

# DOMESTIC ABUSE POLICY

## 1 Purpose

- 1.1 Red Kite Community Housing, as a housing provider, has a key role in creating safe and sustainable communities. This can only be achieved if we work in partnership with the Police, Local Authorities, other agencies, and partners, and, most importantly, our tenants. The well-being of our tenants and leaseholders is central to our approach.
- 1.2 Domestic Abuse is in many respects a hidden crime and measuring the exact scale of it can be difficult due to its nature. This policy and the associated process sets out our approach to tackling domestic abuse and supporting survivors and their families through prevention, enforcement, and signposting to relevant support. Its purpose, by working with tenants and partners, is to prevent, reduce and support survivors of domestic abuse that our tenants suffer, which impacts adversely on them and our local community.

## 2 References

- 2.1 This policy has been drafted in line with our vision and values, relevant legislation, and best practice.

## 3 Responsibilities

- 3.1 Domestic abuse and supporting survivors of domestic abuse is collectively the responsibility of all staff in the Red Kite. Staff are expected to be familiar with this policy whatever their role or level of involvement is with tenants. This is to ensure that all staff play a role when actively assisting an individual or encountering such situations during their job role.
- 3.2 In respect of reporting, all our staff should be alert and are expected to follow a prompt and effective reporting procedure if abuse is reported, suspected or discovered.
- 3.3 As stated in the Red Kite Housing Safeguarding Policy, Red Kite will have a minimum of two staff nominated to be Safeguarding Leads. This is to ensure that Domestic Abuse cases are managed effectively, efficiently and safely.
- 3.4 The Head of Community is responsible for managing, reviewing, and implementing this policy.

## 4 Legal & Regulatory Framework

- 4.1 The legal framework is extensive, and includes the following:
  - **Domestic Abuse Act 2021**

- *Definition:* This act created the first statutory definition of domestic abuse including physical, emotional, coercive, controlling and economic abuse.
- *Current or historical:* This includes abuse post separation and victims only need a personal connection to include family members who do live together.
- *Children:* Young people who witness Domestic Abuse are deemed “*victims*”, not “*witnesses*” within the legislation. This is to ensure the seriousness and long term affect on children is taken with the utmost seriousness
- *Special measures to support legal action:* A statutory presumption is that victims are eligible for special measures in court matters, i.e video links and cross examination by the alleged perpetrator is not allowed.
- *Police/Criminal Justice additional powers:* Police have been given new powers to issue Civil Domestic Abuse Protection Notices (DVPN) stating offenders must leave the home for 48 hours. Breaches can lead to Civil Domestic Abuse Orders (DVPO’s) through the Magistrates Court. A breach of this is a criminal offence with a maximum penalty of 5 years imprisonment.
- *Perpetrator behaviour and therapy/support to change:* *Alongside the above criminal powers, perpetrators of DA are expected to engage* to understand and change their behaviour through support mechanisms like mental health. It is hoped this can break the cycle for future risk of reoffending.
- *Housing assistance:* A further statutory duty is placed on Local Authorities alongside existing obligations to ensure victims and their children are placed in refuges and safe accommodation with enshrined priority need for homeless assistance.
- *“Clare’s Law”* The law ensures that guidance on Clare’s Law now has statutory footing (related to Police disclosure of offenders to potential new victims).
- *Non-fatal strangulation:* A new criminal offence of non-fatal strangulation was introduced to deal with a loophole in existing legislation.
- *“Revenge Porn”:* The scope of threatening to disclose intimate images without the consent of the individual, known as “Revenge Porn ”, is dealt with via a maximum penalty of 2 years imprisonment.

In addition to the above framework, the legislation referenced on page 2 provides support to survivors, please refer to our Domestic Abuse procedure guide for full details.

## 5 Definitions

5.1 Safeguarding means protecting somebody's right to live in safety, free from abuse and neglect.

5.2 The definition of Domestic abuse was updated by the Domestic Abuse Act 2021.

- *This following section defines “domestic abuse” for the purposes of this Act.*
- *Hence, the behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:*

*Person A and person B are each aged 16 or over and are personally connected to each other and (b) the behaviour is abusive. The relationship does not need to be current and this includes former intimate or family relationships. The act also covers any abuse post separation controlling or coercive behaviour.*

- *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 if 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 this Act person A’s behaviour may be behaviour “towards” party B despite the fact that it consists of conduct directed at another person (for example, B’s child).”*

5.3 Importantly, the legislation captures the impact on children directly, if they witness or experience Domestic Abuse, are specifically recognised as victims under the Domestic Abuse Act 2021.

5.4 Female mutilation (FGM), honour-based violence and forced marriage, the sharing of intimate images, non-fatal strangulation, are all included under the Domestic Abuse Act 2021.

5.5 It is important to note that men and boys can also be victims of Domestic Abuse, the Domestic Abuse Act 2021 states:

- *“Men and boys who are victims of domestic abuse may face specific fears of stigmatisation, concerns about being believed, not recognising that they are victims of domestic abuse and lack of promotion of services to support them.”*
- *“Different systemic, environmental and cultural barriers can impact groups of victims, including men and boys, and taking into account their other characteristics. Therefore, it is important that men and boys are not viewed as a homogenous group as their experiences will be unique and cannot be defined in terms of sex alone.”*

5.6 More detailed information from the Government on supporting male victims can be found here: [Supporting Male Victims](#).

5.7 <https://mankind.org.uk/> is a confidential helpline available for male victims of domestic abuse and domestic violence across the UK as well as their friends, family, neighbours, work colleagues and employers.

5.8 For male victims there is the SAM Service delivered by SAASS BMK. <https://saassbmk.org.uk/> this provides free, confidential and non-judgemental support for the **Male Survivors** of Sexual Assault and Domestic Abuse <https://samproject.org.uk/> Telephone- 01296 392478 / 01908 201971 / [support@samproject.org.uk](mailto:support@samproject.org.uk)

5.9 Support is also on offer for young people. [SASH](#) is a partnership project providing support to children and young people who have experienced domestic abuse or sexual harm. For more information visit: [sashbucks.org.uk](http://sashbucks.org.uk)

5.10 What we mean by 'victims' and 'survivors': in general, we use the terms 'victims' and 'survivors' to describe those with lived experiences of domestic abuse.

- We use 'survivor' to refer to someone who has gone through the recovery process.
- We use 'victim' for someone still recovering from the harm that has come to them.

## 6 Key Principles

6.1 Red Kite's response to reports of Domestic Abuse - This policy and our associated process explain:

- How reports will be handled including those from survivors, witnesses or staff.
- How Red Kite staff and contractors will be supported to ensure they have the relevant training and knowledge to take the appropriate next step, and for the relevant staff, to welcome disclosures.

- The nature of the support we will offer to survivors, both via our own staff and resource, and via external referrals to specialist supporting agencies we work in partnership with.
- What steps we can take in respect of action against the perpetrators of domestic abuse, including legal steps where appropriate and balanced.

6.2 The scope of this policy covers our tenants related to our housing function as follows:

- General Needs rented
- Sheltered Housing rented
- Leasehold & Shared ownership
- Temporary accommodation we own and/or manage
- Communal areas

6.3 Everyone who reports domestic abuse, whether tenant, occupier, leaseholder or shared owner will be offered advice, support and signposting to specialist agencies. Any legal action against perpetrators of Domestic Abuse who reside in General Needs, Sheltered or Temporary accommodation tenure homes will differ to that which is possible with those residing in Leasehold or Shared ownership homes. In these cases, we will encourage survivors to seek independent legal advice to consider the use of other practical legal remedies like non-molestation orders or occupation orders.

## **7 Policy Statement**

7.1 At Red Kite, we believe in creating a safe and thriving communities for all. We are committed to a zero-tolerance approach towards domestic abuse. We understand the devastating impact it can have on individuals and families, and we stand firm in our resolve to combat it. This policy is designed to support and ensure that every resident feels secure and respected in their own home. We will provide support to those affected, and to work to prevent such instances in our community.

7.2 Create a safe environment where survivors feel they can approach us, are encouraged to talk, and are listened to, helping them to make informed decisions about their lives and live more independently. As part of these efforts, we will adapt our service offering, by providing the opportunity for the survivor to have a staff member of the same gender assigned to the case if desired or in other/same circumstances the same culture where practicable and possible.

7.3 Building our network of partners including the continuation of our close relationship with Wycombe Women's Aid (WWA), whom we work with in respect of both referrals and advice and in practical terms by entering into a long-term arrangement to provide a building for use as a Refuge for survivors.

7.4 WWA covers Wycombe, Chiltern and South Bucks. It provides support to women and children experiencing the effects of domestic violence by offering safe,



temporary and emergency accommodation as well as practical and emotional support within the refuge and through Outreach in the local community.

- 7.5 Have in place a culture that does not tolerate abuse, and which encourages staff, contractors, and volunteers to raise concerns. The recent introduction of the Domestic Abuse Act 2021 looks to support better victims in a holistic manner to become survivors in addition to increasing definitions and enforcement options. Our culture must support this ethos.
- 7.6 Work with involved partners, follow relevant legislation, government guidance and our regulator's requirements as applicable.
- 7.7 **Staff Training**
- 7.8 Ensure that staff are trained in recognising the symptoms of abuse, are vigilant and able to respond to safeguarding concerns and understand the need for clear and accurate record keeping.
- 7.9 The Buckinghamshire Domestic Abuse Partnership Board offer free training in a variety of domestic abuse and VAWG (violence against women and girls) topics. A training catalogue is released annually with the courses running from September to the following March. The training can be assessed during those months via: [Bucks Training Catalogue - Buckinghamshire Domestic Abuse Partnership \(bucksdap.org.uk\)](https://bucksdap.org.uk)
- 7.10 The Buckinghamshire Domestic Abuse Champion Network is a free resource delivered by the Domestic Abuse Team at Buckinghamshire Council. It offers free training over 2 consecutive days to any person within Buckinghamshire to ensure victims get the same, quality level of response no matter who they engage with. For more information about the network and how to sign up visit: [Bucks DA Champion's Network - Buckinghamshire Domestic Abuse Partnership \(bucksdap.org.uk\)](https://bucksdap.org.uk)
- 7.11 We will encourage our tenants to report allegations of Domestic Abuse. Our policy will be made easily accessible and promoted via our staff, directly to survivors when they come forward, jointly through our partnership working with specialist organisations and through our website, social media, and other communication mediums.
- 7.12 We will respond to all reports of domestic abuse in a confidential and sensitive manner, ensuring communications are only directed to and given to the person experiencing the alleged abuse, in the appropriate format for their situation. Typically, these are made by telephone, letter, personal staff, or contractor visit to a home, a visit to our offices, or via electronic means such as email, website messaging or personally directed social media (with absolute care taken to move the communication away from social media to a more suitable forum for privacy reasons).

7.13 All report acknowledgement and initial assessments will be bound by the timescales within our Domestic Abuse process. If there is an immediate safety risk identified emergency services will be contacted immediately. If a third-party report of domestic abuse is received or a staff member or contractor has concerns or has noticed potential signs of domestic abuse, a safeguarding alert form must be completed. All staff will be supported to do this by relevant line managers and involved staff.

7.14 Upon receipt of allegations, we will deal with the matter in a confidential, understanding, and sensitive manner. Our very first task will be to ensure the immediate protection of the survivor with relevant advice.

#### 7.15 **Contractor Training**

7.16 Contractors who provide services on or behalf of Red Kite will be supplied with the latest versions of our policies regarding Domestic Abuse and Safeguarding, as well as any other policies relevant to their tenant facing roles.

#### 7.17 **Home Security improvements (Sanctuary works)**

It is also important for survivors of domestic abuse to be able to remain in their home and to feel safe. The Sanctuary scheme is a free scheme for any person who is affected by Domestic Abuse and wants to improve the safety and security of their home. The work can be tailored to meet individual needs and could be anything from additional lighting to fire retardant letter boxes to extra doors and window locks.

We will continue to support the use of this scheme and actively make available funds each year to be used to support tenants to remain living in their home by improving safety and security. We will continue to work closely with others to build and develop effective and working relationships with other agencies who provide sanctuary scheme services to expand our offering and reactive service when complaints of domestic abuse are made.

#### 7.18 **Sharing information**

Red Kite and relevant agencies may share information in line with Data Protection legislation and guidelines for the purpose of safeguarding and where we have a reasonable belief that someone is at risk of significant harm. Where possible/practical, we will seek consent to share information, depending on the circumstances and the nature of the concerns involved.

#### 7.19 **Partnership Working**

Supporting survivors of Domestic Abuse depends upon effective joint working. We will work with the Local Authorities in co-ordinating our response, and our own role in alerting Adult's Services and/or the Police of any concerns regarding safety. We will work co-operatively with relevant partnerships. For Domestic Abuse cases this will predominately involve working with MARAC (Multi-Agency Risk Assessment Conference). This joint working will also include working with MASH (Multi-agency



Safeguarding Hub), MAPPAs (Multi-Agency Public Protection Arrangements, MASEs (Multi-Agency Sexual Exploitation panels), SABs (Safeguarding Adult Boards) and LSCBs (Local Safeguarding Children Boards) which aim to protect those at risk.

#### **7.20 Rehousing advice & Priority Moves**

If the tenant is facing serious risk of immediate harm, we will refer them to the Local Authority who have a statutory duty to assess. We will support them and engage with the Local Authority to help.

7.21 In cases of Domestic Abuse where there is a serious risk of harm, we will refer a priority move request to our Housing Adaptations and Lettings Panel (HALP) and the application will be considered in line with our Priority Moves Policy. The type of home we offer will be in line with our Allocations Policy. It is important to note that our housing stock is limited in respect of geographical location, so this may not be appropriate in all cases. Because of this fact and to be clear to the survivor and our partner agencies, where we cannot be reasonably confident of the safety of an individual because of the locality issue, the panel will provide a finding of need which will be shared with all to ensure the outcome is very clear. Guidance on the suitability of the location will be sought from partner agencies including the Police.

7.22 We will participate in reciprocal agreements with other registered providers of housing across Buckinghamshire. This process is subject to outcomes being in line with our Allocations policy.

#### **7.23 Legal Action available to the Survivor**

There are two main types of injunctions available under Part IV of the Family Law Act 1996 to offer protection from an abuser:

- A non-molestation order is aimed at preventing the partner or ex-partner from using or threatening violence, intimidating, harassing or pestering the victim or child.
- An occupation order regulates who can live in the family home and can also restrict the abuser from entering the surrounding area.

7.24 In respect of the above remedies, we will work closely with specialist organisations as per 7.19 (Partnership working) to support survivors who wish to secure the above legal remedies. We will do this by making referrals and then having subsequent engagement to reach a conclusion where the survivor is in a position of safety and security. Any support we can give via practical evidence will be given. With the agreement of the survivor post the above remedy and if appropriate, we will subsequently seek disclosure on the evidence and successful outcome to support our own legal action.

7.25 In respect of direct legal advice that a tenant or occupier may require, we will always ensure that we stress the importance of independent legal advice via a Solicitor or

the Citizens Advice Bureau (CAB). We will then share information as appropriate and with the full permission of the survivor.

7.26 Police have been given new powers to issue Civil Domestic Abuse Protection Notices (DVPN) to provide offenders to leave the home for 48 hours. Breaches can lead to Civil Domestic Abuse Orders (DVPO's) through the Magistrates Court. A breach is a criminal offence with a maximum penalty of 5 years imprisonment with mandatory steps on offenders to understand and change their behaviour through support mechanisms like mental health.

7.27 We shall ensure we work in partnership with the Police both prior and post issuing of any notice or warnings. This can be done both reactively when situations arise and proactively as part of our partnership working and engagement with existing frameworks like MAPPA as detailed at 7.19 partnership working. We will seek disclosure via our existing information sharing protocols on criminal evidence like this, to support our own legal action, if it is appropriate, and in agreement with the survivor.

#### 7.28 **Legal action by Red Kite**

We take the view that if it is possible for the survivor to remain in their home, then we will make every effort working with our partners to facilitate this, as this practice removes significant insecurity and disruption, which often involves children. This leads onto potential legal remedies. Where we feel the behaviour of the alleged perpetrator is to the serious detriment of our housing function, and in agreement with the Survivor and our partners, we may consider legal action. This could include:

- Injunction proceedings
- Where the couple have been married, in a civil partnership, or cohabiting and one party has left due to the abuse, eviction proceedings against the perpetrator of the Domestic Abuse using Ground 14a of the Housing Act 1988. This is a discretionary ground.
- The ASB, Crime and Policing Act 2014 includes a mandatory ground for possession post a serious criminal conviction for violent or sexual offences, or where there has been a breach of a prior injunction gained.

We will assess each case on its merits working with the survivor and our partners to agree on the most appropriate legal action to take.

We will use any new legislation or guidance arising in the future to continue our ethos of helping survivors remain in their home and not suffer unnecessary disruption and insecurity in the pursuit of safety.

### 8.0 **Related Policies and Strategies**

8.1 This policy directly supports, and is supported by, other policies, procedures, and strategies that we have in place. These include:

- Domestic Abuse process/guidance
- HR/ Recruitment Policies
- Anti-Social Behaviour Policy
- Neighbourhood Management Policy
- Allocations Policy
- Priority Moves Policy
- Safeguarding Policy & Procedures
- Support Needs and Risk Assessment Process
- Data Protection Policy & procedures
- Modern Slavery Statement
- Equality Statement

Staff roles listed in the **Competency Standards section** must be acquainted with contents of this document and have had documented instructions and training on its use. Authority to amend can only be undertaken by the **Process owner** with the relevant **Delegated approvals**.

For information on interpretations and instructions staff should contact the **Subject Matter expert** or **Process owner** and under no circumstances should any deviation be permitted without prior approval as above.

Document Controls			
<b>Version</b>	1	<b>Effective date</b>	01 July 2024
<b>Subject matter expert drafter</b>	Head of Community Senior ASB Specialist	<b>Process owner</b>	Head of Community Homes Manager
<b>Related Pod</b>	Relationship Community Property	<b>Related Policy</b>	Safeguarding Policy Tenancy Policy
<b>Review period</b>	3 years	<b>Next review due by</b>	June 2027
Delegated approvals			
<i>The 3 lines of defence have been checked within the framework and are valid</i>			<input type="checkbox"/>
<b>Approved by ELT</b>	Sarah Mei Ying North, Director of Customer Services	<b>Approved Date</b>	01 July 2024
<b>Approved by Board/ Committee/ RRT</b>		<b>Approved Date</b>	