



# DEVON HOUSING ADVICE AND HOMELESSNESS DEPARTMENT'S:

## Domestic Abuse Policy and Procedures



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## **POLICY**

### **1. Definition of Domestic Abuse**

Domestic abuse should be understood to include threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between two persons who are, or have been, intimate partners, family members, or members of the same household regardless of gender or sexuality.

(Department for Communities and Local Government Homelessness Code of Guidance for Local Authorities)

### **2. Policy on Domestic Abuse**

Each Housing Department in Devon:

- Pledges their commitment to treat domestic abuse seriously;
- Will make regular representation at MARAC and local Domestic Violence Forums;
- Will ensure that the response to those affected by domestic abuse provides them with support and protection;
- Recognises that a child experiencing domestic abuse is a child in special circumstances and may be a child in need of protection;
- Will provide a supportive and enabling environment, which encourages people to report domestic abuse;
- Will hold perpetrators accountable for their actions;
- Recognises that domestic abuse can lead to statutory homelessness where it would not be reasonable for someone to continue to live at home;
- Will work co-operatively to enable households fleeing domestic abuse to have a wide range of housing options;
- Will support employees who experience domestic abuse;
- Will take seriously the issue of employees who are perpetrators of domestic abuse;
- Will be sensitive to the diverse needs of victims and children irrespective of race, religion, age, disability, or sexual orientation.

### **3. Confidentiality and Information Sharing Issues**

3.1 It can add to a victims' distress if they have to keep repeating the detail of their experience of domestic abuse in order to access services. When victims have given written consent officers are able to share information with the usual agencies on the person's behalf to ease access to services.

- 3.2 The safety of the victim will be paramount in the recording of victim's information.
- 3.3 Officers must not take messages or accept gifts on behalf of the victim.
- 3.4 Officers must not pass on or share information including tenancy related matters with any third parties, irrespective of their stated relationship with the victim, and except in circumstances under 3.1.
- 3.5 Officers must place a written record of any requests for information about a victim on the victim's file.
- 3.6 Officers must tell the victim about any requests for information they may receive from members of the public about the victim's situation.
- 3.7 If there are concerns regarding the welfare or safety of children or vulnerable adults officers should refer to Social Services and/or Police.
- 3.8 Where appropriate, very high-risk cases should be referred to the MARAC.

#### **4. Creating a Secure Environment to Discuss Domestic Abuse**

- 4.1 It is essential that people who experience domestic abuse feel safe and supported in order that they can talk about their experience of domestic abuse.

To support victims in accessing services officers must:

- Make information about local domestic abuse services easily available;
- Offer a private and confidential interview room;
- Offer the choice of being interviewed by a woman or a man;
- Provide written interview summary after every interview to ensure clarity about any discussions and decisions made;
- Try to meet the needs of the victim by carrying out interviews in outreach locations.

#### **4.2 Officer Training**

- All officers within the housing department should have knowledge of housing legislation and Department of Communities and Local Government (DCLG) guidance and how this applies to people fleeing domestic abuse;
- Officers will be trained to at least the equivalent of Level 1 ADVA Domestic Abuse Training;
- Officers will have attended Child Protection Training.

#### 4.3 Accessing translation and signing services

- Translation services should be made available to anyone for whom English is not their first language;
- Family members should never be used to translate information.

#### 4.4 Officers should always be aware of making assumptions

The basic information officers need to keep to the front of their minds whilst talking to someone fleeing domestic abuse is:

- They may be the first person she/he has told about domestic abuse;
- It is important not to judge the victim;
- Domestic abuse is NEVER justified and the victim is in no way responsible for any of the abusive actions of her/his partner, ex-partner or family member.

### **5. Concerns about children**

5.1 Domestic abuse should always be considered as having a negative impact on children.

5.2 Officers should discuss the possible effects of domestic abuse on any children with the victim.

5.3 Officers are advised to note the victims' responses to their discussions and to ensure they work sensitively with them.

5.4 Throughout the process described in this policy, officers need to be aware of the needs of any children affected by domestic abuse.

5.5 When referring to Social Services, it is good practice to advise parents/carers of your concerns and inform them that you are making a referral to Social Services.

5.6 Officers should consult with their line manager if it is felt that telling the parents/carers of a referral to Social Services would place the child or victim at more risk.

5.7 Officers may become concerned about a child or children during routine contact with the family. This could be:

- At the time of the registration for re-housing;
- At the time of the 'let';
- At the post let visit and review;
- During investigations into alleged anti social behaviour'

- Through everyday working in estate management including visits by surveyors, environment officers, community support officers, rent specialist officers;
- Presentation to the Housing Advice Service.

5.8 Where appropriate referrals should be considered to:

- Social Services
- Police
- Education Welfare

## **6. Accessing Housing Advice and Homelessness Services**

6.1 As soon as officers are approached, they should consider the victim under the legislation and corresponding statutory Code of Guidance.

6.2 At a first interview the victim might either want to know about their housing options or may need referring to emergency accommodation. Both of these actions are time consuming and may take up a whole appointment time.

6.3 Housing Departments will always give due consideration to the information provided.

6.4 Officers must provide the victim with support and advice to assist them in deciding what to do next.

6.5 Officers will provide information about additional services available to them, these may include:

- Women's Aid Refuges
- Women's Aid Outreach Services
- Police Domestic Violence Officers

6.6 Housing Departments will examine all alternative housing options and follow the procedures appended to this document.

## **7. Recourse to public funds**

7.1 If a person is deemed ineligible for assistance it is critical that they are advised to seek specialist legal advice and assistance as soon as possible.

7.2 If a person from abroad with children decides to leave a domestic abuse situation they should be referred to Social Services for an assessment of the support that may be available to them.

## PROCEDURES

Contact details for all Devon's Housing Departments can be found in appendix 1.

In order to access services from the Housing Department it is not necessary for the victim to be placed in emergency accommodation. They can still approach the Housing Department for help whilst continuing to remain in their current accommodation where they may be experiencing domestic abuse.

### **Procedure A: Out of Hours Emergency Accommodation**

1. If it is out of normal office hours and an emergency use the out of hours telephone number to contact the relevant Housing Department;
2. Emergency accommodation will always be provided for households fleeing domestic abuse who do not have safe accommodation available to them. The provision of this accommodation will be reviewed by a housing officer on the next working day;
3. The victim will be required to provide as much information about their situation prior to a placement in emergency accommodation. As a minimum a victim will be expected to provide:
  - Name;
  - Address;
  - Details of any dependent children.
4. A risk assessment will always be made before placing a victim in emergency accommodation. This is to ensure the safety of the victim and their family as well as the wider public;
5. The types of emergency accommodation offered to the victim will depend on what is available at the time. This may include:
  - Bed and Breakfast;
  - Hostel;
  - Refuge or Safe House;
  - Private Sector Leased Accommodation;
  - Local Authority or Housing Association Stock;
6. Depending on availability and the nature of the risk this accommodation may not be provided in the Local Authority area of the Housing Department approached;
7. Following this emergency placement the victim will be informed about the next steps and how Procedure B will commence.

## **Procedure B: Information Collection**

8. To ensure the victim receives the best service it is important that housing officers have full and accurate information about the situation;
9. The victim should be prepared to provide:
  - Identification;
  - Details of the accommodation where the abuse took/takes place;
  - A statement detailing of the nature and extent of the abuse;
  - Where available names and contact details of people or professionals who can confirm the nature and extent of the abuse (refer to point 4.4 of policy);
  - Where available supporting documentation from other agencies (refer to point 4.4 of policy);
10. Further detail about the ways in which a victim can provide this supporting information is contained in appendix 2;
11. The collection of this information should be enabled at Housing Department offices, by post, by telephone, or in outreach locations;
12. Housing Departments have a duty to investigate homelessness, which requires the collection of evidence. However, where Specialist Domestic Abuse Workers<sup>1</sup> have been able to collect this information the Housing Department will endeavour to use this to satisfy their requirements.

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<sup>1</sup> Specialist Domestic Abuse Workers is a term used to describe all staff who work in a professional capacity to support victims of domestic abuse and can include staff who work for Women's Aid Refuge, Women's Aid Outreach, Independent Domestic Violence Advocates, Safe Houses.

## **Procedure C: Housing Options**

13. The Housing Department will provide information about ALL of the housing options that are available and appropriate to the victim. These options are summarised in points 14, 15, and 16.

### 14. Right to regain/retain their accommodation:

Sometimes victims do not want to leave their accommodation. There are courses of action that the Housing Department can advise on that may enable the victim to stay, these include:

- The use of ousters to remove the perpetrator from the accommodation;
- The use of injunction's to ensure the perpetrator does not return to the property;
- The use of sanctuary schemes to improve the security of accommodation and help the victim feel safe in their own home;
- Referrals to family mediation where safe and appropriate;
- Engaging with the Repair community perpetrator programme.

### 15. Private sector accommodation:

The private sector offers good quality accommodation and if appropriate can provide a solution to homelessness. The Housing Department can offer:

- Help with identifying and accessing appropriate private rented accommodation;
- Help with Deposit and Rent in Advance;
- Help with determining the affordability of private accommodation;
- Help to look into home ownership.

### 16. Social Housing:

- Local Authority and Housing Association Accommodation (Housing Register/Choice Based Lettings);
- Low Cost Home Ownership;
- Local Authority Homelessness Duties.

17. Specialist Domestic Abuse Workers are encouraged to undertake training to enable victims to look into the range of options available to them before approaching the Housing Department;

18. Housing Departments will normally carry out a housing options interview, however, if Specialist Domestic Abuse Workers can demonstrate that all relevant options have been explored and exhausted this may not be necessary.

## Procedure D: Homelessness

19. Housing Departments perform their statutory homelessness duties under the Housing Act 1996 as amended by the Homelessness Act 2002. This legislation is interpreted through the statutory code of guidance and relevant case law.
20. If a homelessness application has been taken the Housing Department has to examine the evidence and as a result be satisfied that the applicant is:

### Eligible:

- Their immigration status is such that they are eligible for assistance.

### Homeless:

- They have not got a legal right to occupy any accommodation;
- They have accommodation but cannot secure entry to it;
- They are living in a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where s/he is entitled or permitted both to place it and to reside in it;
- Their current accommodation is not reasonable to occupy;
- They are threatened with homelessness if it is likely that they will become homeless within 28 days.

### In priority need:

- Their household includes dependent children;
- They are aged 16-17;
- They are aged 18-20 and formerly in "Care"
- They, or a member of their household are vulnerable due to: Old age, Physical disability, Mental Illness or Disability, Drug dependency, Alcohol dependency, Former asylum seeker, Other, Having been in care, Having served in the armed forces, Having been in custody/on remand, Having fled home because of violence/threat of violence (including Domestic Violence)

**NB:** Vulnerability is defined as "less able to fend for oneself so that injury or detriment will result where a less vulnerable man or woman will be able to cope without harmful effects"

### Unintentionally homeless:

- They have not deliberately done something or failed to do something, which meant they lost their accommodation which was otherwise reasonable to occupy;
- Their situation is not manufactured to enable them to become entitled to assistance under the legislation;
- There is good reason why they are homeless.

### Local connection may also be considered:

- If it is felt the applicant does not have a local connection to the area where they have a homeless application, that Local Authority can refer them to a different Local Authority area where they do have a local connection.
- This can only happen if the referring Local Authority, in consultation with other agencies, is satisfied that the victim or their family will not be placed in any danger.

21. After the Housing Department has finished examining the evidence the applicant will be given written notice of their decision, this will be in the form of a Section 184 notification letter.

**IF** the Housing Department is satisfied that the applicant meets all the above criteria they have a duty to secure accommodation;

- This means that the Housing Department will continue to accommodate the applicant until that duty can be ended
- This duty can be ended if:
  - The applicant refuses an offer of accommodation to discharge the duty (i.e. temporary accommodation) which the housing authority is satisfied is suitable;
  - The applicant accepts an offer of accommodation under the Local Authority's allocation scheme;
  - The applicant refuses a final offer of accommodation under the Local Authority's allocation scheme;
  - The applicant accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord;
  - The applicant accepts a qualifying offer of an assured shorthold tenancy.
- All the options in Procedure C are still available to the victim.

**IF** the Housing Department is not satisfied that the applicant meets all the above criteria they do not have a duty to secure accommodation;

- This means that the Local Authority no longer has a duty to provide accommodation and the applicant will be given reasonable time to leave temporary accommodation;
- The Local Authority still has a duty to provide advice and assistance;
- The victim has a right to request a review of the decision so long as they do so within 21 days of being notified of the decision, information about how to request a review will be contained within the Section 184 notification letter;
- The options in Procedure C may still be available to the victim.

## APPENDICES

### Appendix 1 Contact Table

Address	Office Hours Tel	Out of Hours Tel	E mail address
<b>East Devon District Council,</b> Housing Needs Department, The Knowle, Sidmouth, EX10 8HL			
<b>Exeter City Council,</b> Housing Advice Department, Civic Centre, Paris Street, EX1 1RQ			
<b>Mid Devon District Council,</b> Housing Advice Department, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP			
<b>North Devon District Council,</b> Housing Advice Centre, 25 Boutport Street, Barnstaple, EX31 1RP		01271 388240	
<b>Plymouth City Council,</b> Housing Advice Department, Midland House, Notte Street, PL1 2EJ			
<b>South Hams District Council,</b> Housing Advice Department, Follaton House, Plymouth Road, Totnes, TQ9 5NE			
<b>Teignbridge District Council,</b> Housing Advice Department, Forde House, Brunel Road, Newton Abbott, TQ12 4XX			
<b>Torbay Borough Council,</b> Housing Needs Department, Pearl Assurance House, Union Street, Torquay			
<b>Torrige District Council,</b> Housing Advice Department, Town Hall, Bideford, EX39 2HS			
<b>West Devon Borough Council,</b> Housing Advice Department, Kilworthy Park, Tavistock, PL19 0BZ <b>OR</b> Okehampton Customer Services Centre, 10 St James's Street, Okehampton, EX20 1DH			

## **Appendix 2 Supporting Information**

### Identification:

The types of identification accepted by Housing Departments may include:

- Passport
- Birth Certificate
- The Housing Department can offer advice about how you can obtain these documentation if they are not readily available

### Detail of the accommodation where the abuse took/takes place

This information is used to confirm that the victim was resident at the property, things like utility bills or bank statements will often suffice. If the victim is interested in staying in the accommodation it is important that the housing officer understands the legal rights of the victim. For this it will be necessary to provide information about the tenancy arrangements or home ownership details.

### A statement detailing the nature and extent of the abuse:

It is important that the housing officer understands the nature and extent of the abuse. This information can be provided through a written and signed statement or during an interview.

### Names and contact details of people or professionals who can confirm the nature and extent of the abuse AND supporting documentation from other agencies:

This can range from friends and family to health visitors, police, doctors, school staff and information can take the form of written statements or official documentation from when incidents of abuse have been reported. Anyone who can verify the victim's story is of benefit to the investigation.