



**Melton
Borough
Council**

Helping people | Shaping places

DOMESTIC ABUSE POLICY

DRAFT

Service Area		Housing & Communities	
Policy Owner		Tenancy Services Manager	
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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 have a 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 violence or 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 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.

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. Following government consultation a draft Domestic Abuse Bill 2019-21 was published in July 2019, proposing the following 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. The draft Bill includes in this definition behaviour by A that is directed towards another person, such as B’s child.

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. There is no offence of ‘domestic abuse’; however in February 2018 the Sentencing Council revised its definitive guidance on domestic abuse in, recognising that an offence can be seen as more serious if it involves domestic abuse.

4.4. 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.

4.5. 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 report and will ensure total confidentiality on any cases that are reported (with reference to section 7 of this policy). Information is available on our website: www.melton.gov.uk

4.6.

5. Equality and Diversity

5.1. The Council recognises that it deals with 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.

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. Common Principles

The Council adopts these common principles:

6.2.1. As a local authority

We will:

- a) Enable people to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party such as a police officer.
- b) Ensure that people experiencing domestic abuse are provided with information on appropriate services as early as possible (see Appendix B) and are given advice to allow them to make choices about what to do next. This will include:
 - Contacting the police if not already done so;
 - Completion of the Domestic Abuse Stalking and Harassment form (DASH) to assess risk;
 - Options for short and longer term housing and property security;

- Advice on welfare benefits;
 - Legal options and where to get advice;
 - Referral to the Women's Aid Integrated Services (WAIS), or other appropriate service provider; and
 - Referral to or advice on how to self-refer to the National Centre for Domestic Violence.
- c) Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible in line with the relevant policy.
 - d) Follow the relevant safeguarding procedures if we believe a child, young person or vulnerable adult is at risk due to an abusive relationship.
 - e) Where a report of domestic abuse is received via a professional third party e.g. a police officer, we will seek to establish from the third party what details have been taken, what support is in place and what is required from us. Where required we will then contact the person experiencing domestic abuse directly and offer support.
 - f) Share information with and attend Multi Agency Risk Assessment Conferences (MARAC). For cases which meet the MARAC risk rating threshold or if we have child protection concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the person experiencing domestic abuse, we will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc.).
 - g) We will recommend a person experiencing domestic abuse contacts the Police, but do not insist on this as we understand this may re-victimise them, leaving them to feel they have no control over their own decisions. However, where there is concern about serious harm a referral will be made to the Police and/or MARAC and/or adult/children safeguarding without consent.
 - h) Where a need for additional home security (e.g. security lights, window locks) is identified, permission will be sought immediately from the property owner or landlord, or granted if the Council is the landlord, subject to agreement on who will maintain such items. Use of a Sanctuary Scheme will be considered where appropriate.
 - i) Support survivors of domestic abuse to rebuild their lives by working in partnership with them and other support agencies.
 - j) On a case by case basis the Council may consider that a perpetrator of domestic abuse does not qualify to join the housing register on the grounds of anti-social or criminal behaviour, in line with section 6.5 of our Housing Allocation Policy.
 - k) Publicise our approach, both in print and digitally, to raise awareness amongst staff and residents, with the aim of increasing reports of domestic abuse.
 - l) Make domestic abuse awareness training available for all frontline staff working with residents.

6.2.2. As a landlord

We will:

- a) Attempt to identify a resident experiencing domestic abuse at the earliest stages of a tenancy and will deal sensitively with any history of domestic abuse. If a history is disclosed additional security measures will be considered.

- b) Agree an action plan with the resident experiencing domestic abuse, monitor the situation and review at a frequency agreed with them.
- c) Ensure that residents experiencing domestic abuse know that they can meet staff in confidence at our offices or at an agreed choice of safe venue.
- d) In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by the Council in line with the relevant policy. Although a crime reference number is usually required, in exceptional circumstances, the Tenancy Services Manager has the authority to waive this condition. Any damage should be photographed and noted and a recharge raised to the perpetrator. Where appropriate, the Council may seek to take direct action against the perpetrator and report the damage to the police as a crime.

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.

6.3.2. 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.

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.

6.3.3. Eviction of perpetrator - Landlord role

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, serious 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.

- 6.3.3.1. 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.

6.4. Responsibilities

- 6.4.1. We will provide support and assistance to residents experiencing domestic abuse as described in this policy. Residents are responsible for working with us and any support agencies involved.

Where residents fail to engage and show no signs of a willingness to engage, and where the behaviour is having an impact on neighbours, we may consider addressing the behaviour under the relevant anti-social behaviour (ASB) legislation.

- 6.4.2. 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.

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.

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/>)

Safeguarding Policy

Equality and Diversity Policy

Corporate Enforcement Policy

9. Review

This Policy will be reviewed every three years, 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.

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Appendix A

TERMS AND DEFINITIONS

The draft Domestic Abuse Bill 2019/21 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. In the draft Domestic Abuse Bill –
- “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.

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

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@mensadviceline.org.uk (two day response time), www.mensadviceline.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.