

DOMESTIC ABUSE AND SEXUAL VIOLENCE POLICY



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1. INTRODUCTION AND OBJECTIVES

- 1.1 The purpose of this policy is to clearly define Cornwall Housing Limited (CHL) commitment to the rights of every person to live a domestic abuse-free life and to live safe from fear in their own home.
- 1.2 CHL believes that no one should live in fear of abuse or violence from a partner, former partner, or other member of their household.
- 1.3 CHL recognises that domestic abuse can occur in any household, and will take steps to assist and support any person suffering from or threatened with domestic abuse. CHL seeks to provide a supportive and multi-agency response to any incidents of domestic abuse, and to create an enabling environment, which encourages people to report such abuse.
- 1.4 This policy underlines CHL's condemnation of domestic abuse, and its commitment to working in partnership towards combating it.
- 1.5 The objectives of this policy are:
 - To ensure that residents experiencing domestic abuse can approach CHL in confidence knowing that staff will be sympathetic and supportive
 - To treat all reports of domestic abuse seriously and as a matter of high priority
 - To establish close working relationships with local authorities and external support to signpost residents to appropriate agencies that can help by providing specialist advice and support
 - To maintain a clear and concise policy and procedure, outlining the assistance CHL can offer residents affected by domestic abuse

2. POLICY SCOPE & DEFINITIONS OF DOMESTIC ABUSE

- 2.1 This policy applies to all CHL residents who are victims of domestic abuse perpetrated by a spouse or partner, former spouse or partner or other member of their household/family. The perpetrator may be someone living in the same property as the victim, or be a visitor to their home, estate or neighbourhood.
- 2.2 The Domestic Abuse Act 2021 defines **Domestic Abuse**. It highlights that the 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.

2.3 Behaviour is “abusive” if it consists of the following:

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse (see definition below);
- (e) physical, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct

2.4 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.

2.5 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

2.6 Children are acknowledged to be victims of Domestic Abuse. Any reference to a victim of domestic abuse includes a **reference to a child** who:

- (a) sees or hears, or experiences the effects of, the abuse, and
- (b) is related to A or B



- 2.7 A child is related to a person, if:
- (a) the person is a parent of, or has parental responsibility for the child, or
 - (b) the child and the person are relatives.
- 2.8 **Controlling behaviour** - a range of acts 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.
- 2.9 **Coercive control** - an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten another person.
- 2.10 **Physical Abuse** - any act resulting in a non-accidental physical injury, including not only intentional assault but also the results of unreasonable punishment. Physical abuse includes, but is not limited to: punching, kicking, slapping, hitting, stabbing, attempted murder and Female Genital Mutilation (FGM).
- 2.11 **Emotional or Psychological Abuse** - mistreatment of a person with intent to cause mental or emotional pain or injury. Such abuse can include, but is not limited to: verbal aggression, humiliation and/or degradation, acts to undermine, insults, threats, infantilisation, isolation and harassment (including checking up on people).
- 2.12 **Elder Abuse** - maltreatment of an older adult, ranging from passive neglect of need to overt mental, physical or sexual abuse.
- 2.13 **Sexual Abuse** - any act of a sexual nature performed in a criminal manner, as with a child or non-consenting adult including, but not limited to: using force, threats or intimidation to make a person perform sexual acts, rape and non-consensual acts of sex. This term also relates to lewd or lascivious behaviours, any unwanted act of a sexual nature towards another that could be expected to offend, and acts of sexual exploitation such as those related to pornography or coercion to engage in sexual acts with others.



2.14 **Economic Abuse** - 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.
- 2.11 MARAC - Multi Agency Risk Assessment Conference – a local, multi-agency, victim focussed panel where information is shared on the highest risk cases of domestic violence and abuse between key agencies. Their role is to facilitate, monitor and evaluate effective information sharing, to enable appropriate actions to be taken to help victims of domestic violence and abuse

2.15 Domestic abuse can affect all members of the community, irrespective of their age, gender, social class, culture, ethnicity, sexuality, ability/disability, levels of education, income groups, or occupation. Abuse can happen at any stage in a relationship, at the beginning, after many years, or when the relationship is over. There are no boundaries.

2.16 Domestic abuse is almost always a repeat victimisation crime, most persons having experienced domestic abuse have experienced more than one attack by the same perpetrator. The person having experienced domestic abuse will be most at risk at the point at which they are leaving or considering leaving the perpetrator.

3. POLICY STATEMENT

3.1 CHL will not tolerate acts of domestic abuse being perpetrated in properties or on estates it manages or owns. It is recognised that domestic abuse is a violation of human rights and that every person has a right to live safe from abuse and fear within their own home.

3.2 The role of CHL's staff is to give support and information to the person experiencing domestic abuse and to be non-judgemental about their situation.

3.3 It is also recognised that the need for confidentiality is paramount. Information on any particular case will only be declared to a third party if the persons experiencing domestic abuse provides their express consent, (except issues covered by the Housing Information Exchange protocol and the Domestic Abuse and Sexual Violence (DASV) Information Sharing Agreement (ISA). Appropriate validation will be required to ensure that any request for information is legitimate.



3.4 Legal Action may be taken against persons who are believed to be the perpetrators of domestic abuse. CHL will also ensure appropriate support is provided to the person experiencing domestic abuse.

3.5 CHL will:

- Act promptly in responding to reports of domestic abuse;
- Provide practical support for persons experiencing domestic abuse to protect them from further abuse, and identify and take action, or support other agencies taking action, against the perpetrators of domestic abuse;
- Regularly monitor incidents of domestic abuse and the effectiveness of this policy;
- Work in partnership with other agencies to create an environment in which domestic abuse will not be tolerated.

4. OUR APPROACH

4.1 Victim Centred Approach

4.1.1 CHL will treat all reports of domestic abuse seriously and action all incidents reported to us as high priority, and will make contact with the person experiencing domestic abuse within one working day.

4.1.2 CHL staff will listen and believe. Many people have difficulty reporting domestic abuse because of the fear they are living with, because of the stigma attached to it, or the fear of not being believed. CHL staff will always begin by accepting as accurate what they are told by the victim reporting abuse.

4.1.3 CHL staff will not judge. Leaving an abusive partner can take a long time, and many victims will leave and return on several occasions before leaving for good. Our staff will be non-judgmental if a victim decides to return to an abusive partner, and they will be aware that leaving can be a very hard thing to do.

4.1.4 CHL will work in partnership with the police and support agencies to deliver a person-centred approach to resolving the situation and will agree a personalised action plan. This plan will be monitored and reviewed at a frequency agreed with the victim.



4.1.5 Every effort will be made to ensure that those subjected to domestic abuse are dealt with in a sensitive and sympathetic manner. Key considerations include:

- the option to be interviewed by someone of the same sex
- to be interviewed in the location of their choice (subject to satisfying any concerns about staff safety)
- not to be interviewed in the presence of their children
- a translation service being available
- they may have a friend or advocate present at the interview if they wish.

4.1.6 CHL will work with partner agencies to provide improved security to a resident's home. Where required, CHL will complete any necessary, and reasonable, security measures to ensure the resident is secure in their property. These works, and any reasonable measures recommended by the police will be completed as a matter of urgency.

4.1.7 CHL will make a referral to our Tenancy Sustainment and Income teams, or external financial inclusion partners, for any required support relating to financial issues. CHL recognise that economic abuse is present in most cases of abuse and that rent arrears may exist as a result of this. CHL will work with the victim to find a way of dealing with the arrears with the goal of enabling the victim to remain in the home, if this is what they wish to do.

4.1.8 CHL encourage all residents involved in domestic abuse to seek independent legal advice but when working with victims will respect their wishes at all times and take action where CHL have the power to do so

4.1.2 CHL operates a victim-centred approach, i.e., where the person experiencing domestic abuse discloses that domestic abuse has occurred, the investigation will begin from that premise and the domestic abuse procedure will be implemented.

4.1.2 Every effort should be made to not retraumatize the person experiencing domestic abuse if additional details are required. Where a victim's experience has been documented already by a domestic abuse service, then CHL should utilise existing statements to avoid asking the person experiencing domestic abuse to re-live their experience unnecessarily

4.2 Multi-Agency and Partnership Working

4.2.1 CHL works in partnership with the police and other agencies to assist and protect anyone who is experiencing domestic abuse. CHL will always work with individuals experiencing Domestic Abuse to report their experience to the police but where CHL believes that an individual is in immediate danger, this will be reported direct to the police.



- 4.2.2 In managing cases of domestic abuse, CHL will share relevant and required information as and when appropriate. CHL follows the national support framework on information sharing for community safety guidelines laid down by the Home Office. CHL will work closely with other agencies within the Community Safety Partnership, including the police and community support agencies to ensure that victims can access all available support networks.
- 4.2.3 CHL will share information with the police and other statutory agencies with the permission of individuals. If the person experiencing domestic abuse wishes, referrals should also be made to other support agencies including the Safer Futures service as they can do a risk assessment, referrals to MARAC, safety planning and discuss appropriate support. CHL have signed up to the Multi Agency Risk Assessment Conference (MARAC) protocol and may in exceptional circumstances refer individuals to the MARAC without consent where there is sufficient concern. CHL will also attend all known MARAC's where these affect our residents.
- 4.2.4 CHL will consider any reports or incidents of Domestic Abuse alongside its Safeguarding Policy and although the needs of the individual will always be considered, CHL will in exceptional circumstances report incidents of concerns direct, (this will be in accordance with the safeguarding policy).
- 4.2.5 CHL staff will also be aware that if the victim is afraid to return to their property they should be referred as a matter of urgency to Cornwall Council's Housing Options service for further advice and assistance (under the Housing Act 1996, Part VII as amended by the Homelessness Act 2002). CHL staff may also discuss the Cornwall Sanctuary Scheme which can offer support to improve their home security.

5. CONFIDENTIALITY

- 5.1 Maintaining strict confidentiality is central to the handling of reports of domestic abuse.
- 5.2 CHL understands that residents must feel assured that an abuser will not become aware of their whereabouts if they decide to leave the relationship, or that they have been obtaining advice and support if they are still living with an abuser. To this end, CHL will not give out information about anyone to a third party without written consent and will not contact the victim to follow up contact made with CHL, unless they give permission to do so.



- 5.3 No contact will be made with the perpetrator unless the victim has given consent to do so. If contact has been agreed, the victim must be informed of CHL's intention to make contact before doing so on every occasion. The victim must agree with the date/time that any contact is to take place including when any letters are going to be sent or telephone calls made.
- 5.4 Under the General Data Protection Regulations 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:
- There is a need to protect vulnerable people.
 - There is a need to prevent and/or contain a crime, disorder or other public safety threat
 - CHL is required to by law, for example CHL cannot withhold information if being questioned by the Police as part of a criminal investigation.

6. ACTION AGAINST PERPERTRATORS

- 6.1 CHL will consider taking action against any of its residents perpetrating domestic abuse. This may include injunctions, providing support to the victim or other agencies in the pursuit of prosecution for criminal offences and eviction.
- 6.2 However, such action will take into consideration whether the person experiencing domestic abuse wishes to proceed with the matter. The safety of the person experiencing domestic abuse and the possible repercussions of any action will always be considered.
- 6.3 CHL will consider the use of statutory grounds for possession against a tenant who remains in the property after the victim has vacated.
- 6.4 CHL also recognises that there are circumstances where there may be a need for support services to be provided to the perpetrator. This behaviour change support can be provided through the Safer Future services.



7. RE-HOUSING OF PERSON EXPERIENCING DOMESTIC ABUSE

- 7.1 If the person experiencing domestic abuse states that they can no longer live in their home and does not have suitable alternative accommodation, a referral should be made as a matter of urgency to the Cornwall Council Housing Options service for an assessment to be made under the Housing Act 1996, Part VII (as amended by the Homelessness Act 2002). The person experiencing domestic abuse should not be required to return to their home if doing so would place them at immediate risk of harm.
- 7.2 The person experiencing domestic abuse should also be encouraged to register on the Cornwall Homechoice housing register where priority can be given. Referral may also be made to Refuge, other specialist safe accommodation and other agencies.
- 7.3 It is recognised that victims of domestic abuse may wish to move from the property/area where problems are experienced. Each case will be dealt with sensitively and on its merits based on the evidence it is possible to gather. Such moves will be considered under the Cornwall Homechoice Assessment Framework.
- 7.4 Where a local authority, for reasons connected with domestic abuse, grants a new tenancy to a social tenant, the new tenancy must be to the minimum security of tenure to the tenancy they gave up.

8. STAFF AND DOMESTIC ABUSE

- 8.1 CHL will ensure that training on domestic abuse is compulsory for all appropriate roles, so they have sufficient knowledge of and fully understand the key issues relating to domestic abuse and receive appropriate training to successfully implement CHL's domestic abuse policy.
- 8.2 CHL will support staff who are involved in dealing with cases of domestic abuse, and ensure that they receive appropriate training to enable them to recognise issues. CHL will provide appropriate advice and support to staff dealing with cases of domestic abuse.
- 8.3 CHL acknowledges that staff may also be victims of domestic abuse and in these cases staff will be dealt with sensitively.

9. MONITORING AND REVIEW

- 9.1 All incidents of domestic abuse reported to CHL will be recorded on the CHL ASB database, within Open Housing.



- 9.2 CHL will monitor these cases to ensure the effective management of all domestic abuse cases and to identify trends or areas of concerns which may change the delivery of this service.
- 9.3 This policy will be reviewed every two years unless legislation or best practice requires further change.

10. ASSOCIATED DOCUMENTS

11.1 This policy has been developed in line with current legislation and guidance of good practice and specifically:

- Domestic Violence, Crime and Victims Act 2004
- Domestic Abuse Act 2021
- Equality Act 2010

11.2 This policy should also be read in conjunction with the following CHL Policies:

- CHL Anti-Social Behaviour Policy
- CHL Data Protection Policy
- CHL Income Management Policy
- CHL Rechargeable Repairs Policy
- CHL Safeguarding Adults and Children Policy
- CHL Tenancy Policy



DIVERSITY AND INCLUSION

CHL are committed to treating all people with fairness and respect. CHL aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and CHL anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities CHL serve. CHL want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.

When applying this policy, CHL act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:

- eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.
- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010.



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