

North Tyneside Council

Report to Cabinet

Date: 28 March 2022

Title: Revised Housing Service Domestic Abuse Policy

Portfolio(s): Cabinet Member for Housing	Cabinet Member(s): Councillor Steve Cox
Report from Service Area:	Environment, Housing and Leisure
Responsible Officer:	Phil Scott, Director of Environment, Housing and Leisure (Tel: 0191 6437295)
Wards affected:	All

PART 1

1.1 Executive Summary:

The current Housing Services, Domestic Abuse Policy was approved by Cabinet on 29 July 2019.

In response to The Domestic Abuse Act 2021, the Authority and the North Tyneside Domestic Abuse Partnership have worked together to revise the policy to reflect the new legislative requirements.

The revised policy now includes:

- The statutory definition of 'domestic abuse' as set out in the Domestic Abuse Act 2021.
- Change of language when referring to people who have experienced domestic abuse.
- Sections on the intended outcome of the Policy and the role of Housing Services officers in recognising the signs of domestic abuse and how this will be responded to.

The revised Domestic Abuse Policy is fully compliant with the requirements set out in the Domestic Abuse Act 2021 and sets out how the Authority's Housing Service will assist and support any person experiencing or being threatened with domestic abuse.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Approve the updated Housing Services Domestic Abuse Policy as set out in Appendix 1 of this report.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 21 January 2022.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021/25 Our North Tyneside Plan:

A Caring North Tyneside:

- People will be cared for, protected and supported if they become vulnerable, including if they become homeless

A Secure North Tyneside:

- Council wardens will work in partnership with Northumbria Police to prevent and tackle all forms of antisocial behaviour

1.5 Information:

1.5.1 Background

Post June 2019, the Housing Services' policy objectives in relation to domestic abuse formed part of the Authority's Anti-Social Behaviour Policy.

For the Authority's Housing Service to achieve accreditation from the Domestic Abuse Housing Alliance (DAHA), there was a requirement to create a 'standalone' Domestic Abuse Policy. In response to this requirement the Domestic Abuse Policy was developed and approved by Cabinet on 29 July 2019. DAHA accreditation followed in February 2020.

The introduction of the Domestic Abuse Act 2021 prompted a review of the current Housing Service Domestic Abuse Policy. This review was carried out in partnership with the North Tyneside Domestic Abuse Housing Alliance Steering Group. The review concluded that amendments to the 2019 Policy was required to ensure that the Policy remains fully compliant with new legislative requirements.

A review of the procedures that the Housing Services' teams follow when responding to domestic abuse disclosures has also been undertaken. The new process, an easy-to-follow flow chart for dealing with domestic abuse disclosures, is appended to the attached policy.

1.5.2 Outcome of Review 2021

Having carried out a review of the Housing Service Domestic Abuse Policy, it was identified that some changes were required. These include:

- Inclusion of the statutory definition of "Domestic Abuse", as set out in Domestic Abuse Act 2021,
- Change of language when referring to people who have experienced domestic abuse, adopting the term "survivor",
- Inserting a section stating the intended outcomes of the Policy,
- Inserting a section stating the role of Housing Services in recognising the signs of domestic abuse, supporting survivors and reference to action taken in dealing with tenants who are perpetrators of domestic abuse,
- a timescale for reviewing the Policy.

1.5.3 National Policy Context

In December 2019 the Government was elected with a manifesto commitment to

“support all victims of domestic abuse and pass the Domestic Abuse Bill” originally introduced in the last Parliament. The Domestic Abuse Act 2021 was passed in April 2021 with the aim of ensuring that victims of domestic abuse have the confidence to come forward and report their experiences, safe in the knowledge that the state, including local government, will do everything it can, both to support them and their children and pursue the abuser.

The Government’s Tackling Violence Against Women and Girls Strategy 2021 set out the approach to tackling crimes which disproportionately affect women and girls. It includes a set of ambitions that focus on:

- Prioritising Prevention
- Supporting Victims
- Pursuing Perpetrators
- Strengthening the System

Relationship education was made compulsory in primary schools, with sex and relationship education has been compulsory in secondary schools since 2020.

1.5.4 Statutory Definition of Domestic Abuse under Section 1 of Domestic Abuse Act 2021

- Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:
(a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive.
- This includes physical, emotional, economic, sexual abuse and controlling and coercive behaviour.

‘Personally connected’ means: intimate partners, ex-partners, family members or individuals who share parental responsibility for a child. The expanded definition can be found at Appendix 1 of the updated Housing Services Domestic Abuse Policy.

1.5.5 The Role of Housing Services

Domestic abuse is still a largely hidden crime and happens in all communities, regardless of sex, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership, pregnancy or maternity. As a housing provider the Authority is well placed through its contact with its tenants to recognise the signs of domestic abuse.

The Authority will not tolerate domestic abuse. If a council tenant carries out or threatens to carry out any act of domestic abuse the Authority will take action against the tenant. If a council tenant reports abuse to the Authority they will be treated in a sympathetic, supportive, and non-judgemental way.

The Authority also recognises that its staff may be experiencing domestic abuse and is committed to supporting them in accordance with the Authority’s Employee Domestic Abuse Policy.

1.5.6 Aims of the Domestic Abuse Policy

The Authority’s customers should not live in fear of violence, abuse or harassment from a partner, former partner, or any member of their family. Domestic abuse often has

consequences for the housing of survivors and their families who will frequently turn to the Authority's Housing Services for help.

This policy aims to:

- Ensure that all staff, partner agencies and contractors understand domestic abuse and give a consistent service when offering guidance and support.
- Support survivors of domestic abuse and ensure that they and their families are provided with the stability and security they need and deserve.
- Treat all disclosure of abuse seriously and advice and assistance given as a priority. We will work with statutory and voluntary organisations to support survivors, and to take action against perpetrators, where it is safe and appropriate to do so.
- Ensure all staff are trained in line with their roles and responsibilities and are pro-active in looking for indicators of domestic abuse, so that it is identified at the earliest possible opportunity in every case.
- Ensure staff understand the role they can play in tackling domestic abuse and to develop a constant approach across the borough.
- Ensure all staff are trained to deal with disclosures of domestic abuse effectively by providing procedures to follow.
- Act on all reports of domestic abuse and complete a See Something, Say Something form in all cases where an adult or child is identified as being at risk due to domestic abuse.
- Support survivors to make decisions around their housing needs, whether they wish to remain in their home or move to a new home.
- Signpost perpetrators of domestic abuse, who recognise and seek to change their behaviour, to agencies, including a Multi Agency Task and Co-ordination (MATAC) referral who can offer them support in order to prevent the abuse reoccurring.

1.5.7 Intended Outcomes of the Policy

Provide employees with clear and practical guidance to ensure the Authority supports and protects survivors of abuse. Survivors will have information on what options are available to them to enable them to make informed decisions.

- The Authority will create a safe environment where survivors of abuse feel they can approach officers and be listened to by trained staff.
- Provide timely and effective guidance by working in partnership with relevant agencies to respond to any cases of domestic abuse that may arise. The Authority will seek to enhance the safety and security of those involved and support them to increase their confidence, resilience and empower themselves to live independently.
- Raise awareness of the impacts of domestic abuse.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To approve the recommendations as set out in paragraph 1.2 above.

Option 2

To approve the revised Draft Housing Services Domestic Abuse Policy subject to amendments or conditions.

Option 3

Not to approve the recommendations as set out in paragraph 1.2 above and request Officers to consider the Authority's response to this matter further.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- Approval of option 1 will ensure the updated Housing Services Domestic Abuse Policy reflects new legislation; Domestic Abuse Act 2021.
- DAHA Accreditation is due to expire in January 2023, as part of the assessment criteria the Authority must produce a stand-alone Domestic Abuse Policy that is revised regularly and reflects changes in national legislation. By approving the revised policy this will place the Authority in a good position when re applying for DAHA Accreditation.

1.8 Appendices:

Appendix 1: Housing Services Domestic Abuse Policy; March 2022

1.9 Contact officers:

Paul Worth, Senior Manager Housing Operations, tel. (0191) 643 7554
Jane Allison, Housing Policy and Development Officer, tel. (0191) 643 6479
Fiona Robson, Housing Policy and Development Manager, tel. (0191) 643 6212

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [Our North Tyneside Plan 2021-2025](#)
- (2) [Domestic Abuse Act 2021](#)
- (3) [Equality Impact Assessment](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from the report. Staff training is delivered internally at no cost to the Authority.

2.2 Legal

The Authority has the ability to take a number of steps to protect tenant survivors of domestic abuse and those who are at risk of such abuse.

In addition to any criminal proceedings that the perpetrator of domestic abuse may face, there are a number of options that the Authority has to take action against a perpetrator in the civil courts that will protect a survivor. These include taking possession proceedings where appropriate and/or obtaining an injunction against the perpetrator.

- It is also open to the survivor to seek their own legal advice and to apply for a non-molestation injunction and/or ouster order seeking to the removal of the perpetrator of domestic violence from the home.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation was undertaken with officers of the Authority

2.3.2 External Consultation/Engagement

There is no requirement for external consultation on the implementation of this approach. The review of the Authority's Housing Service Domestic Abuse Policy 2019 has resulted in minimal changes to the existing policy, has and the Policy has simply been updated to reflect the required changes to the Policy to ensure that it complies with the requirements of the Domestic Abuse Act 2021.

2.4 Human rights

The Authority's revised Housing Service Domestic Abuse Policy is compliant with Article 8 of the European Convention on Human rights – the right to respect for private and family life.

2.5 Equalities and diversity

All equality and diversity implications that may arise from this Strategy have been considered. These are highlighted in the Equality Impact Assessment which forms part of the background information.

2.6 Risk management

Risk associated with this policy have been considered. It is important for the reputation of the Authority to work from an up-to-date policy in line with current legislation that is

published on the Authority's website.

2.7 Crime and disorder

The Housing Service is a key participant of the North Tyneside Domestic Abuse Partnership's multi agency approach to tackling domestic abuse and supporting victims on a one-to-one basis.

Every case of domestic abuse is assessed on its own circumstances, taking into account the wishes and needs of the survivors, the severity of the abuse and any additional criminality. The Housing Service will make use of the appropriate tools and powers including injunctions and possession proceedings.

2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive