

DOMESTIC ABUSE POLICY

APPROVED BY HHP BOARD:

EFFECTIVE DATE:



hebridean housing
partnership

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INTRODUCTION

- 1.1 We understand that anyone can be a victim of domestic abuse. Abusers and victims can be male or female, any race or religion and from all different types of background.
- 1.2 Domestic abuse can be carried out by partners or ex partners, extended family, friends or carers. It can be:
 - Intimidation, degradation, isolation and control, with the use or threat of physical or sexual violence;
 - emotional or psychological;
 - physical;
 - sexual;
 - financial;
 - harassment and stalking; or
 - online or digital abuse.
- 1.3 We believe that domestic abuse presents a high risk to personal safety and is unacceptable. We will therefore take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.
- 1.4 We will deal with all reports of domestic abuse as a matter of urgency and we will assist the victim to reach a decision which they feel best secures their safety by:
 - reviewing their accommodation;
 - enabling the level of assistance they want, and
 - taking action against the perpetrator which the victim and we feel is most appropriate
- 1.5 We will at all times work with partner agencies and Police Scotland in pursuing a zero tolerance approach towards any form of domestic abuse brought to our attention.

DEFINITION

- 2.1 For the purposes of this policy, we will use the Scottish Government definition of Domestic Abuse which is:

'domestic abuse (as gender based abuse) can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such

as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends. It can be characterised by a pattern of coercive control often escalating in frequency and severity over time).

It should be noted that children who live with domestic abuse are, themselves, experiencing abuse and may be referred to relevant agencies under Child Protection Procedures.

The new Coercive Control Law Domestic Abuse (Scotland) Act 2018 came into force on 1 April 2019. This new Act creates an offence with respect to the engaging by a person in a course of behaviour, which is abusive towards that person's partner or ex-partner.

- 2.2 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.
- 2.3 Coercive control is an act or pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim.

AIMS

- 3.1 By adopting this policy, we aim to:
- respond swiftly and appropriately to all reported incidents of domestic abuse;
 - improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities;
 - increase awareness and understanding of this issue amongst residents and employees;
 - encourage tenants and employees to report domestic abuse;
 - improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports;
 - empower victims by providing information on the options available to them;
 - improve the response to victims through effective engagement of appropriate external enforcement and support agencies;

- create a consistent approach for recording and monitoring incidents of domestic abuse.

RESPONSIBILITIES

4.1 Management

The Director of Operations has responsibility to ensure all staff are aware of the policy.

4.2 Employees

To ensure they are aware of their responsibilities under this policy, and that they implement the policy and procedure when appropriate.

OUR APPROACH

- 5.1 We encourage all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.
- 5.2 If a person feels they are experiencing domestic abuse we will deal with it under this policy.
- 5.3 We will deal with all reports in a non-judgmental and non-discriminatory manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance.
- 5.4 We will only act with the victim's consent. The exception to this general rule is where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines. We will follow CNES Child Protection /Adult Protection Procedures if we believe a child or vulnerable adult is at risk due to an abusive relationship or home environment.

PREVENTION

- 6.1 As part of our arrangements to prevent Domestic Abuse, we will:
 - make all new tenants aware of our policies relating to rehousing; relationship breakdown and, where applicable, the implications for joint tenancies;
 - publicise this domestic abuse policy to all tenants and employees; highlighting the consequences for perpetrators; and
 - provide advice and information within HHP's offices and website.

CONFIDENTIALITY

7.1 Victims will be encouraged to allow us to share information with other agencies, including the Police, and Local Authority departments, to ensure that the full range of civil and criminal action can be pursued, and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent.

7.2 The exceptions will be:

- Where we consider a child is at risk in any situation; or
- If there is a high risk of serious harm to anyone involved; or
- If we are obliged by law to disclose information.

Area Managers or, in their absence, a member of the Executive Team, must approve any disclosure that does not have the victim's consent.

7.3 Information will be shared with work colleagues on a strictly "need to know" basis. We will adhere to all GDPR requirements.

OPTIONS FOR ACTION

8.1 We recognise that every reported case of domestic abuse will be different. Our response will, therefore, be tailored to the individual circumstances and needs of the victim. When a tenant or household member reports domestic abuse, all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety;
- reviewing and where possible improving safety and security of their existing accommodation, to enable them to remain there safely, taking into account the Safe at Home procedure by Police Scotland;
- tenancy and housing options advice including, where appropriate legal action against the perpetrator by HHP;
- helping them to access support from local services such as Western Isles Women's Aid, Advocacy Services, Rape Crisis etc.;
- Referral to CNES Homelessness Service;
- reporting incidents to Police Scotland which may result in criminal action against the perpetrator; and

- where appropriate, legal action against the perpetrator.

8.2 The safety of the victim and their dependents will be our priority. An Action Plan setting out further actions will be agreed with the victim, and we will regularly contact the victim to keep them updated with progress.

Remaining in the Property

8.3 We will signpost victims who wish to remain in their own homes to other agencies and carry out a Safe at Home check at their existing accommodation.

8.4 We will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damage to property due to the domestic abuse.

Emergency Rehousing

8.5 Where a resident reporting domestic abuse needs emergency accommodation we will work with Comhairle Nan Eilean Siar as the lead agency and support them in providing alternative accommodation.

Permanent Rehousing

8.6 Where a resident reporting domestic abuse requests permanent rehousing, we will prioritise their application in terms of our Allocations Policy. We will review and determine the action to be taken on each individual case basis in discussion with other partner agencies.

8.7 Where rehousing requires to be out of the area, we will signpost victims to other support and advice agencies and other social landlords to access alternative accommodation.

Multi-agency Approach

8.8 We will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, co-ordinate available resources, access specialist services, and take action against perpetrators. We will do this at the monthly Multiagency Risk Assessment Conference (MARAC).

Action against Perpetrators

- 8.9 We will work with Police Scotland and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home because of domestic abuse.
- 8.10 Subject to data protection requirements, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.

STAFF TRAINING AND AWARENESS

- 9.1 We will ensure that all staff and our Management & Executive Team are aware of this policy and receive appropriate training.

MONITORING/IMPLEMENTATION AND POLICY REVIEW

- 10.1 This policy will be reviewed every 3 years unless legislation, business or sector developments require otherwise to ensure it meets the stated objectives and takes account of best practice developments.

COMPLAINTS

- 11.1 Any complaints in respect of this policy will be dealt with under our Comments, Compliments & Complaints Handling Policy.

EQUALITY & DIVERSITY

- 12.1 This Policy complies fully with our Equality & Diversity Policy. We recognise our pro-active role in valuing and promoting diversity, fairness, social justice and equality opportunity by adopting and promoting fair policies and procedures.
- 12.2 We are committed to providing fair and equal treatment for all our stakeholders including tenants and will not discriminate against anyone on the grounds of race, colour, ethnic or natural origin, language, religious belief, age, sex, sexual orientation, gender re-alignment, disability, marital status, pregnancy or maternity. Indeed, we will positively endeavour to achieve fair outcomes for all.

GDPR

- 13.1 We will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing your data is provided in our GDPR policy.

LEGAL AND REGULATORY FRAMEWORK

- 14.1 The Domestic Abuse policy considers the following legislation, and employees are encouraged to refer to this where cases require:
- Domestic Abuse (Scotland) Act 2018;
 - The new Coercive Control Law Domestic Abuse (Scotland) Act 2018
 - Domestic Abuse (Scotland) Act 2011;
 - Anti-Social Behaviour (Scotland) Act 2004;
 - Humans Rights Act 1998;
 - The Equality Act 2010;
 - The Housing (Scotland) Act 2010;
 - Data Protection 1998 (GDPR 2018 policy); and
 - Crime and Policing (Scotland) Act 2014
 - Children's Scotland Act 1995/2014
- 14.2 Related documents:
- Allocations Policy;
 - Data Protection Policy;
 - Anti-Social behaviour Policy;
 - CIH Make a Stand in partnership with Women's Aid Scotland;
 - Equally Safe Scotland's strategy to eradicate violence;
 - The Scottish Housing Charter
 - Equal Opportunities Policy
 - Repairs and Maintenance Policy

INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

WORD	INTERPRETATION
<i>HHP or Partnership</i>	Hebridean Housing Partnership
<i>Board</i>	Means the Board of the Hebridean Housing Partnership
<i>Board Members</i>	All Members of the Board including co-opted Members
All references to the masculine gender in this policy shall read as equally applicable to the feminine gender	



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