

Domestic Abuse Procedure

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1. This procedure provides guidance to help staff to implement the Domestic Abuse Policy and enable residents to understand the steps we will take when responded to domestic abuse. It aims to ensure that individuals affected by domestic abuse are dealt with in a sympathetic and sensitive manner, in accordance with their needs. It also aims to ensure all employees act in a non-judgemental way. We will believe residents that let us know they are suffering from abuse; we will support them and we will hold perpetrators to account.

Throughout this procedure, West Kent will consider the protected characteristics of all parties involved. An interpreter will be used where necessary to ensure efficient communication.

The Domestic Abuse Policy will be led by Head of Housing Services, with cases overseen by the Community Safety Manager. Individual cases will be managed by the Community Safety Officers and Scheme Managers, however, all West Kent staff have a responsibility to ensure our residents are safe in their homes and report any concerns appropriately.

This procedure applies to all West Kent residents and household members and should be read with reference to:

- Domestic Abuse Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy
- Community Safety Policy
- Equality and Diversity Policy
- Code of Conduct Policy
- Disciplinary Policy and Procedure
- West Kent Whistleblowing Policy
- Safeguarding: Safer Recruitment DBS Procedure
- Move or Stay Policy

2. **Definition - Domestic Abuse (DA)** refers to any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are personally connected regardless of gender or sexuality. Any child under the age of 18 is also recognised as a victim in their own right if they see, hear or experience the effects of abuse and the victim/survivor has parental responsibility.

The abuse can include, but is not limited to:

- physical or sexual
- violent or threatening
- controlling or coercive
- economic
- psychological or emotional

Violence Against Women and Girls (VAWG) refers to a range of serious crime types which are predominantly, but not exclusively, experienced by women and girls: Domestic Violence and Abuse; Sexual Offences; Stalking; Female Genital Mutilation (FGM); Crimes Said to be Committed in the Name of 'Honour'; Forced Marriage; Prostitution; and Trafficking for Sexual Exploitation.

It is important to understand that those who experience domestic abuse may not seek or respond to offers of help and may wish to remain in their abusive relationship. 85% of victim/survivors sought help on average five times from professionals in the year before they engaged with effective help. We must ensure they understand the door is always open and provide positive reassurance that we will take any report they disclose to us seriously, however many times they make contact. Reasons that victim/survivor may not seek help include:

- Fear of the abuser and/or what they will do
- Lack of experience or knowledge of others who have successfully left an abusive partner
- Doubt about the impact of any action taken by the Police or Courts, and a fear of pressure to pursue a criminal case
- Lack of knowledge/access to support services
- Lack of resources, financial or otherwise
- Fear of not being believed
- Love, loyalty, attachment towards their partner and the hope they will change
- Feelings of shame or failure
- Pressure from family/children/friends
- Religious or cultural expectations
- Long term effects of abuse e.g. self-neglect, depression, low self-esteem
- Drug and/or alcohol addiction
- Anticipated impact on children, or fear of losing contact with children/other relatives/friends

People from a black and minority ethnic (BME) and the LGBTQ+ community may also have additional barriers, including:

- Language barriers
- Family honour, shame or stigma
- Fear of rejection by their community
- Immigration status/no recourse to public funding
- Racism (perceived or actual)
- Cultural or community expectations
- Fear of so called 'honour' based violence
- Lack of appropriate services

Disabled women are twice as likely to experience domestic abuse as women without disabilities and are more likely to be at high risk of serious harm. Barriers to disabled women accessing services 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 a lack of respect and dignity, leading to them assume that abuse is normal and minimise its impact
- Fear of having to live in a care home
- Reliance on the abuser for care and support
- The person experiencing the abuse may be the carer of the abuser, and feel a sense of obligation to maintain the support and endure the abuse
- The abuser may not be the only person with whom the person experiencing the abuse has any contact with.

Any disclosure of domestic abuse will be treated in the strictest of confidence, unless we have a duty to disclose information to:

- Protect the person experience abuse
- Prevent harm to someone else, or
- Prevent or detect a crime

The Domestic Violence Disclosure Schemes (DVDS), also known as 'Clare's Law', allows 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. For more information please see

<https://www.kent.police.uk/advice/advice-and-information/daa/domestic-abuse/alpha2/request-information-under-clares-law>

3. GDPR and Partnership Working

All information that we gather when managing cases of domestic abuse will be stored on our systems securely. We may have to share information with agencies including the police or social services when a child or adult is at potential risk of harm. For children this includes emotional harm and neglect.

For cases which meet the MARAC risk rating threshold or if we have child protection concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the victim/survivor, we will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc).

4. Multi Agency Risk Assessment Conference (MARAC) is a regular local meeting to discuss how to help people at high risk of murder or serious harm. This includes a domestic abuse specialist (Independent Domestic Violence Advisor - IDVA), police, children's social services, health and other relevant agencies

5. Contact - Initial reports of domestic abuse will be received by the Community Safety Team and Scheme Managers by various means, including:

- Contact with our Customer Services Team
- During home visits
- Staff raising a concern that 'something isn't right'
- Our external website

- Contact from specialist agencies such as; Domestic Abuse Support Services, Police and Social Services

West Kent Contractors – As a responsible Landlord all contractors working on behalf of West Kent have a duty to ensure our residents are safe and if they feel something is not right, they must follow our safeguarding procedures and report the concern appropriately. The contractor will raise an alert electronically, using their tablet, which will raise a task to the Tenancy Services Team, providing information to enable them to understand the concern. If necessary, contact will be made with the contractor for further details. All contractors will adhere to confidentiality.

All West Kent staff have a responsibility to report any concerns appropriately. If during any interaction with a tenant, they feel that something is not right they must follow the procedure and log a task so the concern can be investigated.

The task will automatically be logged on our system and we aim to assign the task to our Community Safety Team and complete an assessment within 24 working hours. The Community Safety Team will contact the resident by telephone; and when assurance of safety is ascertained will complete a welfare check. If unable to make contact by telephone we may consider reporting the concern to the Police and will also use other methods to engage with an individual, such as a home visit (always ensuring safety of the individual). We will always use safe words until we are assured that the resident is safe to communicate with us. The outcome of the check will determine any further support needed and whether a case will be logged and managed as follows.

Initial Response:

A. All reports of domestic abuse reported to us will be logged on our system and stored confidentially as a case to be managed by the Community Safety Team and Scheme Managers. If the victim/survivor is in immediate danger we will advise them to call the Police or make the call on their behalf. We aim to respond to all cases within 24 working hours. This may be through our triage service provided by our Community Safety Co-ordinator or by a Scheme Manager. The staff member assigned the case will be known as the case lead within this procedure. We will ensure that safe contact times and methods are established at the first point of contact and complete a risk assessment.

B. We will ensure that people experiencing domestic abuse know that if they want to, they can meet staff in confidence at an agreed choice of safe venue, which will be defined in consultation with the person.

The individual will be offered the opportunity to opt for a staff member of a case specific gender.

C. In all instances of working with a person whose first language is not English, interpretation services should be offered, and family members or neighbours should **never** be used as interpreters. Interpreters should be trained to interpret in an unbiased manner, and to reveal any possible interest in the situation. Where the victim holds a joint tenancy, the information will **not** be shared with the perpetrator even if they are the joint tenant. This is to ensure safeguarding for the victim.

D. A risk assessment will be completed with the victim using the Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist and a safety plan agreed. We will refer to the local Multi Agency Risk Assessment (MARAC) if:

- The DASH risk assessment identification checklist meets the local authority threshold, or
- On professional judgement

In cases where the MARAC threshold is met we have a legal duty to share information and must do so even without consent.

If the MARAC threshold is not met, but we want to refer based on professional judgement:

- We can do so with the individual's consent, OR
- If the individual does not consent, we must complete an Information Sharing Without Consent Form to proceed with reporting. The individual will be advised of this if possible, to do so.

If the DASH does not meet the local authority threshold for a MARAC referral, we will still seek to provide support by arranged or facilitating meetings with other agencies; Co-ordinated Community Response. If necessary, the case lead should seek guidance from their manager.

- 6. Safety Plan** - The lead officer will provide the victim with options available to support them. We will endeavour to have weekly contact with the individual as agreed at the first point of contact. The case lead should explain clearly why any third-party referrals need to be made to other agencies, how the agency may contact them and what steps they may take. This could include; domestic abuse specialist services, social services, police and education etc.

The case lead should gather the following information to create a safety plan that the victim agrees with:

- Where the victim is staying or calling from – take a phone number immediately and establish whether it is a safe number on which to leave a voicemail message and if necessary, agree a safe word for future communication
- If there is an immediate danger
- The location of the perpetrator
- If the victim is pregnant or children are present
- Whether refuge or temporary accommodation is needed
- If any lock changes or extra security is required – **note locks cannot be changed where there is a joint tenancy held and other methods of keeping safe need to be considered**

West Kent's security budget can be used to provide extra security such as:

- Lock change
- Fire-proof letter box
- Outside sensor lights
- Extra locks on doors/windows
- Spy holes
- Sanctuary scheme from the Local Authority for security guidance
- What support referrals need to be made – follow guidance in step 6

7. Co-ordinated Community Response

We recognise that domestic abuse cannot be tackled by one agency. So, referrals will be made to partners to support individuals experiencing domestic abuse with the persons consent.

The lead officer should ask the individual if they would like a referral to be made to a local specialist domestic abuse service explaining:

- which agency the victim is being referred to
- why they are being referred to the agency
- how the agency will contact them
- what support the agency will be able to provide

If the victim/survivor agrees, then the referral should be completed (where possible) within the first contact. The lead officer should try and make this referral on the person's behalf, as we recognise it is difficult for individuals to make multiple disclosures in one day. To find the local specialist services for the area the victim lives, use the website www.domesticabuseservices.org.uk

Referrals should be made as a matter of course unless the individual refuses additional support. This is unlikely but can occur. If this is the case, you should discuss the case with your line manager and consider seeking specialist guidance to ensure residents safety.

Where an individual refuses support in a case of domestic abuse, we may continue to provide other relevant housing management support, which might address some of their support needs and enable the victim to make choices for the future. Example of immediate support available may include:

- **Financial Wellbeing Team**
 - complete a financial assessment to ascertain criteria for any welfare benefits
 - foodbank referral
- **West Kent Support Team**
 - Help to open a bank account, apply for ID etc
- **Employment and Training**
 - Discuss future employment and training opportunities

8. Housing Options

All decisions for housing needs will be led by the victim/survivor; if they want to remain in their home, we will support them to do so. See perpetrator management below.

The victim/survivor is at their most vulnerable at this stage, we must ensure that if needed, support is in place to complete housing applications on their behalf

Where re-housing is the only option to ensure safety, the following options are available:

- **Local Authority**
 - An application made to the Local Authority to join the housing register for rehousing. They will offer advice and assistance and emergency temporary accommodation if required.
 - If necessary, consider requesting a reciprocal using the Kent Reciprocal Agreement.
- **Refuge**
 - Can be offered as an option via referral to the National Domestic Violence Helpline (0808 2000 247)

- **Management Transfer**
 - Management transfer is a longer-term process to secure permanent accommodation within West Kent stock. The case lead will complete a report to be authorised by the Head of Housing and Director of Housing. Written supporting evidence should be provided where possible, which may be from the following agencies:
 - Domestic abuse specialist services
 - Social services
 - Police
 - Education
 - Support services
 - West Kent does not hold an internal transfer register so we will liaise with the local authority when the victim is safe to move and obtain permission to offer a direct let as per our nomination agreements (Allocations Team should negotiate the transfers). Any new tenancy will have the same tenure as any previous tenancy providing assurance to the victim/survivor, however it will be in their sole name.
- **Mutual Exchange**
 - Individual can be supported to achieve a mutual exchange, although this involves a degree of risk. It should be considered carefully and is not generally advised.

9. Moving to Safety

Moving home can be very stressful, for a victim/survivor of abuse leaving their home can be a traumatic experience. West Kent should ensure appropriate support is offered and in place before the move takes place. Support can help the victim/survivor make applications to agencies to help them start again, such as KSAS for emergency household items, registering with utility companies, opening a bank account etc. If the victim/survivor is moving to another West Kent home we can provide additional security to ensure safety. West Kent may be able to provide additional support to help with setting up a new home on a case by case basis.

When the victim/survivor has moved, the case lead should contact them to check their wellbeing, let them know if there will be a new Tenancy Services Officer and complete a handover to the new officer. If they move to a new landlord, with the victim/survivors consent contact should be made with the landlord to ensure they understand the vulnerability of the individual so ongoing support is offered.

10. Safeguarding

Safeguarding policies may apply where there are dependent children and/or household members, dependant on the circumstances. Please refer to Safeguarding Adults and Safeguarding Children policies and procedures and speak to your line manager if unsure.

11. Perpetrator Management

We will only act against a perpetrator when it is safe and appropriate to do so and we will always consider positive steps.

Any action against a perpetrator must be led and agreed by the victim/survivor, the only exception to this is if the case lead feels there is an urgent safeguarding concern and their manager agrees that West Kent must take steps to ensure the safety of the victim/survivor and any family members and the surrounding community that may be affected.

If the perpetrator is our tenant and the victim/survivor has fled the property (the individual may be a joint tenant or household member), we will assess the risk to any remaining household members and consider whether we will take against the perpetrator.

Sometimes the perpetrator recognises their behaviour is wrong and will agree to take positive steps to make changes by completing a Domestic Abuse Perpetrator Programme. West Kent should make appropriately referrals to support this. If a perpetrator taking part in a programme has a joint tenancy and to enable a survivor to remain in their home is by removing the perpetrator, consideration should be given for alternative housing for the perpetrator. A report should be presented to the Tenancy Panel for a decision on housing options.

Legal options

Not every victim/survivor experiencing domestic abuse will want to end their relationship or will want West Kent to take enforcement action against the perpetrator. It is important, therefore, to manage risks and ensure that as many safeguards are in place as possible. The following legal options can be considered to help keep individuals safe:

- **Domestic Violence Protection Notices and Orders**

If the Police have a reasonable belief that domestic abuse has occurred, they can serve the perpetrator with a Domestic Violence Protection Order (DVPO).

A DVPO can prevent a perpetrator from returning to a residency and from having contact with the victim/survivor for up to 28 days. This allows the victim/survivor some time to consider their options and to engage with some support.

Getting a DVPO is a two-stage process:

On being called to an incident of domestic abuse, if the Police have reasonable grounds to believe the victim/survivor remains at risk of domestic abuse, they can choose to issue an emergency non-molestation and eviction notice – the DVPN. Because the DVPN is a Police issued notice, it is effective from the time of issue, thereby giving the victim/survivor the immediate support they require. The issuing of a DVPN requires Police authorisation at the rank of Superintendent or above.

- Within 48 hours of the DVPN being served on the perpetrator an application for a DVPO must be made by the Police and heard in a Magistrates Court (Sundays and public holidays are excluded from this 48-hour time limit). The DVPN continues in effect until the court has reached a decision. If the court rules that the victim/survivor requires continued support, they may issue a DVPO which would last for a minimum of 14 days and a maximum of 28 days.
- The law allows a magistrate to make a DVPO against the abuser even if the victim/survivor does not agree to it. In addition, the magistrates will take into

account the welfare of anyone under the 18 who the Police consider will be affected by the DVPO.

Specialist Domestic Abuse Support Services can assist with the following legal applications:

- **Restraining Orders**

These can be made by a court in relation to a criminal case alleging domestic abuse, whether or not the case is upheld. A restraining order is made when there is a need for the order to protect a named person or persons from harassment or conduct that will put them in fear of violence.

A restraining order imposes prohibitions and may cover a range of behaviour. It can for example exclude a person from a specific geographical area, from contacting specific people or behaving in a particular way. It lasts for one year from the date it is signed by the court or until it is revoked. It can be renewed for one year at a time if the courts believe that the victim is still in danger.

It is a crime to breach a restraining order and a person doing so can be arrested and charged with a crime.

Civil Law Orders

- **Non-Molestation Order**

A non-molestation order can protect a person and any relevant child from violence or harassment. A person can obtain a non-molestation order against someone who has not been physically violent, but has been harassing, intimidating or pestering. If any order is breached a criminal offence will have been committed.

- **Occupation Order**

This is another type of injunction which establishes who has the right to remain in a home. An occupation order can order an abuser to move out of the home or to keep a certain distance from the home; it can order the abuser to stay in certain parts of the home at certain times (e.g. sleeping in a different bedroom), to let the victim back into the home if they have been locked out or order them to continue to pay the rent or bills.

An order can last for 6-12 months and some can be renewed.

A breach of an occupation order is not a criminal offence unless a power of arrest is attached. Breaching an occupation order with a power of arrest could lead to up to two years in a prison or a fine.

West Kent Legal Action

Sometimes a victim/survivor is not ready or able to engage with specialist support services for legal steps to be taken. If there is a high risk of harm to the victim and/or the behaviour is having an impact of the community West Kent will consider the use of an injunction to remove the perpetrator from a home. The case lead should discuss this action with the Community Safety Manager.

12. Third Party Reporting

It may be that confidence or other issues can contribute towards the victim/survivors inability to report directly to the police, we will ensure that we keep the individual informed of all developments and support them to be able to report when possible.

Third party reporting enables the lead officer to ensure a co-ordinated community response with consistency of information exchange and allows a profile of incidents be developed over time. This may lead the police to be able to take action independently from the person.

Those who are unsure of what information they need to include in third party reporting are advised to refer to their line manager or domestic abuse lead.

13. Case Management

The case lead should endeavour to make contact with the victim/survivor on a weekly basis and keep clear accurate notes on the system.

West Kent Support staff may become aware of a victim/survivor whilst supporting them for a different reason. They will continue to support the victim/survivor; however, a separate case must be logged to the Community Safety Team for safeguarding purposes ensuring that the victim/survivor knows the door is always open if they would like specialist advice.

Case reviews will be completed during one to one's and random case audits will take place on a quarterly basis to ensure policy and procedure are followed and decisions are victim/survivor led and always with safety as the first priority.

14. Case closure

On closing a domestic abuse case the lead officer must agree closure with the victim/survivor. If this is not possible full case notes need to be added to the system explaining why and agreement in place with their line manager.

15. Life After Abuse

When the abuse to a victim/survivor has stopped either by the individual remaining in their home with safety measures in place or moving to another home we must consider their future aspirations. West Kent is committed to make contact with the victim/survivor at least twice during the first year to ensure they continue to live safely and any sign-posting for training, benefits, or other support is provided.