

STOKE-ON-TRENT CITY COUNCIL



City of
Stoke-on-Trent

Domestic Abuse Policy

(Housing)

HOUSING AND COMMUNITY SAFETY DIVISION

REGULATORY AND STRATEGIC SERVICES TEAM

Approved by: Director of Housing, Development and Growth

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Review Date:

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1. Purpose

This policy sets out the service and standards that the council will provide to:

- a) Tenants of the council; or
- b) Applicants for council housing; or
- c) People who present to the council as homeless in the city who are victims of domestic abuse.

This policy also applies to the perpetrator of domestic abuse in the case of the victims defined above.

This policy will ensure that a consistent and fair approach around domestic abuse is delivered.

This policy does not cover:

- People who are not covered by a), b) or c) above
- People who are not victims or perpetrators of domestic abuse

2. Key principles and service standards

2.1 Stoke-on-Trent City Council is committed to achieving the highest possible standards in the services it provides tenants of the council.

Key principles of this policy are to:

- Aim to ‘break the cycle’ of domestic abuse that our tenants suffer so that they can move on safely and independently with their lives, free from abuse.
- Demonstrate strong leadership, commitment, and accountability on preventing domestic abuse, increasing reporting of and tackling domestic abuse that reflects a shared understanding of responsibilities with other local agencies.
- Take a ‘victim-centred’ approach when responding to domestic abuse, while also considering any action that could be taken against, or support provided, to the perpetrator of the abuse.
- Recognise that domestic abuse is not limited to physical violence, and can also encompass sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic, psychological, and emotional or other abuse.
- Recognise that domestic abuse can take place between people who are related, and is not limited to people in an intimate relationship, and that domestic abuse can continue after the break-up of a relationship, even when the victim and perpetrator no longer live together.
- Recognise that children should be recognised as victims in their own right if they see, hear or otherwise experience the effects of abuse.

- To provide services that follow the principles and deliver on the commitments set out in our Tenants' Charter.
- Ensure the statutory and regulatory responsibilities set out by the Regulator of Social Housing are met.

The council will set out domestic abuse service standards that outline our responsibilities:

- To prevent domestic abuse from happening in the first place and break the generational cycle of abuse by promoting awareness of domestic abuse amongst our tenants.
- To respond at the earliest possible opportunity when domestic abuse is identified or disclosed by our tenants, and take measures to ensure the safety of the victim and their children, working in close partnership with specialist support services, criminal justice and other partners.
- To take action against perpetrators whenever possible, and when it is appropriate to do so, and also to offer support to change their abusive behaviours.
- To raise awareness of domestic abuse across our housing services workforce.

2.2 People who live in our properties will be involved in the discussion about setting the key principles and standards at the very early stages of the policy to ensure that they have full influence over development.

3. Legal and Regulatory Framework

3.1 This Policy has been informed by the legal and regulatory framework for tackling Domestic Abuse including (but not limited to):

- The Domestic Abuse Act 2021
- The Police, Crime, Sentencing and Courts Act (2022)
- The Stalking Prevention Act (2019)
- The Serious Crime Act (2015)
- The Domestic Violence, Crime and Victims Act (2004)
- The Social Housing (Regulation) Act 2023
- The Regulator of Social Housing's Consumer Standards and Code of Practice

4. Impact assessments

Impact assessments have been considered and applied when developing the policy with particular considerations applied to the areas described below:

4.1 Equality impact

The council recognises that it provides housing for communities which include wide social diversity and is committed to providing equal access to services.

This policy aims to treat all customers fairly, with respect and professionalism. In line with the duty placed on the local authority under the Equalities Act 2010 specific consideration of the impact of this policy has been given to people with protected characteristics, including gender, race, age, disability, religion, sexual orientation and marital status. The approach adopted within this policy focuses on understanding individual circumstances in order to provide appropriate advice and support; this includes understanding the needs of tenants who have protected characteristics. Consideration will therefore be given to language barriers, accessibility and cultural issues which may affect a tenant's ability to manage their tenancy or seek advice on problems, and resolutions which take account of the individual's beliefs and abilities.

The council will enable all our tenants to have clear information and equal access to available services and information in a range of appropriate languages and formats will be provided when requested. This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents. The Equality Impact Assessment will be reviewed as part of reviewing the policy document in order to inform any changes that may be required.

From time to time the council may ask tenants to provide details of their gender, age, religion, disability, ethnicity and sexual orientation in line with the protected characteristics identified within the Equalities Act 2010 to help the council to deliver more effective, appropriate and inclusive policies and practices. All data collected is kept securely, used only for monitoring purposes and is de-personalised at the point of analysis to protect an individual's privacy.

5. Policy detail

5.1 Definition of Domestic Abuse

The Domestic Abuse Act 2021 defines domestic abuse as any single incident, or pattern of incidents, between those aged 16 or over who are personally connected and where the behaviour is abusive regardless of gender or sexuality.

'Abusive behaviour' is defined as any of the following:

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour*
- economic abuse
- psychological, emotional or other abuse

* 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.

* 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.

* Economic abuse is defined as behaviour that has a substantial adverse effect on a person's ability to acquire, use or maintain money or other property or to obtain goods or services.

For the definition to apply, both parties must be aged 16 or over and 'personally connected', which is defined as parties who:

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

Children are explicitly recognised as victims in their own right if they see, hear or otherwise experience the effects of domestic abuse, and are related to the victim and/or perpetrator.

5.2 Victims of Domestic Abuse

There are a number of ways that the council might become aware of domestic abuse taking place in one of our properties, including:

- A victim discloses domestic abuse to one of our staff members
- One of our staff members identifies a potential victim and asks them in a sensitive and appropriate manner if they are a victim of domestic abuse. This may be in response to potential signs such as:
 - Damage to property (particularly inside).
 - Increasing rent arrears.
 - The tenant is always accompanied by the alleged perpetrator and never seen alone.
 - Reports of noise from neighbours.
 - Changes in behaviour by the tenant, or the tenant is nervous or anxious.

- The tenant is noticeably more isolated from visitors or family coming around to the property.
- Physical injuries.
- A perpetrator discloses domestic abuse to one of our staff members.
- A concerned neighbour, friend or relative contacts the council.
- Reports from other agencies, such as Police or health services.

All reports of domestic abuse are treated seriously, sympathetically and in confidence. The council endeavours to ensure that our tenants are safe from abuse in their homes.

All cases are different, and depending on the situation, staff will respond accordingly, ensuring at all times that any action is tenant led and the safeguarding of the victim and any children affected is considered.

When an individual experiencing domestic abuse discloses this to a member of staff, they will be asked if they are in immediate danger.

If a council employee becomes aware that a victim is in immediate danger of harm they will encourage the individual to call the police or call the police on their behalf. Call 999 and ask for Police.

At all other times, council employees will seek the consent of the victim before taking any action, with the exception of where the employee identifies a safeguarding concern. In these circumstances, the employee will have a duty to report these concerns to the relevant adult or children's safeguarding teams.

The council currently provides funding for a specialist service called New Era which supports victims of domestic abuse, and when a council employee is told about an incident of domestic abuse, or is concerned about a potential incident of domestic abuse, they will provide information to the victim about the support available.

New Era provides free and confidential support for victims and their families and is available 24 hours a day, 7 days a week and is available to all victims irrespective of their gender, age, ethnicity or sexual orientation. Support is available whether the victim has made a report to Police or not.

Trained Housing Services staff will offer to make a referral to New Era for the victim. A referral will only be made with the consent of the victim, and the officer must ensure that safe contact details (where the victim can be contacted without putting them at further risk) are provided as part of the referral. A referral for the victim's child(ren) may also be made, with the consent of the victim.

If a victim does not wish a referral to be made by a trained officer then the officer will instead provide the victim with the contact details for New Era, so that the victim may refer themselves if and when they feel comfortable to do so.

Repairs and maintenance staff will inform Housing Services if potential repairs are indicators of domestic abuse or criminal damage.

All housing staff and repairs and maintenance staff will receive domestic abuse training, but where other council and repairs and maintenance employees have not been trained to make referrals, they will instead provide the victim with the contact details for New Era.

The details are:

Website - <https://www.new-era.uk/> (a self-referral web form can be completed)

Telephone - 0300 303 3778

Live chat - <https://www.victimsupport.org.uk/help-and-support/get-help/support-near-you/live-chat/>

The aim of New Era is to end relationship abuse through individual and group support for adults, children and young people (aged 4 to 17), for as long as they need it.

New Era has received Leading Lights accreditation, which is the mark of quality for domestic abuse services awarded by SafeLives, the national best practice organisation for domestic abuse services.

New Era provides a range of advocacy services, including help with: obtaining a non-molestation and other orders; advocacy with the police and other statutory services; child contact matters and court visits; accessing counselling and a range of other services.

New Era has dedicated specialist advisors working exclusively with LGBT+, BAMER, older, disabled and male victims and those experiencing child to parent abuse, as well as court support specialists at both Criminal and Family Courts.

New Era also provides a service for perpetrators wanting to change their behaviour, however the contact details, staff and premises for this service are entirely separate from the service for victims (see section 5.6 below).

Council employees cannot provide the same services that are provided by New Era as they are not qualified to do so, but will instead provide other support for the victim and their family, as set out below dependent on the nature of their contact or relationship with the council.

5.3 Tenants of the Council Who Are Victims of Domestic Abuse

Tenants of the council will have contact with a range of council employees, all of whom will be trained to recognise domestic abuse, and some of whom have also been trained to provide additional support to victims as part of the council's

responsibilities as a landlord. This additional support will complement but not duplicate the specialist support provided by New Era (if a victim has accepted support from New Era). In responding to a report of domestic abuse the supporting officer, if required, will, (but not limited to):

- Find out the safest way to contact the victim and check which method of contact they would prefer.
- Find out the name of the perpetrator and the relationship to the individual.
- Raise any safeguarding concerns with the relevant council team if there is an adult at risk or a child at risk.
- Consider improved security measures to their home, including through the target hardening/sanctuary scheme funded by the council.
- Help with understanding their housing options if they need to move.
- Advise of any external agencies who can offer further advice and support and where they can find out more information.
- Help with getting any financial advice or support.
- Consider whether the victim should be found temporary accommodation, such as a refuge, if it is unsafe to stay in their own home

5.4 Victims of Domestic Abuse who Apply to Move to another Council House

A tenant can apply for a transfer by making an application to join the housing register. All applications are assessed in accordance with the Allocations Policy and tenants will be informed of the outcome of their applications in writing. Support, advice and information will also be provided on the housing options available. For more information, refer to the Allocations Policy.

5.5 Victims of Domestic Abuse who Present to the Council as Homeless

Where a tenant is threatened with homelessness because the perpetrator cannot be removed or there is a risk of the abuse continuing, safe accommodation elsewhere may be needed to ensure the safety and wellbeing of the victim and their children. An assessment will be made in accordance with the Homeless Reduction 2017 and those tenants where the local authority has a homeless duty to provide housing support will be awarded the appropriate priority for assistance in accordance with the Allocations Policy. The victims and their children will be supported in the process of moving to alternative accommodation, which may be outside of the city, and may include a refuge. For more information, refer to the Allocations Policy.

5.6 Perpetrators of Domestic Abuse

Domestic abuse is a chosen behaviour. Some people witness it in their own families growing up. Others learn it from friends, popular culture, or structural inequities throughout our society. No matter where they develop such behaviours, those who commit abusive acts choose to do so — they could also choose not to.

The perpetrator may or may not be a tenant of the council, they may still live with the victim (in a single or joint tenancy) or they may live apart in other accommodation.

There are two complementary ways in which the council will deal with perpetrators:

Enforcement

A perpetrator may have, or may be committing a crime through their actions, from a physical assault through to coercive and controlling behaviour, which is a crime under Section 76 of the Serious Crime Act (2015). It is the responsibility of criminal justice agencies, including Police, to act upon any crimes committed, and the council will work in partnership with these agencies to ensure that perpetrators are brought to justice.

As a landlord, there are a range of other measures which can be taken provided that the perpetrator is a tenant of the council. The actions taken will depend if the abuse has occurred in relation to the council's housing management function (i.e. in relation to the housing stock and its estates/neighbourhoods).

Perpetrating domestic abuse can be a form of anti-social behaviour and a breach of the tenancy agreement, in these cases the Anti-Social Behaviour (ASB) Team, will consider the use of ASB legislation to act against the perpetrator, if appropriate. Where the perpetrator is not a council tenant, the ASB Team will still support the partnership approach, which may include the perpetrator's own landlord. Further information on ASB enforcement can be found in the council's Anti-Social Behaviour Cross Tenure Policy.

Support

Supporting victims and ensuring they can live their lives safely is our priority. However, if the council does not address the behaviour of perpetrators then evidence shows that they will move on to abuse another victim, enforcement action alone will not break the cycle of abuse.

In addition to supporting victims, New Era also provides a free Behaviour Change Service, which is available to anyone using unhealthy or abusive behaviour within their relationship who wants to change this.

The service is available to all perpetrators irrespective of their gender, age, ethnicity or sexual orientation. Support is available whether the perpetrator is known to Police or not.

The service is also available to children and young people who need support with relationship-based behaviour and one-to-one guidance around healthy relationships, including adolescent-to-parent violence.

The support is based on voluntary participation and is delivered across a range of group-work programmes based on level of risk, from a short three session intervention to a full 27-week programme for high-risk perpetrators.

Council employees may make a referral, or share the following details with the perpetrator:

Website - <https://www.new-era.uk/>

Telephone - 0300 373 5772

For referrals, email behaviour-change@new-era.uk

5.7 Staff Training

The council will provide domestic abuse training to all housing staff, including the repairs and maintenance staff and Tenant Relations Officers.

The level and training will be dependent on the role of the employee, but will at a minimum include domestic abuse awareness which will cover the definition of domestic abuse, how to recognise it, how to sensitively and appropriately ask questions of the (potential) victim, and how to refer or signpost the victim into specialist support provided by New Era.

Dependent on their job role, employees may receive more intensive and detailed training to equip them with the necessary skills to provide additional support to victims and their families, as detailed above.

6 Financial Implications

6.1 There are no financial implications arising directly from this policy.

The council is one of three joint funding partners (together with Staffordshire County Council and the Police, Fire and Crime Commissioner) of the New Era domestic abuse support service, which operates across the whole of Stoke-on-Trent and Staffordshire. The New Era service is available to all victims, and perpetrators, of domestic abuse and is not limited to the groups set out in Section 1 of this policy. No additional funding is required to deliver the requirements of this Policy.

The New Era service is partly funded by the Housing Revenue Account, the remainder is from the General Fund.

The council also funds the Glow Domestic Abuse Sanctuary and Safe Accommodation (DASSA) Support Service in Stoke-on-Trent, which is available to all victims living in safe accommodation (including those whose properties have received target hardening) and is not limited to the groups set out in Section 1 of this Policy. No additional funding is required to deliver the requirements of this Policy.

The additional support provided to victims by council employees, as defined above, will be undertaken as part of those employees existing roles, no additional funding is required to deliver this support.

7. Consultation

The development of this policy has included views from a range of relevant stakeholders including: tenants, council internal teams and the Cabinet Member for Community Safety and Resilience. The policy has undergone a six-week public consultation period and has been reviewed by the Tenant Voice Group .

8. Safeguarding

The council operates a harm centred approach when dealing with reports of domestic abuse, for example if the victim has poor mental or physical health or other support needs, will offer support as well as signposting to other agencies. Where Safeguarding concerns are identified then staff should refer to the Stoke-on-Trent City Council's Children and Adults Safeguarding policies and act in accordance with guidance set out in these policies.

The council will always treat any sensitive or personal information given to us as confidential in accordance with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018. The council will only pass this information onto third parties such as statutory organisations if:

- Required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders.
- There is an information/data sharing protocol, contract or confidentiality agreement in place.
- The person who gave us the information is happy for us to share the information.

Our employees will always respect confidentiality and will not share any information given in confidence unless justified by the assessed risk to the vulnerable person or required by law. Confidentiality will be discussed with the customer where there are safeguarding concerns or alerts and an explanation will be given that this information may need to be shared with other people in order for the situation to be resolved.

8. Links to Other Policies and Documents

- Staffordshire and Stoke-on-Trent - Domestic Abuse Strategy
- Staffordshire and Stoke-on-Trent - Reducing Reoffending Strategy
- Staffordshire and Stoke-on-Trent - Safeguarding Adults Partnership Plan
- City of Stoke-on-Trent - Community Safety Strategy
- City of Stoke-on-Trent - Safeguarding Children Partnership Strategic Plan
- City of Stoke-on-Trent - Equality and Diversity Strategy

- City of Stoke-on-Trent - Anti-Social Behaviour Policy
- City of Stoke-on-Trent – Tenancy and Estate Management Policy
- City of Stoke-on-Trent - Allocations Policy
- City of Stoke-on-Trent - Repairs and Maintenance Policy

9. Measuring Performance

9.1 The council will monitor and learn from the feedback received about how domestic abuse is managed to ensure a high standard of our services. Performance in relation to the implementation of this policy will be monitored through the Housing and Community Safety Directorates performance framework, to include, but not limited to;

- The number of domestic abuse incidents reported to Staffordshire Police
- The number of referrals of victims to New Era from housing services
- The number of referrals of perpetrators to the New Era Behaviour Change Service from housing services

9.2 Feedback to tenants using the principles set out in the Housing Customer Engagement Strategy and the service standards in the Tenants Charter will provide assurance of our compliance with this policy and allow people who live in our properties to make recommendation on how they can make changes to the policy.

9.3 If residents feel that their case or report of domestic abuse has not been handled correctly in accordance with this policy, they can follow the council's Corporate Complaints Procedure.

10. Policy Review

The Domestic Abuse Policy will be reviewed on a 5-year cycle dependant on any significant changes in legislation and or regulatory changes or good practice requirements.

Key Contacts

For comments or complaints about a service contact the customer feedback team:

- online form: <https://www.stoke.gov.uk>
- email customer.feedback@stoke.gov.uk
- Telephone: 01782 234234
- Post: Customer Feedback Team, Stoke-on-Trent City Council, Floor 2, Civic Centre, Glebe Street, Stoke-on-Trent, ST4 1HH.

For comments in relation to this policy and its development contact the Regulatory and Strategic Services Team:

- Email: housing.strategy@stoke.gov.uk

For further information on how to influence policy development, contact the Tenant Involvement Team:

- Email: tenantinvolvementteam@stoke.gov.uk
- Telephone: 01782 235916 (office hours only)

Glossary/definitions

Throughout this policy document, it is inevitable that words or phrases are used that are readily understood by some readers, but which are new to other readers and their meaning is not immediately apparent. The meaning of some words/phrases used in this document is given below:

Customer – within this policy the term customer refers to either a tenant or leaseholders of Stoke-on-Trent City Council.

Coercive behaviour - 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.

Domestic Abuse - any incident, or pattern of incidents, between those aged 16 or over who are personally connected and where the behaviour is abusive

Economic Abuse - behaviours that interfere with an individual's ability to acquire, use and maintain economic resources such as money, transportation and utilities. It can be controlling or coercive.

Personally connected - intimate partners, ex-partners, family members or individuals who share parental responsibility for a child. There is no requirement for the victim and perpetrator to live in the same household.