

North Tyneside Council Housing Services Domestic Abuse Policy

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1. Introduction

The Domestic Abuse Act 2021 became Law in April 2021 and changes were required in how North Tyneside Council respond and treat cases of domestic abuse. North Tyneside Council and the North Tyneside Domestic Abuse Partnership have worked together to ensure the new duties as set out by the Act are implemented appropriately and efficiently. The Council's Housing Services Domestic Abuse Policy has been updated to reflect new national legislation.

1.1 Key Changes

The new Domestic Abuse Act includes a legal definition of domestic abuse and wide-ranging legal definition of the types of domestic abuse. The Act incorporates a range of abuses, beyond physical violence and sexual abuse, including threatening behaviour, emotional, coercive or controlling behaviour, as well as economic abuse.

Other key changes include:

- Providing all eligible homeless survivors of domestic abuse to automatically have 'priority need' for homelessness assistance
- Placing the guidance supporting the Domestic Abuse Offender Disclosure Scheme on a statutory footing
- Giving police new powers including Domestic Abuse Protection Notices providing survivors of immediate protection from abusers
- Recognise children as victims of domestic abuse in their own right, if they see, hear or experience the effects of abuse
- Extending the controlling or coercive behaviour to cover posts-separation abuse and strengthening rules surrounding controlling and coercive behaviour

The Domestic Abuse Policy sets out how North Tyneside Council's Housing Service will assist and support any person experiencing or threatened with domestic abuse. As a landlord and also the provider of homelessness support, housing advice and letting of homes to tenants the Council has a role to play in supporting survivors of domestic abuse and prevention.

2. Aims of the Housing Service Domestic Abuse Policy

North Tyneside Council'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 Council 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 proactive 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.

3. Intended Outcomes of the Policy

Provide employees with clear and practical guidance to ensure we support and protect survivors of abuse. Survivors will have information on what options are available to them to enable them to make informed decisions.

- We will create a safe environment where survivors of abuse feel they can approach us 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. We 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.

4. Definitions of Domestic Abuse

Statutory Definition of Domestic Abuse under Section 1 of DA 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

(See Appendix 1 for expanded definitions).

5. Legislation

The following legislation has been taken into account when developing our approach to supporting survivors of domestic abuse:

- Domestic Abuse Act 2021
- Housing Acts 1985, 1988 and 1996
- Family Law Act 1996

- Protection from Harassment Act 1997
- Human Rights Act 1998
- Domestic Violence, Crime and Victims Act 2004
- Police and Justice Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Anti-social Crime and Policing Act 2014
- Care Act 2014
- Serious Crime Act 2015
- Homelessness Reduction Act 2017
- Claire’s Law/Domestic Abuse Offender Disclosure Scheme
- Revised Victims of Crime Code of Practice, April 2021
- General Data Protection Regulation 2018

5.1 The 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 act aims to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state 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, sex and relationship education has been compulsory in secondary schools since 2020.

5.2 Local Policy Context

5.2.1 North Tyneside Domestic Abuse Local Partnership Board

The Domestic Abuse Local Partnership Board (DALPB) is responsible for supporting North Tyneside Council (NTC) in meeting its duties under the Domestic Abuse Act. The Board will work together to support, advise, and work in partnership with NTC:

- to ensure survivors of domestic abuse have access to adequate and appropriate support within safe accommodation services.
- to improve outcomes for survivors of domestic abuse, including their children, through a strategic approach to identifying and addressing gaps in support within safe accommodation services.

The partnership coordinates strategy and resources to afford protection, provision and prevention for people exposed to domestic abuse in North Tyneside. The North Tyneside Domestic Abuse Strategy 2021-2024 outlines how North Tyneside will implement the recommendations of the refreshed domestic abuse needs assessment and the statutory duties associated with the provision of safe accommodation and support as required by the Domestic Act 2021.

1. Early intervention and prevention
2. Provision of support
3. Partnership working
4. Criminal justice outcomes and risk reduction

5.2.2. 'Our North Tyneside Council Plan' Priorities

Our domestic abuse policy is underpinned by 'Our North Tyneside Council Plan 2021/25 priorities of:

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

5.2.3 Links to other North Tyneside Council policies

- Environmental Crime Anti-Social Behaviour Policy 2020
- Allocations Policy
- Tenancy Agreement
- Safeguarding Adults and Children's Policies
- Employee Domestic Abuse Policy

6. 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 we are well placed through our contact with our tenants to recognise the signs of domestic abuse.

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

We also recognise that our staff may be experiencing domestic abuse and are committed to supporting them in accordance with North Tyneside Council's Employee Domestic Abuse Policy.

This Policy is separate to the Environment Crime and Anti-Social Behaviour Policy.

6.1 Disclosure of domestic abuse

North Tyneside Council recognises that survivors will often find it extremely difficult to make a disclosure and ask for help. It is vitally important therefore that if a disclosure is made, it will be taken seriously and dealt with in a sensitive and supportive manner.

Housing Services Domestic Abuse Procedures provide clear guidance to staff to follow if a disclosure is made or a member of staff suspects a person could be a victim of domestic abuse, see appendix 3.

6.2 Housing Advice (Homelessness) and Homefinder Services

As a landlord and also the provider of homelessness support, housing advice and letting of council homes the Council fulfils a wide range of roles to support domestic abuse survivors and deal with perpetrators.

The Council will endeavour to meet the aims within the Domestic Abuse Act 2021 to support survivors of domestic abuse in social housing by:

- supporting tenants to remain safely in their home when they choose to stay, once the perpetrator has left;
- removing the fear of survivors losing their secure tenancies should they flee their homes by offering further lifetime- tenancies to lifetime social tenants;
- assisting tenants to leave their abusive situation if they wish to do so and help them build a new life for themselves and their families in safety and security;
- improving access to social housing for survivors of domestic abuse who are in refuges or other forms of safe temporary accommodation;

6.2.2 Sanctuary Scheme

The Sanctuary Scheme is a multi- agency, victim centred initiative which aims to enable households at risk of violence remain in their own homes and reduce the risk of repeat victimisation through the provision of enhanced security measures and support. Examples of additional security measure and repairs could include:

- Locks to doors and windows;
- Door chain;
- Letter box jammer;
- Dusk till dawn lights (comes on at dusk and stays on until dawn);
- Door viewer; and
- Personal attack alarms.

6.2.3 Temporary Accommodation

If a person cannot return to their home and has no other place of safety to go to the council will as a first seek refuge accommodation.

6.2.4 Use of tools and powers

Every case of domestic abuse will be assessed on its own circumstances, taking into account the wishes and needs of the survivor, the severity of the abuse and any additional criminality.

We will make use of the appropriate tools and powers to sanction and support survivors of domestic abuse including injunctions, Notice of Seeking Possession, and possession proceedings.

6.2.5 Tenancy agreement

Domestic abuse is a clear breach of the Tenancy Agreement which states:

Section 10.1 Anti-Social and criminal behaviour

10.1.4 You must not harass, threaten to harass, use or threaten violence or discriminate against anyone because of their age, disability, gender reassignment, race, religion or belief, sexual orientation and you must not encourage or allow anyone to do so

10.1.5 You must not use any words or take any other actions to humiliate, ridicule, embarrass, intimidate, frighten, distress or threaten anyone

10.1.6 You must not carry out acts of domestic abuse against your partner or anyone else living in your home, visiting or working in the area. Your tenancy agreement will be at risk if you threaten or carry out any acts of domestic abuse

10.1.7 You must not allow your home to be used for any activity that is criminal, illegal, immoral, dangerous or offensive

7. Multi Agency Working (Safeguarding)

North Tyneside Domestic Abuse Local Partnership Board coordinates strategy and resources to afford protection, provision and prevention for people exposed to domestic abuse in North Tyneside.

As a result of the Domestic Abuse Act 2021 a number of changes were required in how we respond and treat cases of domestic abuse. North Tyneside Council and the wider partnership have worked together to ensure the new duties as set out by the Act are implemented appropriately and efficiently.

When dealing with domestic abuse full consideration will be given to our safeguarding responsibilities. A significant number of adults who need safeguarding are often experiencing domestic abuse in some form.

7.1 Multi-agency risk assessment conference (MARAC)

A MARAC is a weekly local meeting to discuss how to safeguard and support victims at high risk of murder or serious harm. The four aims of MARAC are:

- To safeguard and support victims of domestic abuse;
- Manage perpetrator behaviour;
- Safeguard professionals; and
- Make links with other safeguarding processes

Information concerning the highest risk domestic abuse cases is shared between representatives of police, probation service, health services, child protection specialists, housing practitioners, independent domestic violence advisors (IDVAs) and other specialists from the statutory and voluntary sectors.

Representatives discuss options for increasing the safety of the victim and these are developed into a co-ordinated action plan. The MARAC also makes links with other bodies to safeguard children and manage the behaviour of the perpetrator. At the heart of the MARAC is the working assumption that no single agency can see the complete picture of the life of a victim, but all may have insights that are crucial to the safety of the victim. The meeting is confidential.

7.2 The Multi-Agency Safeguarding Hub (MASH)

The purpose of MASH is to co-ordinate support and protection services to children and vulnerable adults. It is led by North Tyneside Council in partnership with Northumbria Police. Health services, North Tyneside Harbour Domestic Abuse Support Service, Northumbria Police, and probation services are also involved. The hub model aims to improve information sharing between the partners so that safeguarding concerns can be identified earlier and managed more effectively.

8. Confidentiality

Any disclosure of domestic abuse will be treated in the strictest of confidence however, under the General Data Protection Regulation; we have a duty to disclose information in order to:

- Protect the victim;
- Prevent harm to someone else, or
- Prevent or detect a crime.

The Domestic Abuse Offender Disclosure Scheme, also known as Claire's Law, allows the police to disclose to individuals the details of their partner's or potential partners, abusive past in order that they can make an informed decision about their situation. Might be beneficial to highlight how early this information can be accessed.

9. Equality and diversity

North Tyneside Council is committed to the principles of equality and diversity. Our Domestic Abuse Policy aims to:

- Meet the needs and choices of people from all backgrounds and takes into consideration age, disability, gender reassignment, race, religion, or belief, sexual orientation, sex, marriage or civil partnership and pregnancy or maternity;
- Ensure our service is responsive and meets the needs of our existing and prospective customers; and
- Understand the cultural implications and barriers to reporting domestic abuse
- Ensure that all sections of the community in which we work have access to our services.

10. Review

This Domestic Abuse Policy will be reviewed every three years, or as a result of changes in legislation and/or regulation or in line with business needs.

The Housing Service Domestic Abuse Procedures will be reviewed in line with reviewed Policy.

Definition of Domestic Abuse

Domestic Abuse Act includes a legal definition of domestic abuse and wide-ranging legal definition of the types of domestic abuse. The Act incorporates a range of abuses, beyond physical violence, including emotional, coercive or controlling behaviour, as well as economic abuse.

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.

Behaviour is abusive if it consists of any of the following—

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse (see subsection (4));
- (e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Economic abuse means any behaviour that has a substantial adverse effect on B's ability to—

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.

For the purposes of the Act 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).

Definition of Personally Connected

Two people are personally connected to each other if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child;
- (g) they are relatives.

A person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.
 - 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 (see section 3 of that Act);
 - relative has the meaning given by section 63(1) of the Family Law Act 1996.

Children as victims of domestic abuse

(a) sees or hears, or experiences the effects of, the abuse, and

(b) is related to A or B

A child is related to a person

(a) the person is a parent of, or has parental responsibility for, the child, or

(b) the child and the person are relatives.

In this section—

- child means a person under the age of 18 years;
- parental responsibility has the same meaning as in the Children Act 1989 (see section 3 of that Act);
- relative has the meaning given by section 63(1) of the Family Law Act 1996.

Duties on Local Authorities

Under this new legislation there are new statutory duties placed on local authorities. These are:

- Creation of a new Domestic Abuse Local Partnership Board which must contain representation of the following as a minimum:
 - A representative of the relevant local authority.
 - At least one person appearing to the authority to represent the interests of local authorities for areas within its area.
 - At least one person appearing to the authority to represent the interests of victims of domestic abuse.
 - At least one person appearing to the authority to represent the interests of children of domestic abuse victims.
 - At least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area.
 - At least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area.
 - At least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
- To provide support to victims of domestic abuse and their children in refuges and other safe accommodation. The new duty covers the following kinds of safe accommodation:
 - Refuge accommodation
 - Specialist safe accommodation
 - Dispersed accommodation
 - Sanctuary schemes
 - Move on or second stage accommodation.
- To assess the need for domestic abuse support in the area, this includes:
 - Advocacy support- development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers);
 - Domestic abuse-prevention advice- support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation;
 - Specialist support for victims with protected characteristics and/or complex needs for example interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice;
 - Children's support – including play therapy and child advocacy;
 - House-related support as discussed above;
 - Counselling and therapy for both adults and children.
- To work to ensure that all existing policies and new policies are written and carried in such a way as to be inclusive of the new statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling and economic abuse.

Housing Service Domestic Abuse Disclosure Procedure Process Map