

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: Domestic Abuse Policy

Date: 17 June 2020

Lead Officer: Depute Chief Executive

Review Date: June 2023

Regulatory Standards: Standard 1

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Guidance

- 1.1 The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- 1.2 The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- 1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- 1.4 All governing body members accept collective responsibility for their decisions.
- 1.5 All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- 1.7 The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

The Scottish Social Housing Charter 7, 8 and 9: Housing Options

Social landlords work together to ensure that:

- People looking for housing get information that helps them make informed choices and decision about the range of housing options available to them
 - Tenant and people on housing lists can review their housing options
- Social landlords ensure that:
- People at risk of losing their homes get advice on preventing homelessness

10: Access to social housing

Social landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

Contents	Page
1. Introduction	3
2. Aims of policy	3
3. Definition	3
4. Scope of policy	4
5. Equality & Diversity	5
6. General Data Protection Regulations	5
7. Policy Framework	6
8. Policy Monitoring & Review	8

1. Introduction

Domestic abuse in all its shapes and forms is unacceptable. It has been identified that there is a lack of understanding and often the wrong approach taken to tackling domestic abuse. Consequently through a collaborative approach guidance has been produced. “Domestic abuse: a good practice guide for social landlords” has been prepared by the Association of Local Authority Chief Housing Officers, (ALACHO) The Chartered Institute of Housing, Scotland (CIH), Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women’s Aid. According to this guidance domestic abuse is experienced by men and women however it is mostly experienced by women and perpetrated by men. In Scotland from 2017-2019, 81% of all incidents of domestic abuse were perpetrated by men against women. (Source <http://www.cih.org/resources/PDF/Scotland%20Policy%20Pdfs/Domestic%20abuse/Domestic%20abuse%20guidance%20for%20social%20landlords%20FINAL.pdf>) (August 2019)

This Policy will set out how Clydesdale Housing Association (CHA) will respond to reports of domestic abuse regardless of gender and the approach that will be taken.

2. Aim of the Policy

The aim of this policy is as follows:

- Improve the overall safety and wellbeing of CHA tenants and prospective applicants suffering domestic abuse by recognising it is a serious crime which adversely impacts on the health of individuals, families and communities.
- Increase awareness and understanding of this issue amongst tenants and employees.
- Encourage tenants to report domestic abuse.
- Encourage staff to approach anyone they suspect is suffering from domestic abuse in a sensitive manner.
- Respond rapidly to reports of domestic abuse and take appropriate action.
- Provide accurate and timely information to victims on options available to them.
- Actively engage with external agencies and support agencies to tackle domestic abuse.
- Introduce a sensitive but robust monitoring system to capture incidents of domestic abuse.
- Highlight to staff areas of best practice in tackling domestic abuse.
- Ensure all staff are clear regarding their roles in tackling and responding to uses around domestic abuse.

3. Definition

a. CHA will use Scottish Women’s Aid definition as follows:

“Domestic abuse is a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, including sexual violence, by a partner or ex-partner. Domestic abuse is overwhelmingly experienced by women and perpetrated by men. It doesn’t matter how old someone is, what race or ethnicity they are, what class they are,

whether or not they are disabled, or whether they have children – anyone can be a victim of abuse.

Often when people think of domestic abuse they think of physical violence, but domestic abuse is very often so much more than that. For many women who live with domestic abuse there will be no scars, bruises or broken bones, but for some it can take their life. No one kind of abuse is more serious than any other.

Controlling and coercive behaviour was criminalised by the Domestic Abuse (Scotland) Act 2018 and the legislation came into force on 1st April 2019. It is a course of conduct offence, where ongoing harmful and abusive actions in a relationship, which in isolation might not seem as serious, are examined together – this is about behaviour over time.

It reflects the lived experiences of women, children and young people by bridging the gap in addressing controlling behaviours not covered by existing offences and crimes.

This legislation is also the first to put children, now identified as potential victims, on the face of the law in the form of an aggravation that will allow the judiciary to impose harsher sentences when children are involved”

(Source: <https://womensaid.scot/information-support/what-is-domestic-abuse/>)

4. Scope of Policy

a. Management Committee

The Management Committee has overall responsibility for ensuring the policy on domestic violence is implemented and complies with legislation, regulation and good practice.

The Management Committee will monitor compliance against the policy through ongoing reports.

b. Housing Management Staff

The Depute Chief Executive (DCE) will be responsible for ensuring all Housing Management (HM) staff receive ongoing training on tackling domestic abuse and for distributing guidance and good practice.

The DCE is responsible for ensuring HM staff are implementing the policy correctly and any associated procedures.

HM staff will be responsible for recording any incidents of domestic abuse reported to them or by a third party.

HM staff will be responsible for liaising with external agencies to provide additional support and guidance to victims of domestic abuse.

c. Corporate Services Staff

The Corporate Services Officer (CSO) will be responsible for co-ordinating the domestic abuse training for the Management Committee.

5. Equality and Diversity

CHA operates under the overarching duty of a Registered Social Landlord to provide housing accommodation and related services in a manner which encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001 and the Equality Act 2010.

We do not discriminate against applicants in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6. General Data Protection Regulations

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

7. Policy Framework

7.1 CHA encourages all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.

Prevention

7.2 As part of our arrangements to prevent domestic abuse we will:

- make all new tenants aware of CHA's policies relating to rehousing, relationship breakdown and where applicable the implications of joint tenancies;
- publicise this domestic abuse policy to all tenants and employees, highlighting the consequences for perpetrators;
- provide advice and information within CHA's office.

Survivor-centred approach

7.3 CHA will adopt a 'survivor-centred' approach in dealing with domestic abuse, i.e. if a person feels they are experiencing domestic abuse we will deal with it under this policy.

7.4 CHA will deal with all reports in a non-judgemental manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance.

7.5 CHA will only take action with the victim's consent. The exception to this general rule is where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines.

Confidentiality

7.6 Victims will be encouraged to allow CHA to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent.

7.7 The exceptions to this will be:

- where we consider a child is at risk in any situation, or
- if there is a high risk of serious harm to anyone involved, or
- if we are obliged by law to disclose information.

The DCE must approve any disclosure that does not have the victim's consent.

7.8 Information will be shared with work colleagues on a strictly 'need to know' basis. We will adhere to all current General Data Protection Regulation

7.9 CHA recognises that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety;
- reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely;
- reporting incidents to the Police, which may result in criminal action against the perpetrator;
- where appropriate, legal action against the perpetrator by CHA.

The safety of the victim and their dependents will be our priority. An Action Plan setting out further actions will be agreed with the victim, and we will regularly contact the victim and keep them updated with progress.

Assistance for victims

7.10 CHA will take a proactive and sympathetic approach. Each case will have its own challenges and so the type and level of assistance offered will be finalised by the DCE.

Remaining in the property

7.11 CHA will advise victims who wish to remain in their own homes of any local schemes (i.e. funds available to improve the security of their existing accommodation). We will set aside dedicated discretionary funds for victims, to assistance them in rebuilding their lives and homes. We will also consider funding such improvements where there are no local authority schemes in place.

7.12 CHA will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damages due to the domestic abuse. Where appropriate we will charge such costs to the perpetrator.

Emergency rehousing

7.13 Where a resident reporting domestic abuse needs emergency accommodation CHA will provide advice and assistance on accessing such accommodation provided by South Lanarkshire Council or by a women's refuge. We will provide a referral letter where appropriate and advocate on our tenant's behalf.

Permanent rehousing

7.14 Where a tenant reporting domestic abuse requests permanent rehousing, CHA will prioritise their application as a 'management transfer'. In such cases the suspension policy will not be applicable and we will review and determine the action to be taken on a case by case basis. There will normally be a limit on the number of occasions we will offer this, typically it will only be offered once

Multi-agency approach

7.15 CHA will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, meet their needs, co-ordinate available resources, access specialist services, take action against perpetrators and share best practice.

7.16 CHA has leased accommodation to Women’s Aid to provide temporary refuge for victims of domestic abuse. This arrangement will be kept under review and we will continue to work with Women’s Aid and offer additional leased accommodation if required.

Action against perpetrators



7.17 CHA will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home due to domestic abuse.

7.18 Subject to GDPR provisions, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.

8. Policy Monitoring and Review

The DCE will regularly monitor the implementation of this policy and will ensure it is applied fairly and consistently in a non-discriminatory manner; and will present appropriate reports to Management Committee demonstrating the outcomes relative to the stated objectives annually.

This policy will be subject to periodic review, not less than once every three years, and more frequently as and when necessary to take account of changes in legislation and developing good practice.

Approved by the Committee of Management on: 29/7/2020	
Signed:  Secretary/Chairperson	Signed:  Chief Executive/Senior Staff Member