

No.	70
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Domestic Abuse Policy

1. Policy Statement

This policy sets out Nehemiah’s approach to dealing with domestic abuse. Nehemiah is committed to ensuring that all tenants and service users affected by domestic abuse are aware that help and support is available. We will work collaboratively with relevant agencies to provide protection, guidance, and to access services for those experiencing or at risk of domestic abuse.

2. Our Policy

Nehemiah recognises the importance of supporting our tenants and service users whilst also ensuring that any action we take is done with their consent.

We will enable our tenants to report domestic abuse to us and will investigate all reports we receive, including those made in confidence, and those made by individuals not directly involved such as neighbours and contractors.

3. Policy Aim

This policy aims to deliver a customer focused approach that incorporates the ethos of our values, by listening to our customers and stakeholders. Our approach is to be honest, open and transparent, which will encourage relationships based on mutual trust with all our customers.

This will help to ensure our tenants and volunteers live and work in a safe and secure environment.

4. Legislation Framework

Our Domestic Abuse Policy is committed to protect the welfare of our tenants and will work with the local authority to ensure we meet existing statutory requirements including (but not limited to) those set out in:

- Equality Act 2010
- Human Rights Act 1998
- Housing Act 1996
- Homelessness Act 2002
- Crime and Disorder Act 1998

5. Definition

Source definition: National Council for Voluntary Organisations:

Domestic abuse involves any single incident or pattern of conduct where someone's behaviour towards another is abusive, and where the people involved are 16 or over and are, or have been, personally connected to each other (regardless of gender or sexuality).

The abuse can involve, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional
- violent
- threatening
- controlling
- coercive behaviour.
- Personal connection' means the individuals concerned: are due to be, are currently, or have been, married or civil partners to each other are, or have been, in an intimate personal relationship with each other are, or have been, parents (or had a parental relationship) to the same child are relatives (the Act gives further definitions of 'relatives')

Source: <https://www.ncvo.org.uk/help-and-guidance/safeguarding/specialist-guides/safeguarding-law/domestic-abuse/legal-definition/>

Definition of coercive behaviour

Coercive control is a criminal offense in the UK that is defined in the Serious Crime Act 2015. It is a pattern of behaviours that are used to control or dominate another person in an intimate or family relationship. Coercive control can include:

- Isolating the victim from support, exploiting their resources, and regulating their everyday behaviour.
- Coercive control creates invisible chains and a sense of fear that pervades all elements of a victim's life. It works to limit their human rights by depriving them of their liberty and reducing their ability for action. (source: [https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework/controlling-or-coercive-behaviour-statutory-guidance-framework-accessible#:~:text=Coercive%20control%20creates%20invisible%20chains,for%20controlling%20or%20coercive%20behaviour\).](https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework/controlling-or-coercive-behaviour-statutory-guidance-framework-accessible#:~:text=Coercive%20control%20creates%20invisible%20chains,for%20controlling%20or%20coercive%20behaviour).)

The Domestic Abuse Act 2021 provides a clear legal framework to protect victims of domestic abuse, recognising a broad range of abusive behaviours, and

ensuring a stronger protection of those affected.

Nehemiah acknowledges its duties under the Act and is committed to implementing its provisions to safeguard and support individuals facing domestic abuse.

This section defines “domestic abuse” for the purposes of this Act:

‘(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

(a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

(a) physical or sexual abuse; (b) violent or threatening behaviour.

(c) controlling or coercive behaviour; (d) economic abuse (see subsection (4));

(e) psychological, emotional or other abuse.

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—

(a) acquire, use or maintain money or other property, or

(b) obtain goods or services.’

Source: Legislation.gov.uk: Domestic Abuse Act 2021:
<https://www.legislation.gov.uk/ukpga/2021/17/section/1>

6. Nehemiah’s Commitment to Domestic Abuse Victims

Nehemiah believe that none of its customers should live in fear of abuse or violence from current or ex partners or family members and we will take steps to assist and support any person suffering from or threatened with domestic abuse. Nehemiah will take a sensitive, victim centred approach in responding to cases of domestic abuse, recognising evidence of abuse may not be readily available. We will be guided by the victim in determining the most appropriate course of action in each case, delivering a safe and confidential service, respecting cultural needs throughout the process.

7. Guidance for Social Housing Landlords

Nehemiah will ensure that our homes go to people who are in priority need by working in line with the Localism Act 2011, (The Localism Act 2011 gives the local authorities more control over who can be on the waiting list for social housing in their area).

Nehemiah will work in line with the Local Authority allocations guidance by considering giving additional preference within our allocation scheme to people who are homeless and require urgent rehousing as a result of

domestic abuse.

Nehemiah will act in line with the Domestic Abuse Act 2021 to ensure that lifetime tenants who suffer domestic abuse will retain lifetime security if they are granted a new tenancy for reasons connected with the abuse. This will apply to victims who have a secure tenancy, or victims who have had a secure tenancy in the past and have fled their social home to escape domestic abuse. The protection also applies to victims of domestic abuse who have a joint secure tenancy and who wish to continue living in their home after the perpetrator has left.

How Nehemiah Can Support and Assist Domestic Abuse Victims

- Our staff members who come into contact with those affected by domestic abuse will be a supportive first point of contact. How victims are responded to at this point is crucial to what happens to them in the short term and the long-term.
- **Provision of additional security** – wherever possible, Nehemiah will endeavour to provide victims with secure accommodation by providing additional security measures over and above normal home security. Nehemiah will consider providing additional security measures if a referral is made by statutory organisations i.e., police and social services.
- **Eviction of perpetrators** - Nehemiah will take action to evict the perpetrator of domestic abuse using the powers available to them under the Housing Act 1996, where appropriate and subject to the wishes of the victim.
- **Work with Partner Agencies** - Nehemiah will work with local agencies to secure support and resources for tenants at risk of domestic abuse, to remain safe in their own homes. We will also work with voluntary and statutory organisations such as:
 - Victim Support
 - Women's Aid
 - Social Services
 - Police
 - Local Authority (Homeless Team)

Nehemiah will offer advice and assistance to secure alternative accommodation. We will prioritise rehousing or a transfer for domestic abuse survivors – wherever possible we will endeavour to offer alternative accommodation through our lettings policy using the management move provision where this is an appropriate solution. Where this is not possible, we will work with other housing organisations to secure alternative accommodation using local protocols to do this. We will also provide accommodation for the customers of other landlords suffering from domestic abuse when it is possible for us to do so.

Where a joint tenancy exists and the victim has left the home, Nehemiah will look sympathetically and reasonably at arrears that have accrued at the property taking in to account the circumstances of the victim at the time the arrears accrued.

8. Data Protection and Information Exchange

Nehemiah will make use of section 115 of the Crime and Disorder Act 1998 and The General Data Protection Regulation (GDPR) which came into force in the UK (and across the EU) on 25 May 2018. Nehemiah will ensure Data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Confidentiality will be respected when dealing with a case of domestic abuse. We will report incidents to the police on behalf of individuals or support them in doing so, (with their permission), where they feel too intimidated to report incidents themselves.

9. Legal Advice

Nehemiah will encourage victims of domestic abuse to seek independent legal advice, including the use of injunctions with a power of arrest attached.

Service Standards

We will offer to interview domestic abuse victims within 1 working day. The interview will take place at an agreed suitable location.

- We will consider the individual's preference of staff for the interview, etc... gender, religion or sexual orientation.
- Where possible an interpreter will be provided where required.
- We will treat all dealings with the victim in absolute confidence, however, where there are safeguarding concerns relating to children. We will refer the victim to the relevant safeguarding agencies.
- If the victim is unable to return home, we will liaise with other agencies to find emergency accommodation.
- Nehemiah will take action to evict the abuser, where they have taken sole possession of the property.
- Nehemiah may provide extra security measures to the victim's property if they choose to stay there, and it is appropriate to do so.
- Nehemiah will treat all customers with fairness and respect.

Designated Domestic Abuse Lead

It is the responsibility of the Board to ensure that this policy is successfully implemented, and the procedures followed. The Domestic Abuse Lead is the Housing Service Manager. It is essential to the implementation of this policy that staff know how to deal with emergencies and to express concerns to the appropriate person in the organisation. During the Domestic Abuse Lead's absence, the Deputy Housing Service Manager will lead with support from the Operations Director.

Managers and Officers with staff responsibility will be responsible for ensuring that all staff and contractors understand the importance of this policy and the related procedures and comply with them. It is essential to the implementation of this policy that staff know how to deal with emergencies and to express concerns to the appropriate person in the organisation.

10. Legislation: The following legislation is relevant to this policy:

- Human Rights Act 1998
- Adoption and Children Act 2002
- Domestic Violence, Crime and Victims 2004 (Amendment 2012)
- Serious Crime Act 2015
- Housing and Planning Act 2016
- Secure Tenancies (Victims of Domestic Abuse) Bill 2017-19 introduced on 19 December 2017.
- Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017
- Homelessness Reduction Act 2017
- Homeless Act 2018
- Data Protection Act 2018 (amended to include GDPR)
- Equality Act 2010
- Anti-Social behaviour Act 2008
- The Family Act 1996
- Protect from Harassment Act 1997
- Domestic Abuse Act 2021
- Victims and Prisoners Act 2024
- Hate Crime (<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>)
- Crime and Disorder Act 1998
- Criminal Justice Act 2003

11. Training and Support for Staff

All relevant staff will receive training in using this policy and will also be made aware and receive training on the procedures of any practices within their local authority. The level of training they receive will be considered in proportion to the role within the organisation tenants they work with and risk they are potentially dealing with.

A detailed policy outlining the support that can be offered to staff who may be experiencing domestic abuse is outlined in Appendix 1.

12. Monitoring and Review of Policy

This policy will be reviewed every three years, unless legislation, business or sector developments require otherwise, ensuring that it continues to meet its objectives and takes account of good practice.

13. Complaints

Complaints regarding our response to management of reports of domestic abuse will be referred, in the first instance, to the Deputy Housing Service Manager at Stage 1 of our complaint process and if this complaint is not resolved, Stage 2 of our complaint procedures will be adopted and investigated by the Housing Service Manager who is the Domestic Abuse Lead.

14. Equality Impact Assessment

Nehemiah carries out Equality Impact Assessments to understand the impact that our policies may have on groups of people or individuals. These impacts may be positive or negative.

This policy will be reviewed every 3 years or sooner if legislation or good practice dictates.

15. Link to Other Policies

This policy should be read and implemented in conjunction with the following Nehemiah Policies:

- Lettings Policy
- Safeguarding Adults at Risk Policy
- Tenancy Policy
- Tenancy Fraud Policy
- Tenancy Sustainment Policy
- Equality and Diversity Strategy and Policy
- Anti-Social Behaviour Policy
- Compliments, Comments and Complaints Policy
- Abandonment Policy
- Harassment and Hate Crime Policy

- Rechargeable Repairs Policy

16. Useful Links/information

- [Section 76 Serious Crime Act 2015](#)
- <https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>
- www.gov.uk/guidance/domestic-violence-and-abuse
- www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/legislation-policy-and-guidance/
- <http://www.womensaid.org.uk/information>
- www.safelives.org.uk
- <https://www.gov.uk/report-domestic-abuse>
- National Domestic Violence Helpline: 0808 2000 247 or www.nationaldomesticviolencehelpline.org.uk
- Men's Advice Line: 0808 801 0327 or www.mensadviceline.org.uk
- GALOP: 0800 999 5428 or galop.org.uk AAFDA (Advocacy After Fatal Domestic Abuse): 07768 386922 or www.aafda.org.uk
- National Homicide Service: 0845 3030 900 or www.victimsupport.org.uk