



## Tenancy Services

# Domestic Abuse Policy

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| <b>Regulation and Legislation</b>  | This policy links to the RSH Neighbourhood and Community Standard and the Housing Acts 1985 & 1988, Localism Act 2012, Anti-Social Behaviour, Crime and Policing Act 2014, Domestic Violence Crime and Victims Act 2004, Domestic Abuse Act 2021 and Children Act 2004 |
| <b>Supporting documents</b>  | Domestic Abuse and the Workplace Policy; Anti-Social Behaviour Policy; Hate Incident Policy; Safeguarding Policy; Target Hardening Policy; Investigations Policy; Management Moves Procedure; Legal Services Procedure; EDI Strategy                                   |
| <b>Scope</b>   | This policy forms part of the wider Safeguarding and Community Safety and Anti-Fraud agenda aimed at supporting teams to tackle and resolve allegations and disclosures which are our responsibility as a Registered Provider  |
| Reference to "Orbit" means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Limited. |  |

## 1. Introduction

- 1.1 This policy demonstrates our strong commitment and outlines our response to dealing with disclosures of domestic abuse in our role as a Registered Provider.
- 1.2 We believe that everyone has the right to live without fear of domestic abuse. We recognise the importance of tackling it and acknowledge the effect on the lives of those experiencing domestic abuse and are committed to preventing and detecting it wherever possible.
- 1.3 At all times there will be a Tenancy Services Team Manager or Operational Lead designated as the Strategic Lead for Domestic Abuse.

## 2. Policy Statement

### 2.1 Definitions

We define domestic abuse as:

"Any incident or pattern of incidents of (a) physical or sexual abuse, (b) violent or threatening behaviour, (c) psychological, emotional, controlling, coercive behaviour or other abuse and (d) economic abuse between those aged 16 or over who are personally connected to each other regardless of gender or sexuality."

## Definition of “Patterns of Incidents”:

a) **Sexual abuse** – Sexual abuse refers to any action that pressures you to do something sexually you don't want to do.

Some examples of sexual abuse are:

- Unwanted kissing or touching
- Unwanted rough or violent sexual activity
- Rape or attempted rape
- Refusing to use condoms or restricting your access to birth control
- Threatening you into unwanted sexual activity
- Pressuring or forcing you to have sex or perform sexual acts
- Using sexual insults toward you

b) **Physical abuse** – Physical abuse is any violence or intentional and unwanted contact with your body

Some examples of physical abuse are:

- Scratching, slapping, pushing, punching, biting, strangling or kicking
- Throwing something at you such as a phone, book, shoe or plate
- Pulling your hair
- Pushing or pulling you
- Grabbing your clothing
- Grabbing you to prevent you from leaving or to force you to go somewhere
- Stabbing, attempted murder or murder and abduction

c) **Emotional Abuse** – Emotional abuse includes threats, insults, humiliation, isolation or stalking

Some examples of emotional abuse are:

- Calling you names and putting you down.
- Yelling and screaming at you
- Intentionally embarrassing you in public
- Preventing you from seeing or talking with friends and family
- Telling you what to do and wear
- Damaging your property when they're angry (throwing objects, punching walls, kicking doors, etc.)
- Blaming your actions for their abusive or unhealthy behaviour
- Threatening to commit suicide to keep you from breaking up with them
- Threatening to harm you, your pet or people you care about
- Making you feel guilty or immature when you don't consent to sexual activity
- Threats of legal sanctions e.g., deportations, custody of children, etc

**d) Psychological Abuse** – Psychological abuse is subjecting another person to behaviour which may result in psychological trauma including anxiety, chronic depression or post-traumatic stress disorder

Some examples of psychological abuse are:

- Gaslighting – manipulating you into doubting your own sanity or reality
- Moving things around the house, or removing them and returning them later, then denying it
- Denying that you or they said things
- Telling you that people have said things about you, or that your friends don't like you
- Telling you that you have a mental health condition when you haven't
- Making derogatory jokes about you to others in front of you
- Name calling, telling you that you are useless, stupid, worthless and mad
- Questions you endlessly about everything you do or say

**e) Coercive abuse** – Coercive abuse is a pattern of intimidation, degradation, isolation and control with the threat of physical or sexual violence

Some examples of coercive abuse are:

- Unreasonable demands
- Degradation
- Restricting daily activities
- Threats or intimidation
- Financial control
- Monitoring of time
- Taking your phone away
- Deprivation of food
- Destruction of possessions

**f) Economic/Financial abuse** – Economic/financial abuse can be subtle, telling you what you can and cannot buy or requiring you to share control of your bank accounts.

Some examples of economic/financial abuse are:

- Giving you an allowance and closely watching what you buy
- Placing your wages in their account and denying you access to it
- Keeping you from seeing shared bank accounts or records
- Forbidding you to work or limiting the hours you do
- Preventing you from going to work i.e., by taking your car or keys
- Getting you fired by harassing you, your employer or co-workers on the job
- Maxing out your credit cards without your permission
- Refusing to give you money for food, rent, medicine or clothing
- Spending money on themselves but not allowing you to do the same

## Definition of “Personally Connected” to each other.

- They are, or have been, married to each other
- They are, or have been, civil partners of each other
- They have agreed to marry one another (whether or not the agreement has been terminated)
- They have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- They are, or have been, in an intimate personal relationship with each other
- They each have, or there has been a time when they each have had, a parental relationship in relation to the same child
- They are relatives

### 2.2 This policy also covers:

- **Honour Based Violence (HBV)** - violence or threats done by someone in a person’s family or community to protect the name of the family or community. Sometimes it is a punishment for breaking the family or communities’ rules. It can be physical, sexual, financial, or emotional abuse.
- **Honour Killings** - when someone in the family or community kills a woman for breaking the rules of the family
- **Forced marriage** - a marriage conducted without the valid consent of one or both parties and where duress is a factor
- **Female Genital Mutilation or cutting (FGM)** - a procedure where the female genitals are deliberately cut, injured, or changed where there is no medical reason for this to be done
- **Stalking** - when someone keeps bothering someone else and won’t leave them alone. They may keep calling them or turning up where they know the person will be. This can make the victim frightened and upset.
- **Revenge Porn** - sharing private rude or sexual messages, photos, or videos to others to cause embarrassment. Often the photos or video were made with the person’s agreement but are shared later to upset them.
- **Upskirting** - taking a secret photo of another person under their clothes to see their private parts or underwear
- All other crimes and violence against women and girls (VAWG)
- **Conversion therapy** - the practice of attempting to cause a non-heterosexual person to become heterosexual by using psychoanalysis, behaviour modification, spiritual counselling, etc.

### 2.3 We acknowledge that domestic abuse can happen to anyone regardless of age (refer to

2.4), class, disability, economic status, race and ethnicity, gender, gender identity or gender expression, religion and belief, sexual orientation, social group, marital and civil partnership status, and geographic location.

- 2.4 We acknowledge that children, under the age of 18, who see, hear, or experience the effect of abuse are victims of domestic abuse. Children under the age of 16 being exposed to domestic abuse in childhood is child abuse.
- 2.5 Anti-Social Behaviour (ASB) - We recognise the link between domestic abuse and ASB and something that presents as ASB could be a sign of domestic abuse. We understand the serious impact of ASB and the role we have in tackling it as part of a multi-agency approach. In such cases we will apply our Anti-Social Behaviour Policy and this Domestic Abuse Policy as appropriate. We may deal with issues arising from domestic abuse under the ASB policy where the issues are affecting people not of the same household i.e. serious and persistent noise nuisance or criminal damage.
- 2.6 Hate Incidents - We recognise the serious impact of hate incidents and the role we have in tackling it as part of a multi-agency approach. In such cases we will apply our Hate Incident Policy.
- 2.7 Safeguarding - Where safeguarding concerns arise in dealing with disclosures of domestic abuse, we will apply our Safeguarding Policy.

### **Reporting disclosures**

- 2.8 We aim to make reporting disclosures easy, and we accept disclosures from anyone with reports able to be made online via our website, by email, by telephone, in writing and in person.

### **Subject and witness responsibilities**

- 2.9 We expect our customers to adhere to the terms and conditions of their tenancy agreement and will take action against perpetrators of domestic abuse where appropriate.
- 2.10 If an anonymous disclosure is made, we can only deal with it if there is sufficient information i.e. name and address or contact details of subject.
- 2.11 We will not disclose a subject or witnesses' details to an alleged perpetrator without their consent.
- 2.12 As well as making disclosures to us, we suggest subjects and witnesses take the following action:
  - Speak to a family member or friend they can trust
  - Consider reporting disclosures to other relevant organisations such as GP, Police or Social Services
  - Obtain support from a specialist agency such as English National Domestic Violence Helpline, [www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk) on 0808 200

0247 or visit our website for information on other support agencies

- Ensure they have a safety plan in place helping them to protect themselves and their children

## Managing disclosures

- 2.13 We will take all disclosures seriously; deal with them sensitively and in confidence unless there is a legal obligation to disclose information to statutory services.
- 2.14 We will not judge the subject or witness and we will ensure that our response is person centred and our actions focus' on their needs. In situations where action is necessary, we will quickly tackle issues and we have invested in a dedicated Safeguarding team and CSAF teams who are appropriately trained to manage cases.
- 2.15 Our priority will always be the safety of the person(s) experiencing domestic abuse including their families and where appropriate and if the subject or witness wishes, we will take a person-centred approach and complete the following:
- A safeguarding referral
  - A risk assessment, if not already completed by another agency. We will avoid duplicate risk assessments with the subject to avoid re-traumatising them
  - Discuss safety planning.
  - Liaise with specialist agencies to provide support.
  - Complete Target Hardening works if required in the property
  - Liaise with the local authority or other agencies to help secure temporary accommodation if it is not safe for them to remain in their home
  - Respond swiftly to requests from local authority or other agencies for safe/sanctuary rooms
  - Provide support to our customers who may wish to move permanently to alternative accommodation if they feel unable to remain in their home. This will usually be through Choice Based Lettings but in limited situations where there is a proven and real risk of immediate violence, we may consider a move within our own housing stock under our Management Moves Procedure.
- 2.16 In all situations we will immediately open a case and a case manager will be allocated who will respond within 1 working day of receiving the disclosure. Subjects can request a specific gender case worker if necessary.
- 2.17 We will quickly agree a plan with each subject or witness which will include how and when we will keep in contact, any support needs they may have and how these are to be delivered, managing expectations and our intentions as to how we intend to manage the case with their support.
- 2.18 We will only take action against a perpetrator where it is appropriate to do so and does not compromise the safety of anyone. Any action we may take against a perpetrator will be proportionate to the type of disclosure made and will be at our discretion.
- 2.19 Action taken could be against a perpetrator who is a customer or non-customer for example

a household member or visitor and could relate to a disclosure committed at the property, or within the immediate neighbourhood.

- 2.20 The tenure of the customer(s) involved may determine the type of action we take.
- 2.21 We will ensure that we investigate any cases in line with our Investigations Policy.
- 2.22 All cases will be kept under review until it is agreed that the issues are resolved, or where no further action can be taken. Before closing a case, we will contact the subject or witness and clearly explain why we are doing so. Where appropriate we may ask for feedback on the service received.
- 2.23 Where Managing Agents act on our behalf, the agent is responsible for managing disclosures and we expect them to have their own policy and procedure. We do however expect their policy to follow ours as far as is practicable.

### **Legal action approval process**

- 2.24 Legal action will be taken in line with our Investigations Policy and Legal Services Procedure.

### **Partnership**

- 2.25 Research shows that a multi-agency partnership approach is most effective in tackling domestic abuse and we work proactively with other organisations including specialist agencies to ensure a co-ordinated community response. In such circumstances we may share information in line with our Privacy Policy.
- 2.26 We may also refer subjects or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.
- 2.27 Where we have an interest, but another organisation is leading, we may decide not to act until we are aware of the steps they are taking. If the police are involved, we may decide not to take action against the perpetrator until the outcome of their investigation is known.
- 2.28 We will work with local authorities to assist them in fulfilling their duty to prevent homelessness in line with our 'commitment to refer' obligations.

### **Support**

- 2.29 When dealing with disclosures we will consider early on the support needs of subjects and witnesses. Where support needs are identified we will make individuals aware of the support available to them, or we may with permission, make a specific support referral ourselves but this will be at the discretion of the officer managing the case. We recognise that providing support may fall outside of our role as a landlord and it is in these circumstances, that we may signpost to external organisations.
- 2.30 We will provide access to information and support both within our organisation and through specialist services to all customers regardless of but informed by their age disability, faith/religion, ethnicity and race, gender identity, civil partnership or marital

status, pregnancy or parental position, sex, sexual orientation and socio-economic background.

- 2.31 We will as a matter of routine, offer to make a referral to Victim Support unless another organisation has already done so, and we will give details of the National Domestic Violence Helpline.
- 2.32 We will support our staff involved in dealing with cases of domestic abuse and ensure that they receive appropriate training.
- 2.33 We will offer professional translations services where needed free of charge ensuring customers are not reliant on family members or friends for translation.
- 2.34 We recognise that our staff may also be subjects of domestic abuse and we will deal sensitively with such cases. We have our own Domestic Abuse and the Workplace Policy and Procedure for staff.

### 3. Roles and Responsibilities

3.1

| <b>Role</b>  | <b>Responsibility</b>  |
|--|--|
| <b>All</b><br><br><b>Safeguarding Officer,</b><br><b>Tenancy Services Officer (CSAF) (GN)</b><br><b>Job/Impact Coach – Tenancy Sustainment (GN)</b><br><b>Scheme Officer (IL)</b><br><b>Supported Housing Officer (SL)</b> | Compliance with this policy and associated procedures<br><br>Case management |
| <b>Tenancy Services Team Manager (GN, SL &amp; IL)</b>   | Approval for action authorisation  |
| <b>Operational Lead / Head of Tenancy Services</b>   | Approval of legal budget spend   |
| <b>Senior Safeguarding Officer</b><br><b>TSTM (Tenancy Services &amp; Sustainment) (GN)</b><br><b>ILSM (IL)</b><br><b>SHAM (SL)</b>  | Case Audits, Performance Monitoring and Reporting                            |

### 4. Performance controls and business risk

- 4.1 Compliance with this policy will be monitored by monthly reporting and case audits.
- 4.2 Monitoring of live cases will be monthly by the Snr Safeguarding Officer and Tenancy



Services Team Managers (GN), Independent Living Service Manager (IL) & Supported Housing Area Manager (SL) measured against Key Performance Indicators and the Customer Promise.

- 4.3 Performance will be formally reported by the Head of Tenancy Services every April to the Customer Services Senior Management team.
- 4.4 Orbit will carry out a fundamental review of this policy every three years or sooner subject to legal, regulatory changes or if internal changes require it.

## 5. Essential information

- 5.1 All Orbit policies and procedures are developed in line with our approach to the following, Data Protection statement, Equality Diversity and Inclusion approach, Complaints and Customer Care Policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Orbits privacy policy can be accessed on our website. [www.orbit.org.uk/privacy-policy/](http://www.orbit.org.uk/privacy-policy/).

|                     |   |
|---------------------|---|
| <b>EA</b>           | Equality Analysis was reviewed in Feb 2024 and is available to view.                  |
| <b>DPIA</b>         | A DPIA has been completed against the supporting procedure and is available to view.  |
| <b>Consultation</b> | <b>Internal:</b> Safeguarding, Supported Living, Independent Living; Tenancy Services |
|                     | <b>External:</b> Engaged customers were consulted in Feb 2024                         |
| <b>Applies to</b>   | All colleagues, contractors, and agents   |

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Directorate Customer and Communities

Date

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## Revision History

| Version Number | Date     | Comments / Reason for revision  |
|----------------|----------|---|
| v1.0           | Apr 2018 | Published   |
| v1.1           | Dec 2019 | Statement on Commitment to refer added  |
| v1.2           | May 2020 | Minor revision and customer consultation details added  |
| v2.0           | May 2021 | Three-year review – no change to policy.<br>2.3 wording amended for consistency with other policies.                          |
| v3.0           | Mar 2024 | DA Legislation added & clauses amended to reflect the act and role responsibilities<br>2.1 – examples of types of abuse added |