



Welwyn Hatfield Borough Council

Domestic Abuse Policy

Scope:	This policy applies to all residents of Welwyn Hatfield Borough Council and any persons who may approach the council as a victim of Domestic Abuse.
Effective Date:	October 2019
Review Date:	October 2022
Signed Off :	8 th October 2019
Author:	Neighbourhood and Enforcement Manager
Policy Owned by:	Neighbourhood and Enforcement
Statute:	The Children Act 1989 Housing Act 1996 Family Law Act 1996 Protection from Harassment Act 1997 Data Protection Act 2018 Crime & Disorder Act 1998 S.17 Freedom of Information Act 2000 Homelessness Act 2002 Homelessness Reduction Act 2017 Anti-Social Behaviour Act 2003 Domestic Violence, Crime and Victims Act 2004 Civil Partnership Act 2004 Protection of Freedoms Act 2012 Anti-Social Behaviour, Crime and Policing Act 2014 Serious Crime Act 2015
National Standards	Strategy to end violence against women and girls: 2016 to 2020 & position statement on male victims Homelessness code of guidance for local authorities

Domestic Abuse Policy

1 Scope

- 1.1 This policy applies to all tenants, leaseholders and residents of Welwyn Hatfield Borough Council (WHBC) as well as any victims of domestic abuse who are seeking assistance from WHBC.

2 Policy Statement

- 2.1 The aim of the policy is to set out the approach of WHBC when identifying and dealing with incidents of domestic abuse.
- 2.2 The specific objective of the Domestic Abuse Policy is to ensure that we provide a consistent and supportive service to anyone who is experiencing domestic abuse.

3 Key Principles

- 3.1 At WHBC we believe that nobody should live in fear of violence, abuse, stalking or harassment so our priority is to provide an accessible and responsive service.
- 3.2 We will take a harm centred and victim focussed approach to deal with cases of domestic abuse empathetically, sensitively and in accordance with the victims' needs.
- 3.3 We will work in partnership to ensure that survivors of domestic abuse receive the support that they need, when they need it and to ensure that services are joined-up and well sign-posted.
- 3.4 We will raise awareness of domestic abuse to educate, reduce recurrences and prevent incidents of domestic abuse occurring
- 3.5 Whilst women and girls are disproportionately affected by all forms of domestic abuse, we will support any individual experiencing such issues irrespective of age, gender, sexuality, disability, ethnicity, religion, social background or any other protected characteristics identified in the Equality Act 2010.

4 Definition of Domestic Abuse

- 4.1 We use the Government definition of domestic abuse which is defined as;

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, abuse or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *Psychological*
- *Physical*

- *Sexual*
 - *Financial*
 - *Emotional*
- 4.2 Controlling behaviour is defined as 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.
- 4.3 Coercive behaviour is defined as an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- 4.4 The definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender.
- 4.5 The term Violence Against Women and Girls refers to the following range of serious crime types which are predominantly, but not exclusively, experienced by women and girls: Domestic Violence and Abuse; sexual offences; stalking; FGM; crimes said to be committed in the name of 'honour'; forced marriage; prostitution; and trafficking for sexual exploitation.
- 4.6 Controlling and coercive behaviour is also defined under section 76 of the Serious Crime Act 2015 as causing someone to fear that violence will be used against them on at least two occasions or generating serious alarm or distress that has a substantial effect on their usual day to day activities.

5 Reporting Domestic Abuse

- 5.1 WHBC recognises that reporting domestic abuse or seeking help can be a very frightening experience and is committed to promoting a sensitive and confidential response.
- 5.2 We will offer a range of ways for domestic abuse to be reported to us including in person, over the telephone, in writing, by email or online.
- 5.3 We will respond within one working day and will endeavour to make available an officer of the same gender or ethnicity, where requested. We will also provide translation services where necessary.
- 5.4 We operate a 24 hour control centre service for reporting emergency repairs out of hours and for homelessness advice, should victims of domestic abuse need emergency repairs or accommodation.

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- 5.5 We will report incidents to the police on behalf of individuals (with consent) or support them in doing so or where they feel intimidated or frightened to do it themselves.
 - 5.6 We will investigate all reports that we receive including those from witnesses or third parties who are concerned that domestic abuse is taking place.

6 Supporting Victims and Witnesses

- 6.1 WHBC will provide a named case worker from the anti-social behaviour team or the housing options team who will agree a clear action plan, setting out the steps we will take to investigate a case and what support we can offer.
- 6.2 We will agree a safe place to meet and a safe way of communicating so as not to put the victim at greater risk.
- 6.3 We will ensure that a risk assessment using the Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist is completed. This may be carried out by a trained member of WHBC staff or by another agency who is better placed to complete it. Where the DASH assessment meets the local authority threshold for the Multi-Agency Risk Assessment Conference (MARAC), it will be referred.
- 6.4 We will work with our partners to ensure that support is co-ordinated and that those affected by domestic abuse have access to the right services at the right time.
- 6.5 We will ensure that our frontline staff receive appropriate and on-going training necessary to safely identify, assess and manage cases of domestic abuse.
- 6.6 We will offer advice and support regarding housing options where it is unreasonable for a person to continue to occupy their home if it is probable that this will lead to domestic abuse or other violence taking place.
- 6.7 Where survivors wish to remain in their current home we will offer advice and guidance on how to manage changes to tenancies and can provide security measures such as additional locks, lighting or sanctuary rooms.
- 6.8 We will signpost or refer to more specialist services where appropriate.
- 6.9 We will regularly review action plans and assess risk to ensure that the needs of those experiencing domestic abuse are at the core of our support.
- 6.10 Closure of the case will be agreed with the victim unless the victim is not engaging. In this instance, any other agencies involved in the case will be notified that WHBC has closed the case.

7 Action Against Perpetrators

- 7.1 WHBC will take firm action against anyone perpetrating domestic abuse which may include civil action such as an injunction or possession proceedings.
- 7.2 Where the perpetrator is a tenant of WHBC, this is a clear breach of their tenancy in addition to the criminal aspect. We will make use of appropriate tools and powers to sanction and support perpetrators, including the use of injunctions, Notice of Seeking Possession and repossession.
- 7.3 Where the perpetrator is not a WHBC tenant, another agency or service may be best placed to take action such as the police or even the victim themselves.
- 7.4 We acknowledge that perpetrators may have their own vulnerabilities and will assess the support needs of the perpetrator at the earliest stage. When considering any form of legal action we will endeavour to undertake a proportionality assessment to ensure action is necessary and proportionate and that we have considered the Human Rights Act 1998 and the Equalities Act 2010.
- 7.5 Where support needs are identified we will work with the perpetrator where appropriate or signpost to perpetrator programmes or other agencies in an effort to break the cycle of abuse.

8 Safeguarding

- 8.1 We understand that victims of domestic abuse may be vulnerable for a number of reasons and that a person's vulnerability and safety can change during the course of a case.
- 8.2 We will ensure that a risk assessment using the Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist is completed. This may be carried out by a trained member of WHBC staff or by another agency who is better placed to complete it. Where the DASH assessment meets the local authority threshold for the Multi-Agency Risk Assessment Conference (MARAC), it will be referred.
- 8.3 We will not give details or information to anyone without permission unless there are serious concerns for the safety of any victim, perpetrator or household member. In cases where safeguarding concerns are apparent, we have a legal responsibility to share information.

9 Working in Partnership

- 9.1 We recognise that we cannot assist those experiencing domestic abuse in isolation and that a co-ordinated response is essential to ensure that survivors and their families receive the correct support.

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- 9.2 WHBC is a key member of the Domestic Abuse Forum that shares statistics, embeds the Hertfordshire Domestic Abuse Strategy and helps to inform good practice across the district.
 - 9.3 We commit to training and promoting Domestic Abuse Champions within WHBC as a supporter of the Sunflower Network in Hertfordshire.
 - 9.4 WHBC is an active partner of MARAC which facilitates, monitors and evaluates effective information sharing to enable appropriate actions to be taken to increase the safety of victims. MARAC combines up to date risk assessments and links them to a risk management plan and the provision of services appropriate to those involved in domestic abuse; victim, children and perpetrator.
 - 9.5 The Community Safety Partnership will promote the engagement of multiple agencies to identify, prevent, intervene and reduce the impact of domestic abuse as well as raising the profile of available services.
 - 9.6 We will work collaboratively to break down harmful gender and cultural barriers that make it difficult for some victims to report domestic abuse and engage with services.

10 Information Sharing and Confidentiality

- 10.1 We will maintain confidentiality when dealing with cases of domestic abuse and will always seek consent from those reporting domestic abuse before disclosing information to any other agency. However, where cases meet the Multi-Agency Risk Assessment Conference (MARAC) threshold, where there are safeguarding concerns or it is believed a crime has taken place, we have a legal basis for sharing information irrespective of whether consent has been gained.
- 10.2 When we share information, we will ensure that we transfer it safely and store it appropriately.
- 10.3 Should we receive Freedom of Information or Subject Access Requests we will deal with these lawfully and within guidance from the Information Commissioners Office.

11 Review of Decision and Complaints

- 11.1 Any person who is not satisfied with how WHBC or its contractor(s) has delivered the service they have received, they have the right to have their case investigated.
- 11.2 The person should follow the council's complaint procedure if they wish to make a complaint about quality of the service they have received.

12 Monitoring

- 12.1 This policy will be reviewed every three years unless legislation, statutory guidance or business developments require otherwise. This is to ensure we continue to meet our key principles and deliver good practice.
- 12.2 We will monitor how many domestic abuse cases are reported to us, our response times and how many survivors approach us with a housing need and are assessed under homelessness legislation.
- 12.3 All cases of domestic abuse that are reported to us will be audited by a team leader or manager within one working day of it being responded to.
- 12.4 We will undertake, where appropriate, a satisfaction survey with each person that we open a domestic abuse case for to ensure that we can continue to improve our service and that it meets the needs of those accessing it.

13 Equality and Diversity

- 13.1 The council will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 13.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs.
- 13.3 We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:
- eliminate discrimination, harassment and victimisation
 - advance equality of opportunity and
 - Foster good relations between all of our residents, service users and staff.
- 13.4 The council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).
- 13.5 The council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is the same high standard for all.

Related Documents

Document	Link
Connected Policies:	Safeguarding Adults Policy Safeguarding Children Policy Anti-social Behaviour Policy Allocations Policy Equality and Diversity Policy Corporate Enforcement Policy Data Protection Policy
Forms and Letters:	Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist Proportionality Statement
Leaflets:	Walking Away from Domestic Abuse To be designed. Useful contacts

Version history

Version no.	1	Date effective:	October 2019
Full / partial review?	Full Review		
Brief summary of changes:	Updated definitions Rebranded from the Housing Trust Policy Updated support provided Revised partnership working arrangements Equality and Diversity considerations Removal of procedural guidance		
Staff consultation (teams):	Housing and Communities, Neighbourhood and Enforcement, Safeguarding Steering Group, Designated Safeguarding Champions.		
Resident consultation:	Tenants Panel Residents Panel		
Approved By Cabinet / Council:	8 th October 2019		
Author:	Neighbourhood and Enforcement Manager		