



**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

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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.

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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.