



BRENT HOUSING PARTNERSHIP Domestic Violence Policy

1.0 Purpose of policy

This policy highlights Brent Housing Partnership's (BHP) response to incidents of domestic violence from **service users**¹ in Council housing. Brent Housing Partnership is the Housing Management service Delivery Agency for the London Borough of Brent. This policy makes no reference to homelessness as our client group is limited to residents of Brent who have a contractual relationship through either tenancy or lease holding, and those who live with them.

Statistically, at least, it is extremely probable that BHP staff also suffer from Domestic Violence. The support services available to tenants are also available to staff.

2.0 Background information to the Domestic Violence Policy

This policy has been drawn up in the context of the Gill Hague report commissioned by the London Borough of Brent Community Safety Unit in 2001. That report recommended "the further development and implementation of the present good domestic violence policies to improve housing options for women experiencing Domestic violence. This policy is a response to these recommendations.

Moreover, the policy attempts to give clear guidelines for BHP staff when dealing with domestic violence incidents. Thus, BHP has adopted an approach, which places the survivor at the centre of its policy to tackle cases of domestic violence. By adopting this, BHP hopes to support both victims and witnesses of domestic violence. BHP's policy is based on the GLA/ALG '**The London Domestic Violence Strategy**'.²

This strategy has four main aims

- Increasing safe choices for women and children experiencing domestic violence so that they might plan safer futures without compromising their quality of life.

¹ Residents of LB Brent Council Housing

² Greater London Authority November 2001



- Holding individual abusers accountable for their behaviour in such a way that not only acts as a future deterrent for them, but also as a deterrent to potential abusers.
- Taking action which undermines social tolerance / approval of domestic violence or actions which challenge inaction by either individuals or organisations. This includes exposing the many stereotypes and myths so that assessments are accurate.
- Providing children and young people with the necessary knowledge and skills required. to build relationships based on respect and mutual understanding, with shared power and a commitment to non-violence.

It is widely accepted that there is major under reporting and under recording of Domestic violence incidents. Many are not reported and others are not recorded as domestic violence. BHP will work with other agencies to increase reporting and introduce monitoring systems.

3.0 Definition of Domestic Violence

BHP has noted that, in most cases, the abuser is male and the victim female. This is not, however, to deny the existence of other forms of violence in other relationships within households. Some of the most physically violent, incidents are those committed by men on their female partners, but there are also attacks by women on men, and within same-sex relationships. BHP recognises that women are more likely to experience domestic violence at some point in their lives, more likely to experience repeat victimisation, more likely to be injured and to seek medical help, more likely to experience frightening threats and more likely to be frightened and upset.

BHP has also noted that domestic violence is not limited to any particular social group or class, but occurs across the social spectrum. The wide range of abuse experienced by victims distinguishes domestic violence from attacks by strangers. Domestic violence can take a number of forms such as physical assault, sexual abuse and rape, threats and intimidation which are criminal offences. In its most extreme form it may lead to murder. Physical violence may be accompanied by other forms of intimidation such as degradation, mental and verbal abuse, humiliation and deprivation (which can involve keeping women without money and in isolation), and may also include systematic criticism and belittling. The abuse is repeated, often over many years, and may escalate and intensify. The long-term effects of domestic violence can include low self-esteem, feelings of guilt, shame, depression and stress. With this in mind BHP has acknowledged and adopted the definition of domestic violence from the GLA Domestic Violence Strategy:

“Domestic violence is essentially a pattern of behaviour which is characterised by the exercise of control and the misuse of power by one person, usually a man, over another, usually a woman, within the context of an intimate relationship. It can be manifested in a variety of ways, including but not restricted to, physical, sexual, emotional and financial abuse, and the imposition of social isolation and is most commonly a combination of them all.”

This is an important definition because it recognises that there is more to Domestic Violence than physical abuse

4.0 Legal Background

Physical abuse, is of course, a criminal offence, other types of abuse may not be. BHP encourages victims of DV to report their suffering to the police but will consider their complaints even if they have not been reported.

Research shows that the pattern of control that abusers use will show a variety of abuse which can escalate to murder. Many of these forms of abuse such as psychological abuse, emotional and financial abuse are not crimes but can undermine feelings of self esteem and safety as much as physical abuse. The legislation which is relevant is listed below.

(This list is for reference only. Uses of the legislation will be addressed in procedure and work instructions)

4.1 Protection from Harassment Act 1997

The Protection From harassment Act has introduced radical new powers to combat all types of harassment, which could include domestic violence. There are two main offences in the act, the offence of harassment, and the offence of putting people in fear of violence, sometimes called “aggravated harassment”. As well as the police taking criminal proceedings under the Act, it is possible for victims to take civil action in respect of harassment (not fear of Violence),

4.2 The Housing Act 1985 & 1996

Eviction for domestic violence may be achieved under three different grounds in Schedule 2 of the 1985 Act: Ground 1 covers breaches of the tenancy agreement (see 4.43 below) and Ground 2A is specifically for domestic violence where the victim has left as a result. Ground 2 may also be relevant where domestic violence involves nuisance or annoyance to people other than those living in the home and/or where a criminal offence involves nuisance or annoyance and/or certain convictions.

Generally speaking, under section 152 of the 1996 Act an injunction can be obtained against a person who has harassed people who are lawfully in the area of local authority housing where that harassment included violence or threats of violence. A power of arrest may be attached to the injunction. Section 153 of the 1996 Act makes it possible for a landlord to have a power of arrest attached to other injunctions, provided the perpetrator is their tenant and is in breach of their tenancy agreement and there is an element of violence.

The new Anti- Social Behaviour Act 2003, replaced sections 152 and 153 Of the 1996 Act with new powers as mentioned below.

4.3 Anti Social Behaviour Act 2003

Under the Act an injunction can be obtained against a person who is causing nuisance and annoyance to anyone who is entitled to live in local authority housing. If there is proof of violence and a risk of harm, the court may attach a power of arrest and may even exclude the defendant from his or her home. Injunctions are still available to prevent breaches of tenancy agreements. There is a new power under the act demote a secure tenancy, which in the case of domestic violence cases would be similar to a possession order suspended on behavioural terms.

4.4 Family Law Act 1996

Injunctions (non molestation orders) or Occupation orders can be obtained by victims directly under Civil Law. Where a joint tenancy or joint ownership occurs, Matrimonial Home rights under the Family Law Act can protect rights.

4.4 The tenancy agreement

The revised Tenancy Terms and Conditions which came into effect on 1 March 2004, provides for taking possession proceedings against perpetrators of domestic violence.

This reflects ground 2A of Schedule 2 of the Housing Act 1985a section 145 of the Housing Act 1996.

The wording is as follows, 3(ii) and 3(iii) are especially relevant to cases of domestic violence.

- 6.4 You must make sure that no person (meaning you or another adult or a child), either living in or visiting your home:
 - 6.4.3 uses or threatens to use emotional or sexual abuse or violence on any member of your household;
 - 6.4.4 causes anyone who is part of your household to leave your home because of domestic violence;

4.6 The Human Rights Act 1998

Under this Act a victim suffering an abuse of one of the human rights by a relevant organisation will be entitled to complain to a court of law in the UK and could seek compensation. Individuals (such as the perpetrator/s of domestic violence) cannot be sued for breaches of human rights, but the practices of organisations like BHP and the council can be challenged on the basis that they are incompatible with the European Convention on Human rights

The above Acts have specific implications for the Council, and Brent Housing Partnership will comply with them should they become relevant in the course of domestic violence investigations. **This is not an exhaustive list and officers should consult with Legal Services if they require specific advice and certainly before taking any legal action.**

5.0 Overall objectives

- BHP is committed to reducing incidents of Domestic violence
- BHP will take very seriously any allegations of Domestic violence
- BHP is committed to support Survivors of Domestic Violence

Listed below are the objectives of the victim and the policy.

5.1 Victims objectives

Victims of domestic violence have **six** main expectations of BHP:

- To be believed and taken seriously
- To be dealt with sympathetically
- To be supported and advised appropriately
- To be kept informed
- To find an effective solution to stop the domestic violence
- To help empower victims of domestic violence
- To offer a variety of options for the future to survivors

5.2 Policy Objectives

The main objectives of this policy are to:

- Support tenants and leaseholders of Council tenants and/or members of their households, families when domestic violence occurs.
- Take appropriate legal action against perpetrators where appropriate.
- Encourage victims/witnesses to report incidents to the Police
- ensure that actual or potential perpetrators of domestic violence are aware of the consequences of their actions
- take a survivor centred approach when dealing with cases of domestic violence
- prevent further domestic violence



- encourage a multi-agency approach to casework
- ensure that staff are fully trained to be able to deal with complaints of domestic violence
- deal with cases of domestic violence effectively within the given timescale
- enable BHP to adopt appropriate procedures to deal with domestic violence suffered by tenants
- ensure that Domestic violence is reported, accurately recorded and monitored
- ensure that BHP's policy and procedures supports the Council's objectives in relation to Domestic Violence

6.0 Policy statement

Brent Housing Partnership will not tolerate domestic violence and will take all reasonable steps to assist survivors

7.0 BHP's approach to tackling domestic violence

BHP will adopt a multi-agency approach and will work in partnership with Brent Council, the police and other relevant bodies to tackle domestic violence in Brent. Additionally, staff will adopt collective and individual responsibility to deal with cases of domestic violence.

7.1 Responsible Officer

The Head of General Needs has the remit for domestic violence for BHP. Her responsibilities include:

- Periodic reviews of the Domestic Violence Policy and Procedure
- Ensuring staff have access to accurate information and advice on domestic violence
- Arrange relevant training for all staff on domestic violence and domestic violence related topics
- Represent Brent Housing Partnership on the Multi Agency Risk assessment Conferencing (MARAC).
- Represent Brent Housing Partnership on the Domestic Violence Operational Group
- Represent Brent Housing Partnership on the Brent Domestic Violence Forum and any subgroups.
- Support multi agency initiatives and the work of the forum

7.2 Responsibility of all Officers

All officers, including board members must attend training sessions and familiarise themselves with BHP's domestic violence policy. In addition unit heads must ensure that all staff within their unit are aware of policy and procedure to deal with cases of domestic violence. Members of staff will endeavour to adopt a proactive approach to cases. The Director of Housing Management is responsible for identifying unit lead officers whose responsibility it is to deal with matters arising with regards domestic violence. This is to include the effective management of casework.

9.0 Implementation

9.1 Staffing

Housing Officers are expected to respond to cases of domestic violence within target times specified in the procedure. If there are any staffing as a consequence, then other work must be prioritised accordingly.

9.2 Supporting victims and witnesses

BHP aims to provide adequate practical and emotional support to survivors of domestic violence by working closely with relevant agencies. BHP will arrange access to telephone and/or face to face interpreters in the appropriate community language. In addition, BHP welcomes the use of advocates by victims of domestic violence.

9.3 Training

BHP will carry out Domestic Violence awareness sessions for all frontline staff so that they are able to identify warning signs of domestic violence. BHP will train staff to respond sensitively to victims of domestic violence. BHP will further support frontline staff emotionally and practically when dealing with such cases e.g. counselling being made available to staff.

9.4 Action against perpetrators

BHP will use its resources in order to identify the perpetrators and appropriate action will be taken as stipulated in the procedure. However, it is not BHP's function to take legal action on behalf of one person against another tenant. BHP will encourage any tenant or leaseholder or member of their household suffering Domestic violence to take legal action against their abuser and to report the abuse to the Police.

If a perpetrator remains in a property after a survivor of domestic violence has left because of fear of violence, BHP will consider taking steps to evict the abuser.



9.6 Prevention and publicity

BHP will widely publicise, in appropriate community languages its policy and procedure and will work with community groups to ensure that they play a part in prevention and reporting of domestic violence.

Where necessary BHP will increase security measures in order to protect Residents and members of their household in their homes.

BHP will work with the police and other local agencies in providing outreach work with schools and youth groups. Furthermore, BHP will to actively work on initiatives that will help survivors.

9.7 Encouraging reporting

BHP will work with the voluntary and the statutory sector to encourage reporting of Domestic Violence

9.8 Working with other agencies

BHP is part of, and will actively participate in, the Brent Domestic Violence Forum (which is a local multi-agency forum that addresses strategic issues and partnership work on domestic violence).

BHP recognises that Domestic Violence can best be challenged through a multi agency approach and will ensure that we continue to be actively involved in MARAC and the DV Operational Group.

All BHP front line staff will be made aware of local agencies and services that can support victims of domestic violence .

9.9 Re-housing

BHP will work closely with the Housing resource Centre to offer a variety of options to survivors of Domestic Violence. As our client group will already have a home BHP will make every effort to avoid survivors becoming declaring themselves homeless (This, however, must always be secondary to the survivors' safety.)

9.10 Management Transfers

Applications for a transfer on the grounds of domestic violence will be considered fairly and sympathetically where it is not possible to resolve the problem. While the client remains in a Council tenancy other housing options will be pursued in collaboration with Brent Council's Housing Resource Centre to help give choices to the victim. BHP will hold regular meetings with HRC to monitor the progress of Management Transfer Requests on grounds of Domestic Violence.

9:11 Rent Arrears

In cases where a tenant who is subject to domestic violence has accrued rent arrears, those arrears could be written off under the Write Off criteria of 'Hardship Cases'.

9.12 Customer satisfaction

In order to improve the service to our customers tenants are asked to complete a satisfaction survey at the end of our involvement in each case. An analysis.

10.0 Monitoring and review of the policy

BHP has established a system to monitor data of all domestic violence cases. This monitoring includes a system to record incidents from the beginning to the conclusion of the case.

The Policy will also be monitored on the basis of equalities and diversity issues. The views of users, staff and external agencies will be sought in the periodic review of the policy and procedures. Furthermore, in light of any

legislative changes the policy will be amended/revised accordingly. Additionally, any policy changes nationally will be reflected in this document as and when they occur.

10.1 Best Value Performance Monitoring

An integral part of this policy must be a method by which it can be monitored for performance as well as compliance. The GLA Domestic Violence Strategy lists the following as being best practice.

Best practice

A domestic violence project can be said to be achieving best practice when it fulfils the following criteria:

- it has been independently evaluated from the perspective of the survivor
- it increases the safety of survivors and prioritises this in all aspects of its work
- it works collaboratively with existing services
- it sends a clear message that domestic violence is unacceptable and that abusers are accountable for their behaviour
- it maximises choices for abused women and children within its resources
- it makes the most economic, efficient and effective use of its resources
- if duplicating or adapting a model from elsewhere, it is implemented in such a way as to not compromise safety
- it makes a concerted effort to meet the needs of all women experiencing domestic violence including disabled women, women with mental health problems, women with no recourse to public funds, migrant women, especially those subject to immigration regulations, women whose first language is not English, young women, older women, lesbians, bisexual women, women with substance abuse problems, older women and women with three or more children.³

BHP will ensure that its procedures and work instructions will conform to these best practice guidelines in relation to anyone suffering Domestic Violence. The Domestic Violence Procedure will contain quantifiable requirements, it should be noted that each case will have different desirable outcomes and different timescales. A regular audit of service users should be the prime method of monitoring performance.

³ **The London Domestic Violence Strategy** The Mayor of London Greater London Authority **11**