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## 1. Introduction

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.

All West Kent staff and contracted staff are required to follow these procedures.

## 2. Related Policies

- 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
- Housing Options Policy
- Vulnerability Policy
- Management Transfer Policy

## 3. Roles and Responsibilities

**Customer services team** - The customer services team are usually the first point of reporting for the complainant of Domestic Abuse. Their role is to ensure the correct recording of the initial report and logging on Cx. They will also be responsible for signposting to other agencies such as police if a crime has been reported. If the resident is immediate risk and member of the Community Safety Team is not available they will escalate to either Community Safety Manager, or Neighbourhood Housing Manager

### **Community Safety Officers (CSO) -**

A CSO will manage all cases of Domestic Abuse. They will be responsible for the day-to-day management of the case, investigating the report, updating actions plans, record keeping, gather evidence, interviewing subjects, working specialist partner agencies and taking legal action where required. This member of staff will be referred to as case officer in this procedure.

**Community Safety Manager (CSM)** - The CSM is responsible for our approach to managing ASB and will complete audits and reviews of Domestic Abuse cases to monitor compliance with the policy and procedure. The CSM will be responsible for managing the legal and community safety initiative budget.

**Head Of Housing Services (HOHS)** - The HOHS has overall responsibility for all community safety management

**Nominated Safeguarding Leads** - Where there are children or tenants at risk of abuse involved it may be necessary to follow the safeguarding procedure and/or gain advice from the safeguarding leads.

**All Visiting Officers** – It is expected that any member of staff who visits our residents at home raises any welfare concerns if they are concerned that the resident or household member is experiencing domestic abuse

#### 4. Initial response

- All reports of domestic abuse reported to us from any source will be logged on our system and stored confidentially as a case to be managed by the Community Safety Team.
- If the 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..
- 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.
- 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.
- 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 survivor 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 survivor.
- When a Domestic Abuse has been logged on our system an alert will be placed on the survivor (and perpetrators) account to ensure that we provide a more tailored service to survivors.
- A risk assessment will be completed with the survivor 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 threshold has been met or professional judgement (Please see section 5 Marac). If we are required to complete a DASH we will aim to complete within 5 working days of the initial report, however this may be longer if we are unable to contact the survivor.

**Safety Plan** - The lead officer will provide the survivor with options available to support them. We will endeavour to have regular 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 survivor agrees with:

- Where the survivor 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 survivor 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:

- o Lock change
- o Outside sensor lights

- o Extra locks on doors/windows

- o Spy holes

Kent's Sanctuary Access for Eligible Residents (SAFER) is Kent County Council's Sanctuary Scheme for survivors of domestic abuse who wish to remain at their property safely. We are part of the SAFER scheme and where appropriate will give consent for security measures to be installed via this service. Consent for these works can be given by the case officer but clearly recorded on Cx

## Third Party Reporting

It may be that confidence, or other issues can contribute towards the 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 act independently from the survivor

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.

We also recognise that neighbours may also report "shouting and arguing" coming from a property, we recognise that this may be domestic abuse and may raise a domestic abuse case if during that investigation we feel that domestic abuse may be occurring.

## 5. Multi Agency Risk Assessment Conference (MARAC)

**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

We will complete a referral to MARAC if:

- The DASH risk assessment identification checklist meets the local authority threshold, or 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 arranging or facilitating meetings with other agencies, Co-ordinated Community Response. If necessary, the case lead should seek guidance from their manager.

We are invited to MARACs across our stock area, if we are notified that one of our residents are being discussed at a MARAC we will conduct the relevant research to share with the MARAC. A decision to log a case be made on a case-by-case basis.

## 6. 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 person's 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:

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

If the 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 survivor lives, use the website [www.kent.gov.uk/leisure-and-community/community-safety/domestic-abuse](http://www.kent.gov.uk/leisure-and-community/community-safety/domestic-abuse)

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 survivor to make choices for the future. Example of immediate support available may include:

- **Tenancy Sustainment Team**
  - completes a financial assessment to ascertain criteria for any welfare benefits
  - foodbank referral
  - Help to open a bank account, apply for ID etc
- **Employment and Training**
  - Discuss future employment and training opportunities

## 7. Housing Options

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

The 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 Head of Allocations. 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 survivor 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 survivor/; however, it will be in their sole name.

Please refer to the Management Transfer Policy

[Management Transfer Policy - Bettie](#)

## Mutual Exchange

Individuals 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.

## 8. Moving to Safety

Moving home can be very stressful, for a 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 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 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 such as support from our Tenancy Sustainment Team or referrals to other external organisations .

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

## 9. 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.

## 10. 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 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 survivor and any family members and the surrounding community that may be affected.

If the perpetrator is our tenant and the 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.



## 11. Case closure

On closing a domestic abuse case the lead officer must agree closure with the 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.

If a survivor is awaiting a move either by the local authority or our internal direct let process we will keep in contact once a month until such the survivor moves or no longer wishes to move, this will usually by the Community Safety Officer.

## 12. Life After Abuse

When the abuse to a 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 ability to sustain their tenancy. West Kent is committed to contact the survivor at least twice during the first year to ensure they continue to live safely and any signposting for training, benefits, or other support is provided.

We will also place an alert on Cx that resident is a survivor of domestic abuse.

## 13. Appendix

### • 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 survivor for up to 28 days. This allows the 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 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 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 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 survivor does not agree to it. In addition, the magistrates will take into

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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 survivor 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 survivor 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