



## Domestic Abuse Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

# Our Vision, Our Mission, Our Values

## Our Vision

Elderpark Housing will lead the way in delivering outstanding customer services and great places to live.

## Our Mission

To provide quality, affordable homes and excellent services which place a focus on our customers and enhancing our communities.

## Our Values



## Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

# Executive Summary

## Policy Author

The Housing Manager has developed this policy on behalf of the organisation. It applies to all tenants that are experiencing domestic abuse and staff that are responsible for implementing policy and procedure for those who experience domestic abuse.

## Purpose of the Policy

The Domestic Abuse policy aims to ensure that EHA has an accountable process to identify, record and put in place procedures to deal with those tenants that experience domestic abuse. This policy has been written in accordance with the Scottish Government's Equally Safe strategy for preventing violence against women and girls, the CIH Domestic Abuse Practice Guidance for Social Landlords and their Make a Stand campaign.

This policy is written in accordance with the Association's Equality and Diversity Policy to ensure that tenants and residents in our community do not face discrimination, victimisation, harassment or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

## Aims and Objectives of the Policy

This policy is a key document within the Association and its aims and objectives are to:

- Encourage residents and employees to report domestic abuse
- Improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities
- To avoid homelessness for those experiencing domestic abuse
- Facilitate early identification of domestic abuse and offer support and effective intervention to reduce the risk of harm
- Make the appropriate referrals to specialist support services where consent has been given
- Increase awareness and understanding of this issue amongst residents and employees
- Provide additional security measures for people experiencing domestic abuse
- Improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports
- Create a consistent approach for recording and monitoring incidents of domestic abuse
- Inform colleagues of best practice when responding to domestic abuse

- Ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse

## Legislative and Regulatory Compliance

This policy crosses over a number of pieces of legislation, namely:

- The Domestic Abuse (Scotland) Act 2018
- The Equality Act 2010
- Housing (Scotland) Acts 2001 and 2014
- Human Rights Act 1998
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981
- The Domestic Abuse (Scotland) Act 2018 created a specific statutory offence of domestic abuse
- The Homelessness etc (Scotland) Act 2003

We also endeavour to meet the guidance set by the Scottish Government's Equally Safe strategy for preventing and eradicating violence against women and girls. As well as the CIH guidance for social landlords on Domestic Abuse and their Make a Stand Campaign.

## Equalities

Elderpark Housing will ensure there is a consistent approach in promoting equality and diversity across all areas and this policy will be administered in accordance with this policy.

## Privacy

This document fully complies with General Data Protection Regulations (2018) and once approved will be published on our website to ensure transparency of how Elderpark Housing will seek to ensure Equality and Diversity across everything we do.

## Related Policies

Policy Title	Location
Equality and Diversity Policy	<a href="V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf">V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf</a>
Allocations Policy	<a href="V:\Elderpark Policy Suite\Housing Management Policies\H2 Allocations Policy.pdf">V:\Elderpark Policy Suite\Housing Management Policies\H2 Allocations Policy.pdf</a>

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## 1 Introduction

- 1.1 This policy sets out how Elderpark Housing Association Limited (Elderpark) views domestic abuse, and how we will respond to and seek to deal with any reports of such abuse affecting tenants or members of their households. The term ‘abuse’ covers violence as well as verbal or other forms of abuse. The policy is supported by procedures.
- 1.2 Elderpark believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. Elderpark will therefore take the strongest action possible against perpetrators of domestic abuse where it has the power to do so and with the consent of the victim.
- 1.3 Elderpark will deal with all reports of domestic abuse as an emergency and respond to them within 24 hours. We will assist the victim to reach a decision which they feel best secures their safety by:
- reviewing their accommodation
  - providing additional security measures if required
  - making the appropriate referrals to specialist support services if consent is given
  - enabling the level of assistance they want within the scope of our service levels and including utilising outside agencies as appropriate, and
  - taking action against the perpetrator which the victim and we feel is most appropriate.
- 1.4 Definition – Elderpark will use the Scottish Government’s definition of domestic abuse

*“Domestic Abuse, as gendered based violence, can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, with-holding money and other types of controlling behaviour such as isolation from family and friends. It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.”*

Source: National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000

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 pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.

- 1.5 Domestic violence and abuse can manifest itself through the actions of immediate and extended family members via unlawful activities, such as forced marriage, ‘honour based abuse’ and female genital mutilation. Extended family members may condone or even share in the pattern of abuse. Any such actions are not acceptable, whatever form they take.

## **2 Purpose of Policy**

- 2.1 The purpose of this policy is to ensure that EHA has an accountable process to identify, record and put in place procedures to deal with those tenants that experience domestic abuse.

## **3 Aims and Objectives**

- 3.1 By adopting this policy Elderpark aims to:

- improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities
- increase awareness and understanding of this issue amongst residents and employees
- encourage residents and employees to report domestic abuse
- facilitate early identification of domestic abuse and offer supportive and effective intervention to reduce the risk of harm
- improve the safety and welfare of adults and children affected by domestic abuse and prevent further incidents by responding rapidly, effectively and consistently to all reports
- empower victims by providing information on the options available to them
- improve the response to victims through effective engagement of appropriate external enforcement and support agencies
- create a consistent approach for recording and monitoring incidents of domestic abuse;
- inform colleagues of best practice when responding to domestic abuse
- ensure that all sections are clear regarding their roles in tackling and responding to issues around domestic abuse

## **4 Legal and Regulatory Framework**

- 4.1 This Policy takes account of the following legislation and guidance:

- The Domestic Abuse (Scotland) Act 2018
- The Equality Act 2010
- Housing (Scotland) Acts 2001 and 2014
- Human Rights Act 1998
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981
- The Domestic Abuse (Scotland) Act 2018 created a specific statutory offence of domestic abuse
- The Homelessness etc (Scotland) Act 2003
- Domestic Abuse A Good Practice Guide for Social Landlords, 2019 – CIH, SFHA, ALACHO, Shelter and Women's Aid
- Scottish Government's Equally Safe Strategy for Preventing Violence against Women and girls
- CIH Make a Stand campaign

## 5 Policy Framework

5.1 Elderpark encourages all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.

5.2 As part of our arrangements to address domestic abuse we will:

- publicise this domestic abuse policy to all tenants and employees through our website and social media channels and highlight the consequences for perpetrators
- provide advice and information within our office

### Survivor-centred approach

5.3 Elderpark will adopt a 'survivor-centred' approach in dealing with domestic abuse, i.e. if a person feels they are experiencing domestic abuse we will deal with it under this policy

5.4 Elderpark will deal with all reports in a non-judgemental manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance

5.5 Elderpark will only take action with the victim's consent. The exception to this general rule is where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines

### Confidentiality

5.6 Victims will be encouraged to allow Elderpark to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued and appropriate assistance provided. However all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent.

5.7 The exceptions to this will be:

- where we consider a child is at risk in any situation, or
- if there is a high risk of serious harm to anyone involved, or
- if we are obliged by law to disclose information

A Manager must approve any disclosure that does not have the victim's consent.

5.8 Information will be shared with work colleagues on a strictly 'need to know' basis. We will adhere to all current data protection requirements

### Options for action

5.9 Elderpark recognises that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety
- reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely

- reporting incidents to the Police, which may result in criminal action against the perpetrator
- where appropriate, legal action against the perpetrator by Elderpark

The safety of the victim and their dependents will be our priority. An Action Plan setting out further actions will be agreed with the victim, and we will regularly contact the victim and keep them updated with progress.

#### Assistance for victims

- 5.10 Elderpark will take a proactive and sympathetic approach. Each case will have its own challenges and so the type and level of assistance offered will be finalised by the Housing Manager
- 5.11 Give those experiencing domestic abuse the choice whether to remain in the property or transfer within Elderpark stock
- 5.12 Where a resident reporting domestic abuse requests permanent rehousing, Elderpark will prioritise their application as a 'management transfer'. In such cases the suspension policy will not be applicable and we will review and determine the action to be taken on a case by case basis. There will normally be a limit on the number of occasions we will offer this, typically it will only be offered once
- 5.12 Arrange for additional security measures such as chains, additional locks and a Smart Doorbell
- 5.13 Where a resident reporting domestic abuse needs emergency accommodation, Elderpark will provide advice and assistance on accessing such accommodation provided by the relevant local authority or by a women's refuge. We will provide a referral letter or form where appropriate and advocate on our tenants behalf.

#### Multi-agency approach

- 5.14 Elderpark will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, meet their needs, co-ordinate available resources, access specialist services, take action against perpetrators and share best practice.

#### Action against perpetrators

- 5.15 Elderpark will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home due to domestic abuse
- 5.16 Subject to data protection requirements, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately

## **6 Monitoring of the Policy**

- 6.1 In order to comply with its service commitments, the Association will monitor the effects of Domestic Abuse procedures, such as complaints about the process

## **7 Complaints and Appeals**

- 7.1 Complaints will be dealt with in line with the Association's Model Complaints Handling procedure.

## **8 Review**

- 8.1 The Housing Manager will ensure that this policy is reviewed every five years or when legislative changes or good practice dictate.

## Equality Impact Assessment

<b>Name of Policy to be assessed</b>	Domestic Abuse	<b>New policy or revision of existing?</b>	Revision of existing policy
<b>Person(s) responsible for assessment</b>	Elaine Somerville		
<b>Briefly describe the aims, objectives and purpose of the policy.</b>	<p>The aims, objectives and purpose of the policy is to:</p> <ul style="list-style-type: none"> <li>• Ensure that there is effective, early intervention for those experiencing domestic abuse and appropriate support is offered to reduce the risk of harm</li> <li>• To improve the response to victims through effective engagement with appropriate external enforcement and support agencies and improve the safety and welfare of adults and children affected by domestic abuse</li> <li>• Ensure that there is a consistent approach for recording and monitoring incidents of domestic abuse and that staff are trained and knowledgeable of best practice when responding to domestic abuse</li> </ul>		
<b>Who is intended to benefit from the policy? (e.g. applicants, tenants, staff, contractors)</b>	Staff and tenants will benefit from this policy. It is designed to assist those experiencing domestic abuse in a proactive, empathic way as well as ensuring that staff have the knowledge and tools to be able to provide appropriate assistance for those experiencing domestic abuse.		
<b>What outcomes are wanted from this policy? (e.g. the measurable changes or benefits to members/ tenants / staff)</b>	<p>The outcomes of this policy are:</p> <ul style="list-style-type: none"> <li>• To give clear guidance on the process for dealing with tenants that are experiencing domestic abuse</li> <li>• To improve overall safety and wellbeing of those experiencing domestic abuse</li> <li>• To ensure that any actions taken are dealt with within the existing legal provisions, regulatory requirements and best practice guidance</li> <li>• To have effective engagement with the appropriate external enforcement and support agencies</li> <li>• To ensure that any actions taken are dealt with in accordance with our equality and diversity policy</li> <li>• To advise those experiencing domestic abuse of our complaints process</li> </ul>		
<b>Which groups could be affected by the policy? (note all that apply)</b>			
<b>Age</b>		<b>Disability</b>	
<b>Gender reassignment</b>		<b>Marriage and Civil Partnership</b>	
<b>Pregnancy and Maternity</b>		<b>Race</b>	
<b>Religion or Belief</b>		<b>Sex</b>	
<b>Sexual Orientation</b>			

<b>If the policy is not relevant to any of the equality groups listed above, state why and end the process here.</b>			
We will seek to treat all individual's experiencing domestic abuse in accordance with our Equality and Diversity Policy and will not discriminate against particular individual because of a particular characteristic.			
<b>Have those affected by the policy / decision been involved?</b>			
Tenants were previously notified of policy changes through newsletters and our website.			
<b>Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.</b>	<b>Positive Impact(s)</b>	<b>Negative Impact(s)</b>	
	None	None	
<b>What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)</b>	N/A		

<b>Signed:</b>	<i>Elaine Somerville</i>
<b>Dated:</b>	16/2/21

## GDPR Impact Assessment

<b>Name of Policy to be assessed</b>	Domestic Abuse	<b>New policy or revision of existing?</b>	Revision of existing policy
<b>Person(s) responsible for assessment</b>		Elaine Somerville	
<b>Briefly describe the aims, objectives and purpose of the policy.</b>	<p>The aims, objectives and purpose of the policy is to:</p> <ul style="list-style-type: none"> <li>• Ensure that there is effective, early intervention for those experiencing domestic abuse and appropriate support is offered to reduce the risk of harm</li> <li>• To improve the response to victims through effective engagement with appropriate external enforcement and support agencies and improve the safety and welfare of adults and children affected by domestic abuse</li> <li>• Ensure that there is a consistent approach for recording and monitoring incidents of domestic abuse and that staff are trained and knowledgeable of best practice when responding to domestic abuse</li> </ul>		
<b>Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)</b>	Personal and potentially sensitive information will be used by implantation of this policy.		
<b>What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)</b>	<p>The outcomes of this policy are:</p> <ul style="list-style-type: none"> <li>• To give clear guidance on the process for dealing with tenants that are experiencing domestic abuse</li> <li>• To improve overall safety and wellbeing of those experiencing domestic abuse</li> <li>• To ensure that any actions taken are dealt with within the existing legal provisions, regulatory requirements and best practice guidance</li> <li>• To have effective engagement with the appropriate external enforcement and support agencies</li> <li>• To ensure that any actions taken are dealt with in accordance with our equality and diversity policy</li> <li>• To advise those experiencing domestic abuse of our complaints process</li> </ul>		
<b>Which groups could be affected by the policy? (note all that apply)</b>			
<b>Tenants</b>	X	<b>Committee</b>	
<b>Employees</b>		<b>Contractors</b>	
<b>If the policy is not relevant to any of the data groups listed above, state why and end the process here.</b>			
<b>Have those affected by the policy / decision been involved?</b>			

Tenants were previously notified for policy changes through newsletters and our website. Tenants will be made aware of the use of personal data and sensitive information when assisting and dealing with instances where an individual is experiencing domestic abuse.

Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)	Negative Impact(s)
	None	None
<b>What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)</b>	The Association has systems and checks in place to ensure that personal data remains confidential. Information will be shared with work colleagues on a strictly 'need to know' basis.	

Signed:	<i>Elaine Somerville</i>
Dated:	16/2/21