Domestic Abuse](#)

5. Equality and Diversity

5.1. The Council recognises that it supports a diverse range of people including those who are vulnerable and in highly stressful personal circumstances. It will therefore:

- ensure that all individuals and households are treated sympathetically and with courtesy and respect;
- be sensitive and respond to the individual needs and circumstances of the people using its services; and
- monitor its services and the outcomes for people using them in order to ensure that they are fair and responsive to needs.

5.2. To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and available in other formats such as large print, tape and Braille, as needed.

5.3. The council will also access specialist organisations supporting minority communities. Further details of such agencies can be found in Appendix B

6. The Policy

6.1. Our Approach

We believe that no one should live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. The Council believes it can make a stand in its community safety role (i.e. as a community leader) and as a landlord. Above all, we have a 'zero tolerance' approach to domestic abuse.

6.2 Housing Needs

A person experiencing domestic abuse may be able to remain in their own home, if it is safe to do so. However, there may be occasions where temporary accommodation is required whilst safety measures are being put in place.

Staff will follow the attached procedures as mentioned in section 8 and refer into the relevant specialist agencies where required.

6.3 Legal Action

6.3.1 In terms of any criminal investigation, input and assistance from the relevant Housing and Neighbourhood Services teams will be given to the Police on request and as set out in this policy.

6.1.1. Injunctions

Injunctions against the perpetrator can be sought by the person experiencing domestic abuse, who will need to give a statement and attend Court, as follows:

- via the services of a local solicitor;
- by applying directly to the Courts (<https://www.gov.uk/government/publications/form-fl401-application-for-a-non-molestation-order-occupation-order>), representing themselves, and engaging the services of a process server; or
- through the National Centre for Domestic Violence, who will prepare the statement on their behalf.
- FLOWS – Finding Legal Options For Women Survivors

In cases of domestic abuse, an injunction would normally involve the perpetrator being not allowed to come into the locality of the survivor's home.

From a Landlord perspective, injunctions would be more appropriate where the perpetrator is a household member and not a tenant of the Council. Where relevant an interim injunction will be sought pending the outcome of a possession hearing.

6.1.2. Eviction of perpetrator - Landlord role

Perpetrators may have their own vulnerabilities. It is important that should a case arise, the support needs of the perpetrator are considered at the earliest stage. When considering any form of legal action we will endeavor to undertake a proportionality assessment to ensure action is necessary and proportionate and that we have considered the Human Rights Act 1998 and the Equalities Act 2010

We will make use of appropriate tools and powers to sanction and support those who are perpetrators of domestic abuse, including injunctions, Notice of Seeking Possession, and possession proceedings. Options which may include eviction of a perpetrator will be discussed with the resident experiencing domestic abuse and they will be reassured of necessary support from the Council or other agencies.

Approval to seek a possession order with a view to eviction should be sought from the Tenancy Services Manager. Considerations including the survivor's wishes,

evidence of abuse, other breaches of other tenancy obligations, under-occupation and any known vulnerabilities of all involved will be taken into account.

Where seeking possession is the agreed route, an appropriate Notice of Seeking Possession will be served on the perpetrator if they are a joint or sole tenant.

If the property is not vacated by the effective date of the Notice of Seeking Possession, then action for possession will be instigated.

6.1.2.1. In some cases, it may be appropriate to advise a survivor of domestic abuse to end their joint tenancy. This route would only be considered if the survivor had already left the property and had no intention to return while the perpetrator remained. This would assist in limiting financial abuse by ending the survivor's liability for any rent due from the date of the tenancy termination. Following this date, the perpetrator would have no right to remain in the property and proceedings for possession could be instigated for unlawful occupation.

6.1.2.2. Should the survivor approach the local authority as homeless they will not be deemed "Intentionally homeless".

6.2. Responsibilities

6.2.1. We will provide support and assistance to residents experiencing domestic abuse as described in this policy.

Where residents fail to engage and show no signs of a willingness to engage, it is important to remember that there are a number of reasons this may happen. This can include:

- Fear of the abuser and/or what they will do
- Lack of experience or knowledge of other victims who have successfully left an abusive partner
- Doubt about the impact of any action taken by Police or the courts, and fear of pressure to pursue a criminal case
- Lack of knowledge/access to support services
- Lack of resources, financial or otherwise
- Fear of not being believed
- Love, loyalty, attachment towards their partner and the hope that they will change
- Feelings of shame or failure
- Pressure from family/children/friends
- Religious or cultural expectations
- Long term effects of abuse e.g. self-neglect, depression, low self esteem
- Drug and/or alcohol addiction
- Anticipated impact on children, or fear of losing contact with children/other relatives/friends

- Fear of being stigmatized
- Fear of moving out of the area and changing the environment for any children within the family
- Where an individual refuses support we may continue to provide other relevant housing management support, which might address some of their support needs. Examples may include:
 - A welfare benefit referral if there is an element of financial abuse
 - Tenant and family support referrals where needed

6.2.2. All tenants of the Council are responsible for adhering to their tenancy agreement. Breaches of the tenancy agreement will be addressed in accordance with the relevant policy, ensuring any action taken is reasonable and proportionate given the tenant's circumstance and the impact of their tenancy breach.

6.2.3. Perpetrators of domestic abuse can access specialist support if they acknowledge their behaviour, want to change and consent to a referral being made. However, the council will pursue the relevant orders as detailed in 6.1.1.

6.2.4. If the perpetrator is our tenant and the individual experiencing abuse has fled the property (the individual may be a joint tenant or household member), we will assess the risk to the household member or any children or dependant household members, in the case that we take action against the perpetrator. 11.3. The lead officer should speak to their line manager and legal department for advice on legal cases.

7. Confidentiality

In the operation of this Policy, information will be treated as confidential between the various agencies in line with their normal working practices. However, it must be remembered that public interest and the statutory duties of agencies can at times override the duty of confidentiality via the information sharing protocol.

The purpose of sharing information is to accurately assess and address the risks posed by a perpetrator to their victim/survivor and to meet the needs of the whole family. Consent will not always be the appropriate lawful basis to share information but good practice means the victim/survivor should be informed of what, when, why and with whom their information is shared.

The Domestic Violence Disclosure Schemes (DVDS), also known as 'Clare's Law', allows Police to disclose to individuals the details of their partner's abusive past, in order that they can make an informed decision about their situation. For more information, please see <https://www.met.police.uk/advice-and-information/domestic-abuse/clares-law-and-requesting-domestic-violenceoffender-data/>

8. Related Policies and Documents

Teen Abuse Leaflet

Living without Abuse (link: <http://www.lwa.org.uk/>)

The Bridge Housing Services (link: <https://www.thebridge-eastmidlands.org.uk/>)

MBC Safeguarding Policy

Equality and Diversity Policy

Corporate MBC Enforcement Policy

Melton Borough Council Staff Domestic Abuse Policy

9. Review

This Policy will be reviewed every year, unless legislative or regulatory changes require an earlier review. If Council staff become aware that there are problems with effective operation of the Policy or the associated procedures, they should report this to the Policy Owner. This feedback will be incorporated into the Policy / procedural review process.

Final Draft, subject to legal review

Appendix A

TERMS AND DEFINITIONS

The Domestic Abuse Act 2021 describes that:

1. Behaviour by a person (“A”) towards another person (“B”) is “domestic abuse” if –
 - A and B are each aged 16 or over and are personally connected; and
 - the behaviour is abusive.

2. Behaviour is “abusive” if it consists of any of the following:
 - physical abuse (*including for example hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder*);
 - sexual abuse (*including for example rape and coerced sex, forcing person B to take part in unwanted sexual acts, refusal to practice safe sex or use contraception*);
 - violent or threatening behaviour (*such as intentionally putting person B in fear of physical or mental harm, injury or material loss*);
 - controlling behaviour (*this could include 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*);
 - coercive behaviour (*including for example acts or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten person B*);
 - economic/financial abuse (*see section 3 below*); and
 - psychological, emotional or other abuse (*such as creating isolation for example by limiting or preventing other social activities and relationships, use of threats such as to spread rumours or to cause physical harm, humiliation and undermining the person’s confidence*).

3. “Economic/Financial abuse” means any behaviour that has a substantial adverse effect on B’s ability to –
 - acquire, use or maintain money or other property;
 - Making her / him beg for money
 - Threatening to kick her / him out of house
 - Withholding information regarding welfare benefits by isolating her / him
 - Running up debts in her / his name
 - obtain goods or services
 - Withholding money for basic necessities

4. 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).

5. Two people are “personally connected” if any of the following applies –
 - they are, or have been, married to each other;

- they are, or have been, civil partners of each other;
 - they 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);
 - they are, or have been, in an intimate personal relationship with each other;
 - there is a child in relation to whom they each have a parental relationship;
 - they are relatives.
6. A person has a parental relationship in relation to a child if –
- the person is a parent of the child; or
 - the person has, or has had, parental responsibility for the child.
7. The Domestic Abuse Act 2021 states:–
- “child” means a person under the age of 18 years;
 - “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “parental responsibility” has the same meaning as in the Children Act 1989; and
 - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
8. The government’s definition of domestic abuse from 31 March 2013, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and recognises that it is clear that people experiencing or surviving domestic abuse are not confined to one gender or ethnic group.
9. It must also be recognised that although persons aged under 16 are not included in the government’s 2013 definition, domestic abuse can have a huge impact on children and young people under 16 in the household.

Offences included under The Domestic Abuse Act 2021

PART 6 Offences involving abusive or violent behaviour

1. Controlling or coercive behaviour

1. 68. Controlling or coercive behaviour in an intimate or family relationship

2. Disclosure of private sexual photographs and films

1. 69. Threats to disclose private sexual photographs and films with intent to cause distress

3. Offences against the person

1. 70. Strangulation or suffocation

71. Consent to serious harm for sexual gratification not a defence

Appendix B

FURTHER INFORMATION ON SERVICES

Leicestershire Police

- In an emergency call 999
- Non-emergency contact number: 101
- www.leicestershire.police.uk/page/domestic-abuse

Out of Hours Emergency Accommodation for Melton Borough

- 01664 502502

National services

- National Centre for Domestic Violence: free 24hr legal helpline specialising in obtaining injunctions. Call 0800 970 2070 or text 'NCDV' to 60777 for a call back, www.ncdv.org.uk.
- Women's Aid: 24hr helpline on 0808 2000 247 run by Women's Aid and Refuge, or email (with 5 day response time) helpline@womensaid.org.uk. Access 'The Survivor's Handbook' at www.womensaid.org.uk/the-survivors-handbook/.
- Refuge: helpline as above, or email helpline@refuge.org.uk, www.refuge.org.uk.
- Men's Advice Line: for men experiencing domestic abuse. Call 0808 801 0327 (Monday to Friday 9am to 5pm) or email info@mensadvice.org.uk (two day response time), www.mensadvice.org.uk.
- ManKind Initiative: helping men escape domestic abuse. Call 01823 334244 (Monday to Friday, 10am to 4pm), www.mankind.org.uk.
- Galop: LGBT+ domestic abuse helpline on 0800 999 5428 or email help@galop.org.uk, chat online at www.galop.org.uk (Monday to Friday 10am to 5pm, Wednesday and Thursday also 5pm to 8pm).
- Karma Nirvana: support for victims of honour-based abuse and forced marriage. Call 0800 5999 247 (Monday to Friday 9am to 5pm) or email info@karmanirvana.org.uk, karmanirvana.org.uk.
- Childline: helpline on 0800 1111, chat online to a counsellor or email via www.childline.org.uk.
- The Hideout: an online space created by Women's Aid for children and young people, thehideout.org.uk.
- Civil Legal Advice (CLA): advice as part of legal aid. Call 0345 345 4345 (Monday to Friday 9am to 8pm) or text 'legalaid' and your name to 80010 for a call back, www.gov.uk/civil-legal-advice.
- Health services

Should you contact any of these services and find they are no longer in existence or their provision has significantly changed, please contact the Council's customer services team on 01664 502 502.

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