



Northumberland County Council

Northumberland County Council Housing Services Domestic Abuse Policy 2019

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1. Introduction

The Domestic Abuse Policy sets out how Northumberland County Council's Housing Service will assist and support any tenant experiencing or threatened with domestic abuse.

Northumberland County Council is committed to maintaining thriving and safe communities. We recognise that domestic abuse is still a largely hidden crime that can have a devastating impact upon its victims and can happen in any community.

As a housing provider, we are well placed, through our day to day contact with our tenants, to recognise the signs of domestic abuse.

When domestic abuse is suspected or reported, we will take all cases seriously and work positively and proactively with the victim to offer support. We will take action against perpetrators of domestic abuse and, in addition, we will assist perpetrators who wish to positively change their behaviour by helping them access support and assistance.

2. Aims of Domestic Abuse Policy

Northumberland County Council's tenants should not live in fear of violence, abuse or harassment from a partner, former partner, or any member of their family.

Anyone reporting domestic abuse to the Council's Housing Services will be treated in a sympathetic, supportive, non-judgemental way. Any disclosure of abuse will be taken seriously, and advice and assistance given as a priority. We will work with statutory and voluntary organisations to support victims, and to take action against perpetrators, where it is safe and appropriate to do so. We aim to:

- Raise awareness of domestic abuse;
- Ensure that Housing Services employees understand the role they can play in tackling domestic abuse and to develop a consistent approach across the county;
- Create a safe environment where victims of domestic abuse feel they can approach us, are encouraged to talk and are listened to, thus enabling them to make informed decisions about their lives;
- Ensure Housing Services employees are trained to deal with disclosures of domestic abuse effectively;
- Support people who are experiencing domestic abuse, or have experienced abuse, by working in partnership with them and other support agencies;
- Support victims to take appropriate legal measures to protect themselves and their families;
- Make appropriate safeguarding referrals if we believe that a child, or a vulnerable adult, is at risk due to an abusive relationship;
- Support victims to make decisions around their housing needs, whether they wish to remain in their home or move to a new home; and
- Signpost perpetrators of domestic abuse, who recognise and seek to change their behaviour, to agencies who can offer them support in order to prevent the abuse reoccurring.

3. Definitions of Domestic Abuse

Domestic abuse is defined by the Home Office as:

‘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’.

Domestic abuse can encompass, but is not limited to, the following types of abuse:

Physical abuse can include hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing, shoving, cutting or stabbing, restraining, strangulation, choking.

Sexual abuse can include rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children.

Economic abuse can include controlling money and bank accounts, making a victim account for all their expenditure, running up debts in a victim’s name, allowing no say on how monies are spent, and refusing to allow victims to study or work.

Psychological and emotional abuse has a profound effect upon victims and their children. It can leave a victim with little confidence that they can do anything to change the situation. Examples include:

- Creating isolation e.g. not allowing them to see other people, preventing them from making their own friendships, not allowing them to go anywhere on their own, causing them to be depressed and then using this against them;
- Use of threats e.g. threats to kill their family, children, friends, pets, to throw them out and keep the children, to find them if they ever leave, to have them locked up, to tell everyone they are mad; and
- Putting them down e.g. humiliating and undermining them in front of others or in front of their children, telling them they are stupid, hopeless, unlovable, that no-one would believe them, or that they are a bad parent

Discriminatory abuse is motivated by an oppressive and discriminatory attitude towards a person’s:

- Disability;
- Physical appearance;
- Learning disability;
- Mental ill health;
- Sensory impairment;
- Race;
- Religion;
- Gender/gender identity;
- Age;
- Culture;
- Sexual orientation; and
- Appearance.

Honour based violence is defined by the Crown Prosecution Service and the Association of Chief Police Officers as:

- 'a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community'.

Forced marriage is defined by the Crown Prosecution Service as:

'a marriage conducted without the valid consent of one or both parties and where duress is a factor'.

Female genital mutilation (FGM) is defined by the Crown Prosecution Service as: 'a collective term for a range of procedures which involve partial or total removal of the female genitalia for non medical reasons'.

Family and intergenerational abuse. Domestic abuse approaches historically have had an emphasis on partner abuse. More focus is now being given to family and intergenerational abuse, and the way in which it may be different to partner abuse, for example, if the perpetrator is the victim's (adult) sibling, child or grandchild. Abuse of an adult or a child may also be used by a perpetrator to exercise control over their victim.

Elder abuse Research has found that domestic abuse is experienced by both women and men regardless of age, disability, and ethnic background. Elder abuse can be even more detrimental to a victim's wellbeing due to problems with mobility, mental health and social isolation.

Older people may have come to accept some aspect of domestic abuse as the 'norm' dependent upon their generation. For example, in the past the male of the relationship was traditionally seen as the breadwinner and thus would have control over their finances, and limit their partner's access to money.

In 2014 the Government announced a new domestic abuse offence – controlling and coercive behaviour.

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.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. Coercive and controlling behaviour underpins domestic abuse. This law helps to protect victims by outlawing sustained patterns of behaviour that stop short of serious physical violence, but amount to extreme psychological and emotional abuse. Victims of coercive behaviour can have every aspect of life controlled by their partner, often being subjected to daily intimidation and humiliation.

4. Legislation

The following legislation has been taken into account when developing our approach to supporting victims of domestic abuse:

- Housing Acts 1985, 1988 and 1996
- Family Law Act 1996
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Domestic Violence, Crime and Victims Act 2004
- Police and Justice Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Anti-social Crime and Policing Act 2014
- Care Act 2014
- Serious Crime Act 2015
- Clare's Law/Domestic Abuse Offender Disclosure Scheme
- General Data Protection Regulation 2018

The National Policy Context

In March 2016 the Government published the new 'Ending Violence against Women and Girls Strategy'. The strategy committed to on-going reductions in the prevalence of domestic abuse by:

- Breaking the intergenerational cycle of abuse;
- Giving greater attention to the risk of becoming a perpetrator;
- Challenging attitudes and beliefs about abuse; and
- Improving awareness among children and young people about healthy relationships

Northumberland Corporate Plan 2018

Our Domestic Abuse Policy is underpinned by the Northumberland Corporate Plan which states:

- **Our People**
Will be listened to and involved by responsive, enabling services
- **Our Places**
Will be great places to live, and attract others to live and work here

Links to other Council policies:

- Common Allocation Policy
- NCC Tenancy Agreements
- Safeguarding Adults and Children's Policies
- Employee Domestic Abuse Policy

5. Disclosure of domestic abuse

The Council's Housing Services recognises that victims will often find it extremely difficult to make a disclosure and ask for help. It is vitally important therefore that if a disclosure is made, it is dealt with in a sensitive, and supportive and non-judgemental manner. When dealing with cases of domestic abuse full consideration will be given to our safeguarding responsibilities, and advice will be offered regarding:

- How the council can help support the victim;
- Advice on remaining in the home (e.g. Target hardening);
- Housing options if the victim cannot remain in the home;
- Temporary accommodation, where appropriate;
- Taking enforcement action against the perpetrator;
- Support services available; and
- Advice on claiming benefits.

In cases where the victim is assessed as being at high risk of serious harm or murder a referral should be made to the Multi Agency Risk Assessment Conference (MARAC) to safeguard the victim, manage perpetrator behaviour, safeguard professionals and make links with other safeguarding processes.

Any referrals to MARAC will be made after discussion with, and consent from the victim. However, if consent is not granted, and there is an immediate or potential risk to the victim or the victim's family, a referral may be made without the consent of the victim. This is to protect the victim and their family from potentially serious harm.

If there is more than one safeguarding issue present, such as domestic abuse in addition to physical or mental health disabilities, then a referral should be made to Adult Social Care via the Multi-Agency Safeguarding Hub (MASH) to ensure that services can be coordinated to deal with the potentially complex issues.

6. Understanding barriers to ending abusive relationships

We recognise that victims will often find it extremely difficult to make a disclosure and ask for help.. It is therefore vitally important that if a disclosure is made, it is dealt with in a sensitive and supportive manner Housing Services staff will be provided with guidance on how to carry out interviews in such situations, and will be given a checklist to ensure that they have given all of the appropriate advice, gathered the vital information they need to safeguard the victim and put the correct support in place.

It is important for us to understand that victims may not seek, or respond to, offers of help, choosing to remain in the abusive relationship.

Reasons for this may include:

- Fear of the abuser and/or what they will do;
- Lack of knowledge of other victims who have successfully left an abusive partner;
- Doubt about any action taken by the police or the courts, and fear of pressure to pursue a criminal case;
- Lack of knowledge or awareness on how to access support services;
- Lack of resources, financial or otherwise;
- Fear of not being believed;
- Love, loyalty, attachment to their partner and the hope that they will change;
- Feelings of shame or failure;
- Pressure from family, children or friends;

- Religious or cultural expectations;
- Long term effects of abuse e.g. self neglect, depression, low self esteem;
- Drug and/or alcohol addiction; and
- Anticipated impact on children, or fear of losing contact with children, other relatives and friends.

People from a black and minority ethnic (BAME) community may also have additional barriers including:

- Language barriers;
- Fear that interpreters may not keep confidentiality;
- Family honour, shame or stigma;
- Fear of rejection by their community;
- Immigration status/no recourse to public funds;
- Cultural or community expectations;
- Racism (perceived or actual);
- Fear of 'honour based violence'; and
- Lack of appropriate services.

Disabled people also have additional barriers to accessing services which can include:

- Lack of accessible information about abuse and legal rights;
- Lack of accessible domestic abuse services;
- Fear that interpreters (e.g. British Sign Language) may not keep confidentiality;
- Assumptions that physical and sensory impairments prevent people from making their own decisions;
- Being used to 'dependency' and lack of respect and dignity, leading to them assuming that abuse is normal and minimising its impact;
- Fear of having to live in a care home;
- Reliance on the abuser for care and support;
- The victim may be the carer of the abuser and feel an obligation to maintain the support and endure the abuse; and
- The abuser may be the only person with whom the victim has any contact.

7. Upholding Confidentiality

Any disclosure of domestic abuse will be treated in the strictest of confidence however, under the General Data Protection Regulation; we have a duty to disclose information in order to:

- Protect the victim;
- Prevent harm to someone else, or
- Prevent or detect a crime.

The Domestic Violence Disclosure Scheme (DVDS), also known as Clare's Law, allows the police to disclose to individuals the details of their partner's abusive past in order that they can make an informed decision about their situation.

8.Safeguarding Responsibilities

When dealing with cases of domestic abuse we will adhere to safeguarding protocols, such as:

- The MARAC, which deals with all cases of domestic abuse that are deemed to be 'high risk'; and
- The Multi Agency Safeguarding Hub (MASH) for cases where there is more than one safeguarding issue.

9. Wellbeing

The Care Act 2014 specifies that freedom from abuse and neglect is a key to a person's wellbeing. The guidance outlines that abuse takes many forms and practitioners should not be constrained in their view of what constitutes abuse or neglect. It describes numerous types of abuse including:

- Domestic abuse;
- Psychological abuse;
- Financial and material abuse;
- Sexual abuse; and
- Physical abuse.

The Care Act guidance specifies aims to stop abuse and neglect, prevent harm, and address what has caused the abuse.

10. Our Commitment

Every case of domestic abuse will be assessed on its own circumstances, taking into account the wishes and needs of the victim, the severity of the abuse and any additional criminality.

We will make use of the appropriate tools and powers to sanction those who are perpetrators of domestic abuse and support victims of domestic abuse including injunctions, Notice of Seeking Possession, and possession proceedings.

The Housing Act 1985 (the Act) supports the use of these tools as the Act specifies domestic abuse as an anti-social behaviour ground for possession and the NCC tenancy agreement clearly enforces this (Please refer to Section 16 of the procedure for details)

In addition we will also work closely with partners to ensure a holistic approach is taken to tackle domestic abuse and that the tools and powers available within the Housing Act 1985 and the Anti Social Behaviour Crime and Policing Act 2014 are fully considered. (Please refer to the procedure for details)

11. Equality and diversity

The Council is committed to the principles of equality and diversity. This Domestic Abuse Policy aims to:

- Meet the needs and choices of people from all backgrounds and takes into consideration gender, age, disability, gender reassignment, race, religion, or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity;

- Ensure our service is responsive and meets the needs of our existing and prospective customers ; and
- Understand the cultural implications and barriers to reporting domestic abuse
- Ensure that all sections of the community in which we work have access to our services.

12. Review

This policy will be reviewed as a result of changes in legislation and in line with best practice.