

# Domestic Abuse Policy and Procedure

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## Scottish Social Housing Charter Relevant Standard Outcomes

### STANDARD

#### Section:- The customer/landlord relationship

1. Equalities: Social landlords perform all aspects of their housing services so that:
  - *They support the right to adequate housing*
  - *every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.*
2. Communication: Social landlords manage their businesses so that:
  - *tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.*

#### Section:- Estate Management, Anti-Social Behaviour, Neighbour Nuisance And Tenancy Disputes

6. Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes: Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:
  - *tenants and other customers live in well-maintained neighbourhoods where they feel safe.*

#### Section:- Housing Options

- 7, 8, 9 Social landlords work together and to ensure that:
  - *people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.*
  - *tenants and people on housing lists can review their housing options.*Social landlords have a role to prevent homelessness and ensure that:
  - *people at risk of losing their homes get advice on preventing homelessness.*
- 10 Access to Social Housing: Social landlords ensure that:
  - *people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.*
- 11 Tenancy Sustainment: Social landlords ensure that:
  - *tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.*
- 12 Homeless People: Councils perform their duties on homelessness so that:
  - *people who are homeless or at risk of homelessness get prompt and easy access to help, advice and information; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.*

# **DOMESTIC ABUSE POLICY**

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## 1. INTRODUCTION

- 1.1. Lochalsh and Skye Housing Association (LSHA) may receive reports of suspected, actual or alleged incidents of domestic abuse from tenants, household members or people in the community. We will react to these responsibly and appropriately to maximise the safety and wellbeing of the persons affected and reduce the risk of harm.
- 1.2. This policy will set out how LSHA will work closely with those affected by the abuse and in collaboration with specialist agencies to meet any housing or support needs.

## 2. LINKS TO OTHER STRATEGIES AND POLICIES

- Antisocial Behaviour Policy
- [Adult Support and Protection \(Scotland\) Act 2007](#)
- [Children \(Scotland\) Act 1995](#)
- [Children's Hearing \(Scotland\) Act 2011](#)
- Child Protection and vulnerable adult policy and procedure
- [Data Protection Act 2018](#)
- [The Domestic Abuse \(Scotland\) Act 2018](#); creates a specific statutory offence of domestic abuse and makes a number of associated changes to criminal procedure, evidence and sentencing in domestic abuse cases
- [Domestic Abuse: a good practice guide for social landlords' report \(2019\)](#)
- [Domestic Abuse, Housing and Homelessness in Scotland \(2010\)](#)
- [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#)
- [Equality Act 2010](#)
- [Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls \(2008\)](#)
- [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#)
- [Housing \(Scotland\) Act 1987](#)
- [Housing \(Scotland\) Act 2001](#)
- [Housing \(Scotland\) Act 2014](#)
- [Homelessness etc. \(Scotland\) Act 2003](#)
- [Protection from Abuse \(Scotland\) Act 2001](#)
- [Protection from Harassment Act 1997](#) as amended through the [Domestic Abuse \(Scotland\) Act 2011](#)
- [Make A Stand – Chartered Institute of Housing Campaign](#)
- [National Care Standards](#)
- [Scottish Social Services Council \(SSSC\) guidelines](#)
- [The Serious Crime Act 2015](#); conditions for exercise of restraint order powers
- [The White Ribbon Campaign](#)

### **3. AIMS AND OBJECTIVES OF THE POLICY**

- 3.1 This policy aims to raise awareness of domestic abuse and help staff to take ownership and responsibility by being able to recognise different forms of abuse and act on any suspicion, allegation or disclosure. Domestic abuse can be more than physical violence; it can be emotional/psychological, financial or sexual including any kind of controlling, isolating, manipulating, gas lighting or dominating behaviour.
- 3.2 LSHA will actively encourage tenants, applicants and shared owners to report incidents or concerns, so that together with relevant departments and specialist agencies, we can make appropriate interventions. Any disclosure will be responded to quickly and with discretion to minimise any risk to the persons experiencing or reporting the abuse.
- 3.3 LSHA will fully collaborate with and participate in any partnership working initiatives to ensure a joined-up approach is taken. We will contribute resources, skills and expertise where this is required and work closely with others to ensure the relevant strengths and powers available to each partner can be used most effectively to address the situation. LSHA commits to:
- raising awareness of all forms of domestic abuse; so that staff recognise the signs or risk factors which will be done through information-sharing and staff training;
  - working to empower and equip staff to 'ask and act' safely and sensitively if abuse is suspected or known;
  - planning early check-ins with new tenants who choose to enter into a joint tenancy: before sign-up we will explain the rights and responsibilities of joint tenants, and at the new tenancy visit can request to meet with joint tenants separately in order to ask if it was a joint and healthy decision to have a joint tenancy or whether it was not a choice and the new tenant was coerced into this arrangement;
  - responding to suspected, alleged or known incidents of domestic abuse involving victims or perpetrators in a timely manner;
  - adhering to data protection regulations and information sharing protocols;
  - focusing on the impact the domestic abuse has on the victim, taking a person-centred approach (ensuring their needs and preferences are met as far as possible);
  - support any persons affected in a trauma-informed way: providing choice, collaboration, creating safety and trust and empowering individuals at every opportunity;
  - following relevant adult, young person or child protection and safeguarding procedures;
  - rigorously enforce the tenancy agreements, which cover issues of antisocial behaviour;
  - completing risk assessments and associated MARAC referrals where the risk level is met, and fully cooperating with MARAC meetings and resulting delegated actions;

- taking all the interventions and measures available to support and protect customers associated with incidents of domestic abuse including;
  - ensuring domestic abuse is reported, recorded and monitored appropriately;
  - ensuring persons experiencing domestic abuse are signposted to the appropriate services as soon as possible, and are given accurate advice and support to assist them in making informed decisions of what to do next – this could include calling a service provider while with the person if they accept a referral;
  - preventing homelessness and enabling persons experiencing domestic abuse and their children to remain in their home by facilitating the implementation of increased security measures (Safe At Home plans);
  - meeting communication and cultural needs of persons associated with the domestic abuse in relation to any special requirements; obtaining advice from specialists as necessary. This can also include having a password or safecode for staff to use with the person as a way to verify that the contact is safe;
  - meeting any access needs of the person experiencing domestic abuse, for example providing an interpreter or assisting those with limited literacy or disabilities;
  - working in partnership with other services recognising our role in dealing with domestic abuse in a multi-agency context;
  - helping the victim to remain in the family home if it is safe to do so, to minimise further distress; or
  - helping the victim or perpetrator to transfer or move to alternative accommodation if that is considered to be the most appropriate solution;
  - using any legal powers available to landlords to make tenancy changes.
- ensuring staff are supported and managed on dealing with domestic abuse cases during one to one supervisions and appraisals; and
- complying with all relevant legislation in relation to domestic abuse. The legal structure around domestic abuse is complex and professional advice must be sought where we are unclear on the housing implications of domestic abuse.
- Use our office premises in emergencies, so that any victim/survivor can access a telephone to call a helpline, or contact support services or a family member/friend for help. We will offer the opportunity for that person to speak to a trained staff member or contact the local police if necessary. We will advertise in our office window where people can find their nearest [Safe Space](#).

3.4 LSHA will work in partnership with other organisations to ensure that all available measures are used effectively to tackle domestic abuse, regardless of tenure. This includes Local Authorities, Police Scotland other local landlords and appropriate community-wide initiatives. Where there are local strategies in place to tackle domestic abuse we will cooperate with these.

- 3.5 Housing and support teams will refer cases to any specific projects or services provided locally where it is considered that this will be of benefit, such as Womens Aid and welfare rights services.
- 3.6 Information sharing protocols will be established within LSHA and with external partner organisations who are willing. Protocols will list all the organisations involved in sharing the data, name the officers responsible for ensuring compliance, identify the information authorised to be exchanged, set out the process for exchange and agreed timescales, outline how the data will be held securely, explain the reasons for sharing the data, and must be signed by all the parties involved. (See the [Safe Lives guidance for further information](#)).
- 3.7 Staff will follow the procedures outlined in **Appendix 1** for an effective response to domestic abuse incidents that are witnessed or disclosed.

#### **4. GENERAL DATA PROTECTION LEGISLATION**

- 4.1. The Association will treat any personal data in line with our obligations under the current and any future data protection legislation and our own policies and procedures.
- 4.2. Information regarding how any personal data will be used and the basis for processing data is provided in the [Association's Privacy Policy](#).

#### **5. REVIEW OF POLICY**

- 5.1. This document will be reviewed by the Senior Management Team in accordance with the requirements of the Association's Register of Policies and Procedures.
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## **Appendix 1 - Domestic Abuse Flowcharts:**

### **1. Receiving a report/disclosure from victim or third party:**

#### **IMMEDIATELY**

Assess any immediate danger to the victim/any other persons such as household members. If yes call Police Scotland on 999. If the report confirms that someone is injured, ask for an ambulance as well

If no immediate danger, advise the reporter (victim/ third party) to contact the Police themselves and record details of the report (unless reporter is Police). If conversing with the victim/third party, facilitate a safe enquiry to establish the facts of any incident(s). If the disclosure is from a professional agency, confirm the circumstances: what details have been taken from the victim, what support is in place and what is required from LSHA

If information or reports are required from the police, ensure you know:

- Who was the complainant
- Has the criminal case been actioned and if yes what is the date of the court hearing
- What was the outcome of the case
- Do the police now have an alert attached to specific individuals or addresses

Talk to the victim/survivor to discuss the report/disclosure, assess their needs and safety. Complete safety planning including DASH (risk assessment can be done by HSM/TESM or Womens Aid), & discuss realistic and appropriate measures and interventions. Signpost to specialist services. Identify any repairs; raise these as emergencies. Agree an action plan. Explain information sharing protocols.

#### **WITHIN ONE WORKING DAY**

Complete a safeguarding contact item on Homemaster within 'Person' records, any Safe At Home forms can be uploaded to files here as well. Complete Social Work referrals or any local authority reporting requirements. Complete MARAC referral if DASH outcome requires. Follow Safeguarding Adult procedures.

Assess staff safety – complete a risk assessment with Line Manager. Contact specialist agencies/advice providers for any support and guidance. Update Homemaster for safety/person Warnings.



If the perpetrator is a tenant/household member, discuss options with Line Manager and the victim/survivor to ensure their safety. Liaise with Solicitors, Police or specialist agencies as appropriate.

## ONGOING

Participate in MARAC referral/ local partnerships or initiatives. Inform external agencies about any risks and safety alerts when referring/ sharing information so they can implement their own personal safety policies.

Revise/update safety plan or Safe At Home with the victim/survivor and any support relevant for the perpetrator to avoid future incidents. Keep under regular review.

Employee to talk to manager about support for themselves as required.

2. Adults involved in a physical assault  
(Staff witness or arrive at the scene immediately after an assault)

## IMMEDIATELY

Remove yourself from any danger and report to Police Scotland 999

Are there serious injuries?  
Yes No

Call for an ambulance

Call local domestic abuse unit  
(Police).

Assess the danger. If there is immediate threat of harm then leave the scene without tampering with or discarding any evidence. Where possible, and as long as you are safe, try to restrict access to any areas that the Police may need to investigate and to help prevent other people from being at risk of harm.

If staff member is with a victim/survivor, ask them if they would like you to stay with them until Police arrive or seek to remove them to a safe location if risk of the perpetrator returning/ causing further harm is high. If requested by the victim and if appropriate, support them during any statements required by the police. Be sensitive to any cultural or religious practices particularly where the staff member may be of the opposite sex to the victim.

## **WITHIN ONE WORKING DAY**

Talk to the victim/survivor to assess their needs and safety. Complete safety planning including DASH (risk assessment can be done by HSM/TESM or Womens Aid), & discuss measures and interventions. Signpost to specialist services. Identify any repairs and raise these as emergencies. Agree an action plan. Explain information sharing protocols.



Record safeguarding concern on Homemaster within 'Person' records, any Safe At Home forms can be uploaded to files here as well. Complete Social Work referrals or any local authority reporting requirements. Complete MARAC referral if DASH outcome requires. Follow Safeguarding procedures.



Confirm investigation lead – which agency or organisation will be doing this.



Assess staff safety – complete a risk assessment with Line Manager. Contact specialist agencies/advice providers for any support and guidance. Update Homemaster with any safety or person warnings.



If the perpetrator is a tenant/household member, discuss options with Line Manager and the victim/survivor to ensure the victim's/survivors' safety. Liaise with Solicitors, Police or specialist agencies as appropriate.



## **ONGOING**

Participate in MARAC referral/ local partnerships or initiatives. Inform external agencies about any risks and safety alerts when referring/ sharing information so they can implement their own personal safety policies.



Revise/update safety plan with the victim/survivor and any measures on the perpetrator to avoid future incidents. Keep under regular review.



Employee to talk to manager about support for themselves as required.

3. Concern for children/unborn child <https://hcpc.scot/wp-content/uploads/2018/09/Domestic-Abuse-Pregnancy-and-the-Early-Years.pdf>

Revised Protocol Domestic Abuse: Pregnancy and the Early Years

Care Pathway: responding to women who may be experiencing domestic abuse

