

DOMESTIC ABUSE PROCEDURE



MONITORING INFORMATION:

POLICY/PROCEDURE/STRATEGY:	DOMESTIC ABUSE PROCEDURE
DATE APPROVED:	JUNE 2023
EXPIRY DATE:	JUNE 2026
OWNER:	PSL & TENANCY SUSTAINMENT MANAGER
APPROVAL ROUTE:	EXECUTIVE MANAGEMENT TEAM

Domestic Abuse Procedure

1. Key considerations

- The person allegedly responsible for the domestic abuse should not be informed of the domestic abuse disclosures.
- Professionals should not attempt to mediate in cases of domestic abuse but should rather provide the individual who is experiencing the abuse with information about specialist domestic abuse services, where safe and appropriate to do so.
- The mental capacity of the adult at risk needs to be established in regard to their wishes
- Positive intervention is an active approach taken to reduce the risk for the victim. This may be done with or without the consent of the adult at risk, particularly where the risk of harm is regarded as high. Every effort should be made to engage the adult at risk in this process, where it is safe and appropriate to do so.
- Sensitive information about the alleged person who has caused the harm can be shared with relevant agencies under Section 115 of the Crime and Disorder Act 1998, and General Data Protection Regulation, provided that criteria outlined in the legislation are met.
- The consent of the adult at risk must be obtained before sharing any information with relatives or friends. If the adult at risk has given consent but by sharing the information the risk to the person concerned is elevated, then the information should not be shared until that risk is removed.
- Doing nothing is not an option.

We will advise victims on the range of available actions so that they can have all information available at their disposal and contribute their views on what might be a suitable course of action in their circumstances. This will include information on:

- Police powers and criminal actions
- Non-molestation orders (injunctions secured in the Family Courts)
- Occupation Orders (a court order to exclude the perpetrator and allow the victim to return home)
- Tenancy transfer orders

- Rehousing advice with signposting to the Local Authority
- Sanctuary schemes (measures to improve security in the home)
- Support and further advice on specialist services such as FearLess
- Referral to Fearless and/or Multi-Agency Risk Assessment Conference (MARAC)

2. Supporting Staff

Any employee who is approached by an individual, who wishes to discuss domestic abuse, should deal sensitively and empathetically with the situation. Their role is to listen and provide factual, operational information regarding Teign Housing's policies. They should not offer advice or personal assistance to the individual in dealing with their domestic issue but should encourage the individual to seek help from the appropriate support agencies. Follow the link <https://www.devon.gov.uk/dsva/> for a list of national and local support services.

Line managers can play a key role in supporting employees who are a victim of domestic abuse. Identifying the signs can prove to be difficult and line managers can expect signs to be any of the following:

- Late or high absenteeism rate without explanation.
- Uncharacteristic depression, anxiety, distraction, or problems with concentration.
- Changes in the quality of work performance for no apparent reason.
- The receipt of repeated upsetting calls/texts/emails or the individual being a victim of vandalism or threats.
- Increased number of personal telephone calls or emails.
- Obsession with time or avoiding lunch breaks or socialising outside work.
- Inappropriate or excessive clothing.
- Repeated injuries, unexplained bruising, or explanations that do not fit the injuries displayed.
- Increased hours being worked for no apparent reason.

It is important to note that this is not a checklist; some individuals who have experienced domestic abuse may display no apparent indicators/signs. Conversely, the indicators above do not mean that someone is experiencing domestic abuse, there could be other explanations.

Individuals experiencing domestic abuse suffer a broad range of physical and emotional consequences. For some the abuse greatly affects their lives over a significant period and the process of recovery can be long and hard. Others may be able to start again relatively quickly after leaving an abusive relationship.

Practical Measures

Employees, who make it known to Teign Housing that they are experiencing domestic abuse, will be provided with every reasonable consideration. They will not be judged or ridiculed by any employee but will be provided with an empathetic, supportive response and supported to make positive changes.

If domestic abuse is disclosed (either spontaneously or after specific questioning) or is suspected, to assist the individual it might be necessary to make workplace adjustments. Those experiencing domestic abuse know their abusers better than anyone else and when it comes to their own safety, they should be allowed to decide what goes in any action plan. With the employee's permission, support and advice can be sought from a member of the HR Team who can advise on a range of practical workplace options on a case-by-case basis.

It should be noted that physical security can be very important in cases of domestic abuse and perpetrators may use various methods to find their partner or ex-partner. Care must be taken to ensure that phone numbers, email and home addresses (including any temporary details) or change of workplace location, of the individual are not given out.

Managers should not make a personal rather than a managerial commitment to resolve an issue for a member of staff. This can confuse the manager's role as a line manager and can lead to unnecessary complications for both the manager and the individual. Advice may be sought from HR.

Managers should be aware that there may be additional issues facing an employee and additional barriers to seeking help because of their ethnic background, religion, age, sexuality, or disability which might make the individual feel more vulnerable when talking about their situation.

Teign Housing is aware that those experiencing domestic abuse may have performance problems such as absenteeism or lower productivity because of domestic abuse. When addressing performance issues, reasonable efforts should be made to consider all aspects

of the employee's situation. This will include consideration of a change of workplace, working arrangements or extended leave.

However, the employee should be provided with clear guidance of what is expected with regard to performance and attendance and managers should be aware of the policies for dealing with unsatisfactory performance and attendance and keep records of discussions as appropriate. This also applies to the perpetrators of domestic abuse.

Teign Housing recognises that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subject to domestic abuse in terms of current employment or career development.

Confidentiality

Employees who receive a disclosure of domestic abuse from a work colleague should encourage that employee to speak to their manager directly. It is appreciated that the victim may not wish to approach their line manager and may prefer to involve a third party, such as a work colleague or trade union representative, who can advise the employee and/or their line manager on measures which may be taken.

If an employee does not wish to speak to their line manager, they should be advised of the difficulties which may arise if the manager is not aware of the relevant facts and circumstances. (For instance, health and safety precautions and performance monitoring). Discussions between a manager and an employee who is experiencing domestic abuse will be treated in confidence. However, Teign Housing and its employees both have a duty of care and in some extreme circumstances where others may be at risk, this confidence may need to be broken e.g. the protection of children, vulnerable adults or workplace colleagues. This also applies should a work colleague be a recipient of a confidential disclosure from an employee.

There should be no contact with other agencies without the individual's consent unless that information is necessary to safeguard the welfare of the employee, protect a vulnerable adult or where children are involved, including unborn children. The manager may need to consider making a referral to the MARAC (Multi Agency Risk Assessment Conference) where there is a high level of risk.

3. Our promise

- Listen and take the victim seriously
- Take a non-judgmental and supportive approach to the disclosure of domestic abuse
- Keep the health, safety and well-being of the victim paramount
- Respect the victim's wishes and decisions where possible
- Offer the choice of speaking with a male or female officer
- To not interview or discuss in front of the victim's children
- Be confident to raise the subject of domestic abuse where they suspect abuse is taking place
- Be aware of the signs of abuse
- Provide a supportive and enabling environment which encourages people to report domestic abuse to appropriate agencies
- Check where information should be sent to the victim and what contact telephone numbers are safe to use
- Act as an advocate for the victim, once consent to share is signed, to save the victim from having to repeat themselves causing further distress
- Develop working relations with specialist agencies and make appropriate representation and contribution to discussions at Multi-Agency Risk Assessment Conferences (MARAC) and local domestic abuse forums
- Be aware of the MARAC referral process (see Appendix A) and actively participate when attending this forum
- Be familiar with the combined MARAC and Multi-Agency Safeguarding Hub (MASH) online form <https://devoncountycouncil.outsystemsenterprise.com/MASH/homepage>
- Ensure that information provided through MARAC and other sources will be saved securely and only sent electronically through secure e-mail
- Ensure that we assist those affected by domestic abuse to obtain support and protection
- Be alert to acute and immediate safeguarding concerns and report these to the necessary authority

- Be sensitive to the diverse needs of victims and children considering their age, disability, gender, race or ethnicity, religion or belief, sexual orientation, and transgender

4. Multi-agency Risk Assessment Conference (MARAC)

A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, children, and adults safeguarding, housing practitioners, substance misuse services, independent domestic violence advisers (IDVAs) and other specialists from statutory and voluntary sectors.

After sharing all relevant information that they have about an adult at risk, the representatives discuss options for increasing the safety of the adult at risk and form a coordinated action plan. The MARAC will also discuss the risks posed to children and how to manage the person alleged to be causing the harm.

If the person who is experiencing domestic abuse is not assessed as being at high risk of further harm there are alternative support options that are available, for example, consideration should be given to referring the individual to a local specialist domestic abuse service, where it is deemed appropriate and safe to do so.

Naomi Metcalfe – Communities and Compliance Manager, and Holly Reynolds – Communities and Compliance Manager are the designated Domestic Abuse Champions and MARAC representatives for Teign Housing.

5. Assessment

We will ensure that we give victims time to recount their circumstances. We recognise that reports by victims of domestic abuse may not reveal the full facts and details and the abuse.

Our staff will be mindful of the potential dangers that those reporting abuse will face when dealing with them.

We will advise them of the confidentiality of the information they are providing.

We will use agreed assessment tools to ensure that we have established the case in detail. We will assess the risks victims are exposed to, so that we can assess any actions to be taken. We will use the CAADA-DASH RIC form to form the assessment

<https://safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf>

We will ensure that staff will be available to deal with any reports of domestic abuse as an emergency the same day in most cases and if staff are not available, within 24 hours.

We will refer to the children safeguarding threshold document

<https://www.dcfp.org.uk/training-and-resources/levels-of-need/ion-framework/> where we believe a young person, child or unborn baby to be at risk or danger, and complete the necessary online referral form

<https://devoncountycouncil.outsystemsenterprise.com/MASH/homepage>

Where a child, young person or unborn baby is considered to be at immediate risk staff will contact Devon County Council Children Services on: 0345 155 1071.

We will refer to the Adult Care support criteria found using the following address

<https://www.devonsafeguardingadultpartnership.org.uk/about/safeguarding-adult-reviews/sar-resources/>

Where we believe a vulnerable adult is in need or may be in need of community care services by reason of mental or other disability, age or illness, or unable to take care of him or herself, or protect him or herself against significant harm or exploitation, we will complete a referral using the following online form: <https://mylife.devon.gov.uk/form/Safeguarding-Concern#!/onbehalfof>

Where an adult is considered to be at immediate risk staff will contact Devon County Council Adult Services on: 0845 6000 388

6. Part 4, Housing Act 1985 – Qualifying Tenancy

Part 4, of the Housing Act 1985 is amended as follows by the introduction of the Domestic Abuse Act 2021.

The local housing authority (Teign Housing) must grant a secure tenancy that is not a flexible tenancy if: -

- (a) the tenancy is offered to a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant), and;
- (b) the authority is satisfied that: -
 - (i) the person or a member of the person's household is or has been a victim of domestic abuse carried out by another person, and;
 - (ii) the new tenancy is granted for reasons connected with that abuse.

“Qualifying tenancy” means a tenancy of a dwelling-house in England which is: -

- (a) secure tenancy other than a flexible tenancy, or
- (b) an assured tenancy (which is not an assured shorthold tenancy) and;
 - (i) which is granted by a private registered provider of social housing, by the Regulator of Social Housing or by a housing trust which is a charity.

See Appendix C

7. References

External References:

- Anti-Social Behaviour, Crime and Police Act 2014
- General Data Protection Regulations 2016
- Data Protection Act 2018
- Housing Act 1985
- Human Rights Act 1998
- Equality Act 2010
- Crime and Disorder Act 1998
- Protection from Harassment Act 1997

Internal references:

- Anti-Social Behaviour Policy
- Safeguarding Policy

1. Appendix A – Front line staff Domestic Abuse referral path

Step 1. Receive a disclosure of Domestic Abuse

- Record exactly what is disclosed
- Encourage victim to make first-hand disclosure to Police or support them by calling 101 on their behalf
- Gain consent to complete Caada DASH RIC Form
- If unsure check with Domestic Abuse Champions
- **If victim does not give consent but risk is too high skip to step 4.**

Step 2. Complete Caada DASH RIC form

- Use Caada DASH RIC Form here: <https://safelives.org.uk/sites/default/files/resources/Dash%20risk%20checklist%20quick%20start%20guidance%20FINAL.pdf>

Step 3. Scoring System

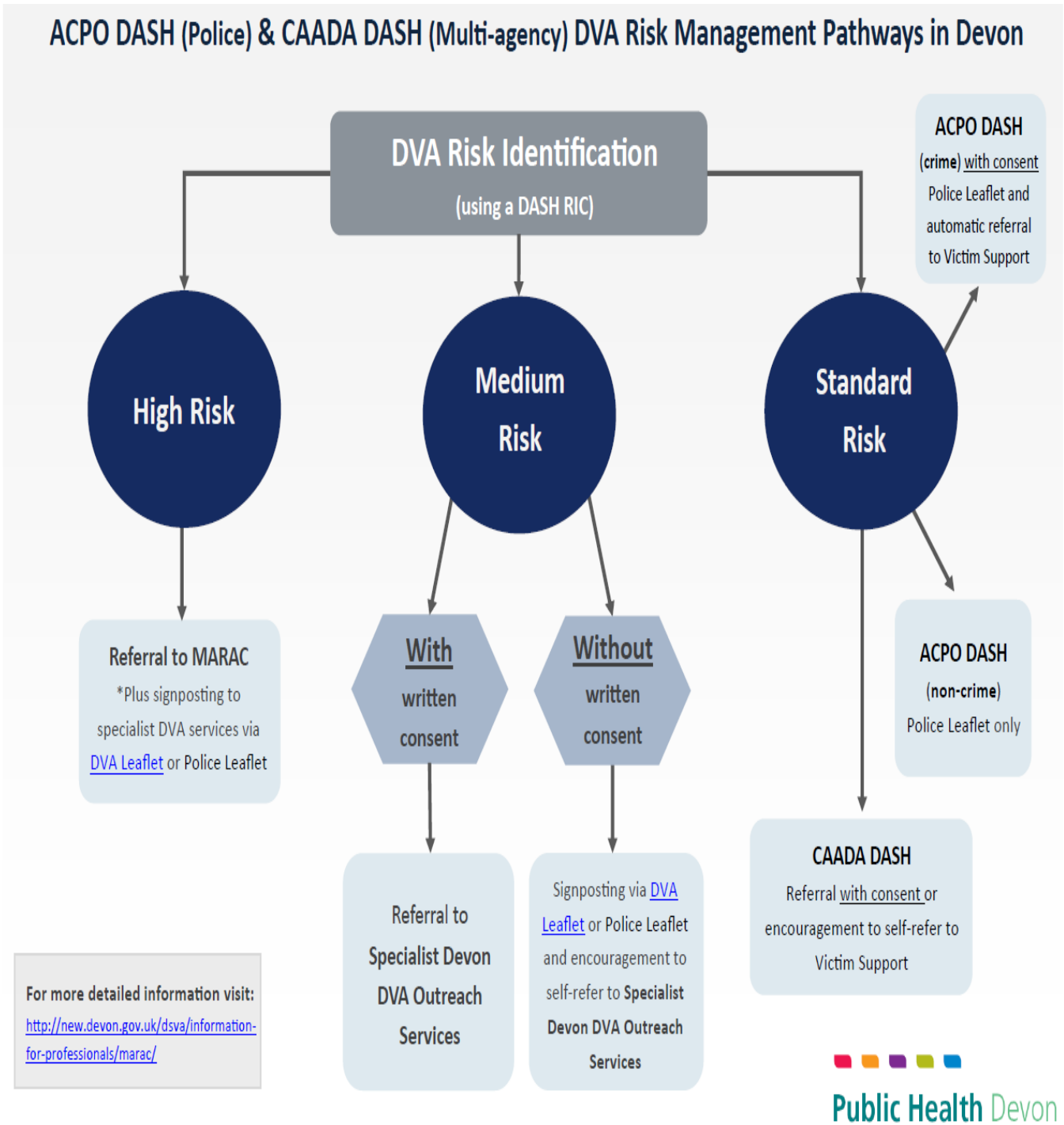
- 14+ score refer to MARAC and FearLess, 6-13 refer to FearLess, 0-5 signpost to local support forums or national services and forward CAADA DASH to FearLess for intel/information
- **If score is less than 14+ but the risk is deemed too high complete a MARAC referral**

Step 4. MARAC Referral

- Use combined MARAC and MAS referral form here: https://safelives.org.uk/sites/default/files/resources/Referral%20into%20the%20Marac%20process_0.pdf

Front line staff when completing a referral should always assess any risks posed to any young person, child, or unborn or vulnerable adult. Please refer to section 5. Assessment.

2. Appendix B (MARAC and Specialist Local Support pathway)



3. Appendix C (Decision for Qualifying Tenancy)

