

## **Domestic Abuse Policy**

Responsibility	Head of Housing Management
Ratified by forum & date	Operations Committee November 2022
Review date	November 2025



## **1. Summary**

1.1 Domestic abuse can happen in any household or intimate relationship, on any income level and in any tenure. It is widespread and known to be under-reported. Abuse has a negative impact on an individual's mental and/or physical well-being and also affects the emotional and social well-being of children, and any other dependants including pets, in the household. Children and dependants in families where there is domestic abuse are also at risk of abuse themselves. The statutory definition of domestic abuse applies to those over 16 (both perpetrators and those abused), and also defines children as victims of domestic abuse as a result of witnessing it.

1.2 Domestic abuse occurs in all communities regardless of age, disability, sex, gender reassignment, race religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity. The 2019 to 2020 Crime Survey for England and Wales (CSEW) estimates that 2.3 million adults aged 16 to 74 in England and Wales experienced domestic abuse in the previous year, the majority of whom were female.

1.3 CHS Group (CHS) is opposed to all forms of domestic abuse, whether between partners / ex-partners or between other family members, and against adults in need of care and support. We will positively support those who are affected by it, both directly and indirectly. We will take action against the perpetrators of domestic abuse where we have the power to do so including tenancy action, and work with partner agencies to help to increase the choices for those who are abused and their households. CHS has a separate policy to support staff affected by domestic abuse.

1.4 The policy is supported by the CHS Domestic Abuse Toolkit (our approach, guidance, procedures for staff to use) which sets out in more detail the ways in which CHS will support survivors and the resources available to do so.

## **2. Policy Aims**

2.1 Our policy aims to achieve the following:

- To enable people to fulfil their aspirations, we will promote the welfare of all survivors of domestic abuse who come into contact with CHS Group.
- To raise awareness and understanding around domestic abuse and address negative attitudes and stereotypes.
- To embed across the organisation a culture where those affected by domestic abuse feel safe to approach us, are encouraged to talk and are listened to with a non-judgemental and believing approach, thus enabling them to make informed decisions about their lives and live more independently.
- To ensure we provide timely and effective guidance by working in partnership with relevant agencies (as part of a Co-ordinated Community Response) to respond to any cases of abuse.
- To enhance the safety and security of those affected (e.g. by arranging enhanced security to their home) and also support them to increase their confidence, resilience and empower themselves to live independently.
- To ensure employees have clear and practical guidance to ensure we support and protect survivors of abuse, allowing them to have more information about their choices so that they feel empowered to fulfil their ambitions.

- To work in partnership with appropriate agencies to support or signpost perpetrators of domestic abuse who recognise and seek to change their behaviour to increase their knowledge, confidence and resilience to combat their abusive behaviour patterns.
- To recognise that aspects of identity do not exist independently of each other and acknowledge that various forms of inequality often operate together (e.g. gender, gender diversity, race, disability). Anyone can experience domestic abuse but some who experience other forms of oppression and discrimination face further barriers to disclosing abuse and finding help.

This policy has an impact on other CHS' policies including safeguarding, lettings, repairs, rent arrears, housing management, anti-social behaviour and harassment which should all take into account our commitment to supporting victims and survivors of domestic abuse.

### **3. Definition of Domestic Abuse**

3.1 The Domestic Abuse Act 2021 created a statutory definition of domestic abuse, which is set out in full in the Appendix to this policy. We have summarised it here :

Domestic Abuse is defined in the Act as any of the following:

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour
- economic abuse
- psychological, emotional or other abuse

It may be a single incident or a pattern of behaviour. Those involved will be personally connected with each other e.g. by marriage, civil partnership, current or former intimate personal relationship, being relatives. Children are also recognised as victims of domestic abuse if they witness or experience the effects of abuse between those they are related to or who have parental responsibility for them. Domestic abuse could be directed at another person, for example the victim/survivor's child.

3.2 The most prevalent type of domestic abuse is partner abuse or abuse by a family member. The definition also covers abuse such as adolescent to parent violence and abuse. Detailed Home Office guidance (July 2022) is available:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089015/Domestic Abuse Act 2021 Statutory Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf)

3.3 Controlling behaviour is 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. Economic abuse has a substantial negative effect on the survivor's money, property goods or other services.

3.4 Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation, intimidation, gaslighting, pressure tactics or other abuse that is used to harm, punish, or frighten the other person. This includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and victims are not confined to one gender, sexual orientation or ethnic group. There may be multiple perpetrators, usually family members whether directly related, in-laws or stepfamily.

3.5 Domestic abuse is rarely a one-off incident and should be seen as a pattern of abusive and controlling behaviour through which the perpetrator seeks power over the other person. The figures show that although domestic abuse can be perpetrated by women towards men, it consists mainly of abuse by men against women. The Crime Survey for England & Wales for the year to March 2020 estimates 1.6 million females and 757,000 males aged 16 – 74 experienced domestic abuse in the previous year. This translates to around one in four women experiencing domestic abuse in their lifetime compared with one in seven men. Women are more likely to be injured, repeatedly abused, and murdered. Male perpetrators are far more likely to abuse post-separation than women and this is the most high-risk situation for women. According to the Femicide Census, 38% of women killed by their ex-partner / ex-spouse between 2009 and 2018 were killed in the first month of separation and 89% in the first year. Domestic abuse approaches have traditionally focused upon heterosexual partner abuse and more recently have recognised that rates of domestic abuse are estimated to be higher in same sex relationships than heterosexual ones, and for those identifying as transgender.

3.6 Women are more likely than men to experience multiple incidents of abuse, different types of domestic abuse (intimate partner violence, sexual assault and stalking) and in particular sexual violence. A BBC survey in February 2022 found that one third of women aged 25 – 64 had personally experienced some form of coercive and controlling behaviour.

## **4.0 Policy Commitment:**

4.1 At CHS Group, we believe that our customers and householders should not live in fear of violence or abuse from a partner, former partner or any other member of their household.

4.2 People experiencing domestic abuse will be treated in an empathetic, supportive and non-judgemental way. A person's disclosure alone is sufficient for them to be given advice and assistance as a matter of priority by staff.

4.3 We will:

- Ensure that both staff and customers understand that we will support them if they are experiencing domestic abuse. We will achieve this through good communications, publicity and awareness raising both internally and externally in relation to domestic abuse. We will also support an internal network of domestic abuse Champions who take a particular interest in the issue and offer support to colleagues who may experience domestic abuser personally or support others who do.
- Ensure that people experiencing domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next. This may include housing management options such as facilitating tenancy changes to allow the

survivor to exclude the perpetrator, or moving home – set out in the Domestic Abuse Toolkit.

- Put the survivor at the centre of our response, and consider the traumatic experiences and distress of those facing domestic abuse. We will support people who are / have experienced abuse to rebuild their lives by working in partnership with them and other support agencies.
- Take flexible approaches to maintenance and housing management issues e.g. providing security measures to increase safety ('target hardening'), adapting approaches to rent arrears and tenancy changes.
- Take action to stop perpetrators continuing to abuse and ensure that they are held accountable (e.g. prosecution for criminal damage, taking action to evict). When deciding to prosecute/evict, we will always take the survivor's/victim's wishes into account.
- Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
- Support survivors to employ the use of civil and criminal laws which can offer them protection and also act as a preventative measure to avoid further abuse.
- Ensure that people experiencing abuse are not deterred from reporting abuse.
- Seek appropriate support solutions for perpetrators of domestic abuse to prevent abuse recurring, while protecting the interests of the survivor which may include helping to ensure the perpetrator is excluded from the home.
- Take an active role in local partnerships including MARAC (Multi Agency Risk Assessment Conference), Cambridgeshire Domestic Abuse and Sexual Violence Partnership, other local authority forums, the managed reciprocals scheme, and use any opportunities to strengthen networks with specialist / 'by and for' providers.
- Follow the relevant child protection / Safeguarding Children procedures if we believe a child is at risk due to an abusive relationship.
- Follow the relevant Safeguarding Adults procedure if we believe an adult with care and support needs is at risk due to an abusive relationship.
- Require all staff to complete training on domestic abuse at a level appropriate to their role.
- Provide support and guidance to employees experiencing domestic abuse or to support their role in working with customers / tenants who are survivors.\*
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- Commit to the values and principles underpinning the Domestic Abuse Housing Alliance Accreditation standards as the foundation of every aspect of our response to domestic abuse.

\*See Employee Domestic Abuse Policy and Procedure

## **5.0 Equality, Diversity and Intersectionality<sup>1</sup>**

5.1 We are committed to the principles of equality and diversity throughout the organisation. In the context of dealing with domestic abuse cases, we aim to:

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<sup>1</sup> Intersectionality recognises that everyone has their own experience of discrimination and oppression and that it is important to consider everything that can marginalise people – gender, race, class, sexual orientation, physical ability which may overlap. For example women with disabilities are 2 to 4 times more likely to experience domestic abuse than women without disabilities.

- Meet the needs and choices of people from all backgrounds and take into consideration age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity.
- Ensure our service is responsive and meets the needs of all our existing and prospective customers.
- Take an intersectional approach to domestic abuse which recognises that different people may experience a combination of multiple forms of discrimination or disadvantage; and that as a result some survivors may be unwilling to seek help from statutory agencies e.g. police, social services .
- Understand and respond to the cultural implications and barriers to reporting domestic abuse.
- Ensure that all sections of the community in which we work have equal access to our service.
- Ensure through training and guidance that our staff understand and commit to intersectional practice.

5.2 Our Domestic Abuse Policy and Toolkit aims to ensure that customers are treated as individuals and with fairness and respect.

5.3 Our guidance for customers is set out on the CHS Group website and each webpage can be translated into many other languages online. Screen reader technology is also used across the website.

## **6.0 Recording & Data Protection**

6.1 All records regarding domestic abuse are held on the CHS Housing IT system using the Domestic Abuse case classification. All personal data held by CHS will be held and processed according to the General Data Protection Regulation 2016 and the Data Protection Act 2018. Any information obtained in relation to violence and abuse shall be treated in the utmost confidence. Information should only be disclosed in very limited circumstances, this would include:

- where individuals, service providers, or colleagues could be at risk of significant harm the General Data Protection Act 2018 enables the lawful sharing of information although it is best practice to first seek the person's permission to disclose unless it may place anyone at further risk of harm.
- where child or adult protection may be a concern, for example if a member of staff discloses that a child or a vulnerable adult is at risk from abuse. Where information needs to be disclosed, the resident must be informed that the information may be disclosed as well as provided with information about where, to whom and why the information may be disclosed. As far as possible, information will only be shared on a need to know basis.

6.2 Where CHS is working with a victim / survivor of domestic abuse this will be 'flagged' on the QL housing management system to ensure colleagues take an informed and flexible approach in the course of any day to day contact and can also offer appropriate support. Those who are known or suspected to be perpetrators of abuse are also noted on the same system.

6.3 CHS works in partnership with other agencies for example through (MARAC) and 'flag and tag' where agencies are identified that a perpetrator has moved to their area. CHS is a signatory to Information Sharing Agreements with these agencies and will hold and manage such data in line with our privacy notices.

## **7.0 Monitoring and Review**

7.1 This policy will be reviewed every 3 years or in line with business needs or changes in regulation and/or legislation. The Toolkit to guide staff will be updated on a more frequent basis as good practice guidance and learning from cases evolves.

7.2 Cases will be monitored on a range of Quality Assurance Indicators (QAs) and outcomes which include:

- Number of cases opened
- Involvement of partner agencies and groups, including Multi Agency Risk Assessment Conference (MARAC)
- Evaluation / satisfaction with the service from survivors

## Appendix 1

### Legal framework

There is a range of civil and criminal action that can be taken to protect people from domestic abuse. These vary according to the circumstances of individuals. Some of these are outlined below although CHS will always advise that legal advice is taken. Sources of legal and other advice / support are set out in our guidance for customers and the CHS website, and CHS staff will provide guidance / referrals to the most appropriate agencies.

The **Domestic Abuse Act 2021** was seen as a once-in-a-generation opportunity to transform the response to domestic abuse. The Act :

- creates a statutory definition of domestic abuse
- establishes the office of Domestic Abuse Commissioner
- Amends the Housing Act 1996 so that a person has priority need if they are homeless as a result of being subject to domestic abuse
- prohibits offenders from cross-examining their victims in person in the family courts
- creates a domestic abuse protection notice (DAPN) and domestic abuse protection order (DAPO)
- provides a statutory basis for the Domestic Violence Disclosure Scheme (Clare’s law) guidance
- creates a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal courts
- places a duty on local authorities to give support to victims of domestic abuse and their children in refuges and safe accommodation
- requires local authorities to grant new secure tenancies to social tenants leaving existing secure tenancies for reasons connected with domestic abuse

The full **statutory definition of domestic abuse** is:

#### **Section 1: Definition of “domestic abuse”**

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) 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.

(3) 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.

(4) “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.

(5) For the purposes of this 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).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of "personally connected", see section 2.

### **Section 2: Definition of "personally connected"**

(1) 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 (see subsection (2));

(g) they are relatives.

(2) For the purposes of subsection (1)(f) 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.

(3) In this section —

"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;

"relative" has the meaning given by section 63(1) of the Family Law Act 1996.

### **Section 3: Children as victims of domestic abuse**

(1) This section applies where behaviour of a person ("A") towards another person ("B") is domestic abuse.

(2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who —

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

(b) is related to A or B.

(3) A child is related to a person for the purposes of subsection (2) if —

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

(b) the child and the person are relatives.

(4) In this section —

"child" means 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.

Part IV of the **Family Law Act 1996** (FLA 1996) provides a civil remedy for molestation, abuse and occupation. The court can grant occupation orders to exclude a perpetrator from the home altogether or prevent them from re-entering the home or coming within a certain area of

the home. A non-molestation order is used to restrain someone from causing or threatening abuse to the applicant or any children. Applications can be made on-notice or ex-parte (without notifying the respondent) where there is a risk of harm. A Power of Arrest can be attached to an order, especially where the court finds that there has been abuse or a threat of it.

The **Protection from Harassment Act 1997** contains both criminal and civil remedies for domestic abuse. Its main advantage has been its availability to those who have not lived with their abusive partner or had children with them - however this is improved by the Domestic Abuse Crime and Victims Act 2004 (see below). Civil remedies include injunctions and seeking damages for harassment offences. Breach of an order is a criminal offence.

The **Housing Act 1996** allows CHS as a landlord to apply for a possession order (using Ground 2A for secure tenants or ground 14A for assured tenants) where the tenant has been violent. It depends on the tenant who is experiencing domestic abuse leaving the property with no intention of returning. It does not enable the survivor of abuse to stay in the property, but is a way of regaining possession of the home when the perpetrator remains in occupation.

The **Domestic Abuse Crime and Victims Act 2004** introduced stronger protection for survivors with measures such as making it an arrestable offence to breach a non-molestation order, making common assault an arrestable offence, setting up a register of civil orders, extending protection to same-sex couples and permitting non-molestation orders for couples who have never co-habited.

The **Anti-Social Behaviour, Crime and Policing Act 2014** makes provision for a civil injunction to prevent anti-social behaviour. Part 2 makes provision for an order on conviction to prevent behaviour which causes harassment, alarm or distress. This may be relevant where a domestic abuse perpetrator is causing distress to the wider community and where the victim of domestic abuse feels unable to participate in legal action.

The **Care Act 2014** aims to improve people's independence and wellbeing. It places a duty on local authorities to prevent, reduce and delay the need for care and support.

The **Serious Crime Act 2015** (Section 76) created a new offence of *controlling or coercive* behaviour in an intimate or family relationship. The Domestic Abuse Act 2021 amended the Act to include post-separation abuse. Controlling or coercive behaviour towards another can include or be committed in conjunction with a range of other offences. A pattern of controlling or coercive behaviour can be well established before an incident is reported. Behaviour of the perpetrator can include:

- Isolating a person from their family or friends
- Depriving them of their basic needs
- Monitoring their time
- Monitoring a person via online communication tools or using spyware
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- Depriving them access to support services, such as specialist support or medical services
- Repeatedly putting them down such as telling them they are worthless
- Enforcing rules and activity which humiliate, degrade or dehumanise the other person

- Forcing the other person to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- Financial abuse including control of finances, such as only allowing a person a punitive amount
- Control ability to go to school or place of study
- Taking wages, benefits or allowances
- Threats to hurt or kill
- Threats to harm a child
- Threats to reveal or publish private information (e.g. threatening to 'out' someone)
- Threats to hurt or physically harming a family pet
- Assault
- Criminal damage (such as destruction of household goods)
- Preventing a person from being able to attend school, college or university
- Family 'dishonour'
- Reputational damage
- Disclosure of sexual orientation
- Disclosure of HIV status or other medical conditions without consent
- Limiting access to family, friends and finances

**Clare's Law 2017 (also known as Domestic Violence Disclosure Scheme (DVDS))**

gives people the right to ask police if their partner has been violent and if they are at risk.

**Homelessness Reduction Act 2017** - includes two new duties to the original statutory rehousing duty:

- Duty to prevent homelessness
- Duty to relieve homelessness

**General Data Protection Regulation (2018)** expands the rights of individuals to control how their personal **data** is collected and processed, and places a range of new obligations on organisations to be more accountable for **data protection**.

## Appendix 2

### Recognising domestic abuse (Extract from Women's Aid website)

Although every situation is unique, there are common factors that link the experience of an abusive relationship. Acknowledging these factors is an important step in preventing and stopping the abuse. This list can help you to recognise if you, or someone you know, are in an abusive relationship.

They include :

- **Destructive criticism and verbal abuse:** shouting/mocking/accusing/name calling/verbally threatening
- **Pressure tactics:** sulking, threatening to withhold money, disconnecting the telephone and internet, taking away or destroying your mobile, tablet or laptop, taking the car away, taking the children away, threatening to report you to the police, social services or mental health team unless you comply with his demands, threatening or attempting self-harm and suicide, withholding or pressuring you to use drugs or other substances, lying to your friends and family about you, telling you that you have no choice in any decisions.
- **Disrespect:** persistently putting you down in front of other people, not listening or responding when you talk, interrupting your telephone calls, taking money from your purse without asking, refusing to help with childcare or housework.
- **Breaking trust:** lying to you, withholding information from you, being jealous, having other relationships, breaking promises and shared agreements.
- **Isolation:** monitoring or blocking your telephone calls, e-mails and social media accounts, telling you where you can and cannot go, preventing you from seeing friends and relatives, shutting you in the house.
- **Harassment:** following you, checking up on you, not allowing you any privacy (for example, opening your mail, going through your laptop, tablet or mobile), repeatedly checking to see who has telephoned you, embarrassing you in public accompanying you everywhere you go.
- **Threats:** making angry gestures, using physical size to intimidate, shouting you down, destroying your possessions, breaking things, punching walls, wielding a knife or a gun, threatening to kill or harm you and the children, threatening to kill or harm family pets, threats of suicide.
- **Sexual abuse:** using force, threats or intimidation to make you perform sexual acts, having sex with you when you don't want, forcing you to have sex with other people; any degrading treatment related to your sexuality or to whether you are lesbian, bisexual or heterosexual.
- **Physical abuse:** punching, slapping, hitting, biting, pinching, kicking, pulling hair out, pushing, shoving, burning, strangling, pinning you down, holding you by the neck, restraining you.
- **Denial:** saying the abuse doesn't happen, saying you caused the abuse, saying you wind him up; saying he can't control his anger, being publicly gentle and patient, crying and begging for forgiveness, saying it will never happen again.