



CHESTERFIELD
BOROUGH COUNCIL

Housing Service Domestic Abuse Policy

Owner: Housing Strategy and Engagement Manager

Date: October 2024

Review by: November 2027

Contents

SECTION 1: Introduction, purpose and scope	3
SECTION 2: Policy objectives.....	3
SECTION 3 Legal duties and regulatory requirements.....	4
SECTION 4: Defining domestic abuse	5
SECTION 5: Our approach.....	6
5.1 Our employees.....	6
5.2 Identifying cases of domestic abuse	6
5.3 Risk management (if the victim is a tenant)	7
5.4 Referrals for support	8
5.5 Action against and working with perpetrators (if the perpetrator is a tenant)	8
SECTION 6: Safeguarding children and vulnerable adults.....	9
SECTION 7: Partnership working.....	9
SECTION 8: Data Protection and confidentiality	10
SECTION 9: Related policies and procedures.....	10

SECTION 1: Introduction, purpose and scope

- 1.1 Our vision at Chesterfield Borough Council is 'putting our communities first'. As a Council, we are here to serve and support our communities. It is these communities that make Chesterfield Borough a great place to live, work and visit. And it is these communities that we seek to put first as a council in all that we do.
- 1.2 As a social housing provider, we will take action to deliver fair and equitable outcomes for our customers. We will focus on achieving a high standard of customer care and adopting a person-centred approach to service delivery for all. This policy applies to all housing service customers which includes tenants, prospective tenants, leaseholders, residents, and their household members.
- 1.3 Domestic abuse is a crime that has devastating effects on individuals, families, children and communities. It causes harm and suffering to victims which can impact people for the rest of their lives.
- 1.4 Domestic abuse and violence against women and girls (VAWG) are a priority in Chesterfield and this policy will build upon the strong foundation of partnership working built up within the borough, including the work of the Chesterfield Domestic Abuse & VAWG Action Group, which aims to prevent domestic abuse; strengthen resilience of victims and communities; support victims in their recovery.
- 1.5 The Council as a community leader, landlord, service provider, employer and commissioner of goods and services, has a clear social and legislative responsibility to support customers who have experienced or witnessed domestic abuse. This policy outlines our victim centred approach, which aims to ensure customers feel supported and able to raise concerns. This policy supplements the Council's safeguarding children and vulnerable adults policy.

SECTION 2: Policy objectives

- 2.1 This policy aims to ensure that:
 - Our employees are aware of the appropriate action to take if they become aware of domestic abuse
 - We offer help without making matters worse for victims and survivors or their families

- Our employees know how to make appropriate safeguarding referrals for children and adults at risk
- We will work in partnership with the police and other specialist agencies to obtain the best outcome for our customers

SECTION 3: Legal duties and regulatory requirements

- 3.1 The Domestic Abuse Act 2021 gives police, local authorities, and the courts wider powers and greater accountability concerning the protection of domestic abuse victims. Derbyshire County Council, as a Tier 1 local authority, has the primary duty to provide domestic abuse support to meet the needs of survivors and their children in safe accommodation. Safe accommodation includes refuge, dispersed accommodation, sanctuary schemes (security provision within a survivor's home) or move on accommodation.
- 3.2 Tier 1 local authorities also have a statutory duty to establish a local Partnership Board to coordinate activities to prevent and respond to domestic abuse. This Board has responsibility for conducting a needs assessment (forming a gap analysis on safe accommodation support). The Act also includes a duty for Tier 2 authorities to support this work. Chesterfield Borough Council, as a Tier 2 local authority, has the duty to collaborate with Derbyshire County Council in fulfilling its responsibilities related to domestic abuse victims. Chesterfield Borough Council is an active partner in the Domestic and Sexual Abuse Partnership Board and works collaboratively with other agencies to meet these requirements.
- 3.3 The Regulator of Social Housing's Consumer Standards and Code of Practice state that landlords must have a policy for how they recognise and effectively respond to cases of domestic abuse. This policy also takes into account:
- Family Law Act 1996
 - Protection from Harassment Act 1997
 - Equality Act 2010
 - Anti-social Behaviour, Crime and Policing Act 2014
 - Care Act 2014
 - Domestic Violence Disclosure Scheme (DVDS) 2014 (also known as Clare's Law)
 - Serious Crime Act 2015
 - General Data Protection Regulation 2018
 - Violence against women and girls national statement of expectations 2022

SECTION 4: Defining domestic abuse

- 4.1 The Domestic Abuse Act 2021 creates a statutory definition of domestic abuse, which is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological / emotional – for example victim-blaming, name-calling, belittling
- physical – for example hurting or threatening to hurt physically
- sexual – for example forced to take part in unwanted, unsafe or degrading activity
- economic – for example restricting finances / access to work, getting a victim into debt
- coercive control – for example isolating, monitoring, threats, humiliation

- 4.2 The act also recognises the impact of domestic abuse on those who are ‘personally connected’ and defines what is meant by this as:
“...intimate partners, ex-partners, family members or individuals who share parental responsibility for a child.”

- 4.3 There is no requirement for the victim and perpetrator to live in the same household. The Domestic Abuse Act also recognises that a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator is also to be regarded as a victim of domestic abuse.

- 4.4 VAWG covers a range of unacceptable and deeply distressing crimes, including rape and other sexual offences, stalking, domestic abuse, ‘honour’-based abuse (including female genital mutilation, forced marriage and ‘honour’ killings), ‘revenge porn’ and ‘upskirting’, as well as many others. These crimes disproportionately affect women and girls. However, men and boys can also be victims of violence and abuse including some of these crimes.

SECTION 5: Our approach

5.1 Our employees

Housing management employees will have access to the appropriate training and support to enable them to identify and raise concerns about domestic abuse and provide support to victims. We will raise awareness amongst staff and respond effectively to cases of domestic abuse by:

- Providing access to regular training for officers on domestic abuse through Derbyshire County Council, the Elm Foundation and via our online learning platform
- Ensuring officers are aware of local referral pathways for specialist support and what to do in an emergency
- Ensuring officers are aware of domestic abuse procedures, including how to refer an incident of domestic abuse to the appropriate organisation
- Ensuring officers are familiar with the correct process for responding to victims and survivors who are at high risk of harm
- Ensuring officers are familiar with the correct process for making safeguarding referrals for children and adults at risk where appropriate

We recognise that our housing management employees are not specialists in domestic abuse, nor members of the emergency services, but they will refer on to the right support/services to get additional help as soon as possible.

5.2 Identifying cases of domestic abuse

Domestic abuse may come to the attention of employees through direct disclosures from a customer or by way of potential indicators such as:

- Presenting as homeless or at risk of homelessness due to domestic abuse
- Reports of damage to a property
- Abandoned properties
- Anti-social behaviour complaints and noise nuisance
- Concerns from other residents
- Tenancy visits

We will help people to raise concerns about domestic abuse quickly, safely, and confidentially, so that telling us doesn't put them at further risk. We will offer gender appropriate interviews at a safe location, such as away from the home and agree how future contact can be made safely.

Concerns about, or reports of, domestic abuse may be reported to any employee. We will accept reports and disclosures of domestic abuse through any available communication channel. The employee receiving the report is responsible for ensuring the information is referred to the appropriate team.

If an employee suspects or witnesses domestic abuse taking place in our homes or neighbourhoods, they are required to refer it to their line manager or safeguarding lead who will work with other specialist agencies to find the appropriate course of action.

We will refer modern day slavery concerns to the police and where relevant to the specialist modern slavery team at Derbyshire County Council. An example of modern slavery in relation to resident domestic abuse is financial exploitation. This may become modern slavery if the person is coerced or forced to hand over control of their money for the purpose of criminal exploitation.

In line with the Equalities Act 2010, we recognise that some people with protected characteristics and complex or multiple needs experience additional barriers to disclosure or seeking support around domestic abuse. We will do our best to identify the needs of these customers, listen and respond in a personalised way.

5.3 Risk management (if the victim is a tenant)

We take a risk-based approach to managing any ongoing threat of domestic abuse. This includes working with the person to consider the best options available to prevent further abuse from happening. We will remain victim centred. We will agree actions with the victim and be clear about what we can and can't do as their landlord. If a person advises they are in imminent danger we will advise them to contact the police or we will do this on their behalf if they are unable to do so themselves. We may also help to arrange temporary accommodation if a victim cannot safely stay in their home.

During ongoing domestic abuse cases, some of the actions we may take include:

- Keeping the victim regularly updated by their preferred method of contact
- Using our legal powers to protect the victim where appropriate
- Protecting the victim by carrying out work to improve the security of their home such as changing locks or fitting alarms

- Supporting them in finding advice on the best course of action for them and their household
- Giving advice about ending a joint tenancy
- Providing support to help the victim to stay in their home or helping them to find a new home if they need to move
- Not judging a victim or reducing our service in the future if they decide to stay with the perpetrator. When this is the case we will work with the victims to manage the risks, including making sure safeguards are in place
- Learning from customer experience and feedback to help us improve our approach

5.4 Referrals for support

We can signpost individuals on to local agencies including The Elm Foundation and other agencies which may be able to offer advice or support depending on the victims' circumstances. We will refer victims to our Benefits Advisor or other relevant services if they need any support relating to financial issues including debt.

We can also signpost on to organisations for legal advice including Derbyshire Law Centre where appropriate, and support our customers to make a homelessness claim if this is the most appropriate course of action.

5.5 Action against and working with perpetrators (if the perpetrator is a tenant)

We will take appropriate enforcement action (where evidence is available) against anyone responsible for domestic abuse and VAWG. This will only be done in cases where we can do so without compromising the safety of the victim-survivor. We will work closely with partner agencies and keep them informed of any action taken.

Domestic Abuse is a breach of tenancy and we will:

- support the police in prosecuting perpetrators by providing evidence. We'll only do this if we have permission from the victim, unless the law makes us do so
- consider temporarily excluding them from our homes where appropriate
- consider ending the tenancy
- charge them for any damage they've caused to the home

- refer to perpetrator intervention programmes or other support where available
- share information in line with data protection legislation

Where there is a joint tenancy and a victim is unable to return to their home due to risk of harm we'll take appropriate action to bring that tenancy to an end through the courts. We may also support perpetrators into other accommodation where available and appropriate – to reduce the risk to victim-survivors. Perpetrator guidance is available to teams.

SECTION 6: Safeguarding children and vulnerable adults

- 6.1 A significant number of adults who have safeguarding needs may experience domestic abuse in some form. There are also strong, evidenced based links between domestic abuse and child abuse. Exposure to domestic abuse is always detrimental to children.
- 6.2 Chesterfield Borough Council (CBC) has a duty to protect children and vulnerable adults. Where it is brought to the attention of CBC that the victim is an adult at risk of serious harm who meets the care act definitions, or a child (including children witnessing domestic abuse in the home), employees will refer to the council's safeguarding policy and procedures – protecting children and adults at risk. When and if appropriate, employees will signpost or refer cases to other agencies.

SECTION 7: Partnership working

- 7.1 We work in collaboration with relevant organisations including the police and the Elm foundation when responding to domestic abuse. We will consider each person's circumstances and adopt a course of action that is appropriate. We maintain strong partnership working with local agencies through MARAC meetings and the Community Safety Partnership.
- 7.2 MARAC (Multi-Agency Risk Assessment Conference) is a key part of a co-ordinated response to high risk domestic abuse cases. MARAC enables:
- Cases to be heard with or without the victim's consent
 - Information is shared between Police, Social Care, Health, Housing, Probation, Independent Domestic Violence Advisors (IDVA) and other

specialists to increase the safety, health and wellbeing of victims and their children as well as discuss the risks that a perpetrator may pose to the victim and/or the community

- A risk management/support plan to be developed and implemented, providing support and reducing the risk of harm and repeat victimisation

7.3 We work in partnership with appropriate agencies to support or signpost perpetrators of domestic abuse who recognise and want to change their behaviour.

SECTION 8: Data Protection and confidentiality

- 8.1 We will comply with our obligations under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 when dealing with domestic abuse cases. This includes sharing information with statutory agencies, MARAC information sharing arrangements and MARAC operating protocols. We will handle information relating to MARAC in accordance with any relevant MARAC information sharing agreement.
- 8.2 We will share information where we are legally required to do so. All information-sharing decisions will be recorded, including the reasons for that decision. We will report potentially criminal acts to the police. Our Data Protection Policy outlines how Chesterfield Borough Council protects the personal data it holds, and meets the requirements of the UK General Data Protection Regulation and the Data Protection Act 2018.
- 8.3 It is council policy that all employees are responsible for managing information in accordance with the Data Protection Policy and implement appropriate practices, measures, controls and training to ensure compliance.

SECTION 9: Related policies and procedures

- 9.1 There are a number of linked policies and procedures to this policy including:
- Safeguarding policy and procedures
 - Equality and Diversity Policy
 - Anti-social behaviour Strategy 2022-2025
 - Allocations Policy/Home Options Policy
 - Derbyshire Homelessness and Rough Sleeping Strategy 2022 – 2027

- Data Protection Policy
- Target hardening procedure
- Housing Service Customer Vulnerability Policy 2024-2027