



manningham
HOUSING ASSOCIATION

DOMESTIC ABUSE POLICY

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1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider which is regulated by the Regulator of Social Housing. MHA provides homes to approximately 1400 households predominantly in the Bradford and Keighley area. The Association provides general needs housing for rent and shared ownership.

MHA recognises that domestic abuse can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic abuse affects both male and female victims, including those in lesbian, gay, bisexual and transgender (LGBT) relationships. MHA also recognises that a higher proportion of adults with a disability experience domestic abuse than those without a disability.

We are committed to supporting victims of domestic abuse regardless of gender or sexuality and will ensure the safety of victims of domestic abuse as no one should have to live in fear or violence / abuse and hold perpetrators of domestic abuse accountable for their behaviour.

Over 70% of MHA customers are from the South Asian communities. The Office for National Statistics show that women of mixed/multiple ethnicities are amongst the most at risk of experiencing partner abuse in England and Wales. Much domestic abuse in Asian communities remains under the radar and unreported as some women feel that reporting it would discredit their families.

As a BAME led housing association we recognise that our staff will need the appropriate training to recognise and respond appropriately to domestic violence suffered by BAME people.

2. REGULATORY AND LEGAL FRAMEWORK

The Domestic Abuse Act 2021 was passed into law in April 2021. Included in the act were reforms to:

- Update the definition of domestic abuse so that it recognises children as victims and economic abuse as a form of domestic abuse
- Place a statutory duty on local authorities relating to the provision of support to victims and survivors and their children within safe accommodation. This has been supported by £125 million of funding in 2021-22 to enable local authorities to deliver it.
- Introduce new domestic abuse protection notices (DAPNs) and domestic abuse protection orders (DAPOs) to bring together the strongest elements of existing protective orders into a single, comprehensive order. This will mean we have a more efficient and robust response to, and management of, domestic abuse perpetrators.
- Create new offences of non-fatal strangulation and threats to disclose intimate images means that abusers will face the full force of the law.
- Reform family court and prohibit cross-examination of victims and survivors by perpetrators, provide automatic eligibility for special measures to support victims and survivors of domestic abuse, and clarify the availability of barring orders under Section 91(14) of the Children Act 1989.
- Establish the role of the Domestic Abuse Commissioner as an independent voice who will stand up for victims and survivors and, among other responsibilities, hold public bodies to account.

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In addition the Government launched a new Tackling Domestic Abuse Plan in March 2022 to build on previous strategies and deliver on the reforms of the Domestic Abuse Act 2021. The plan was focused around 4 pillars:

Prioritising Prevention - Working to prevent domestic abuse by stopping people from ever becoming perpetrators and victims.

Supporting Victims: To help all victims and survivors to feel like they can get back to life as normal and provide support for their health, emotional, economic and social needs.

Pursuing Perpetrators: To reduce the amount of people who are repeat offenders and make sure that those who commit this crime feel the full extent of the law.

A Stronger System: To improve the current systems and processes in place that form the response to domestic abuse in society.

This policy also closely aligns itself with the Regulator of Social Housing's Neighbourhood & Community Standard which outlines how registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour which can include dealing with Domestic abuse in the neighbourhoods where they own homes.

It states that registered providers shall publish a policy on how they will work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. In

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their work to prevent and address ASB, registered providers shall demonstrate:

- That tenants are made aware of their responsibilities and rights in relation to ASB.
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
- Strong focus exists on preventative measures tailored towards the needs of tenants and their families.
- Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available.
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
- Provision of support to victims and witnesses.

This policy also takes into account the following legislations:

- Domestic Abuse Act 2021
- Domestic Violence, Crime and Victims Act 2004 & 2012 Amendments
- The Crime and Disorder Act (1998)
- The Family Law Act (1997) and The Protection from Harassment Act (1997)
- The Crime and Security Act (2010)
- Protection from Harassment Act 1997
- The Family Law Act 1996
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- The Data Protection Act 1998 and General Data Protection Policy
- The Housing Act 1996
- The Equality Act 2010

3. DEFINITION

Domestic Abuse is defined in the Domestic Abuse Act 2021 as the following:

“Behaviour by one person towards another where they are over 16, personally connected and the behaviour is abusive”

A personal connection between two people under the Act is where someone is or has been:

- Married to the other person
- Civil Partner of the other person
- Agreed to marry the other person (whether or not the relationship is still ongoing)
- Entered into a civil partnership agreement with the other person (whether or not the

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relationship is still ongoing)

- Been in an intimate relationship with the other person
- They have or have had a parental relationship with the other person in relation to the same child
- They are relatives.

Abusive behaviour is defined under the act if it consists of any of the following:

- physical or sexual abuse; (including the use of force that may result in injury, pain or impairment and /or forced and/or undesired sexual behaviour)
- violent or threatening behaviour
- controlling or coercive behaviour
- economic abuse (which is any behaviour that has an impact upon the other person's ability to acquire, use or maintain money/property and/or obtain goods and services)
- psychological, emotional or other abuse; (such as isolating someone or threatening them or their loved ones or pets and being made to feel afraid, unhappy, anxious, depressed humiliated, guilty or devalued))

It does not matter whether the behaviour consists of a single incident or a course of conduct. It is also considered domestic abuse where the behaviour may be directed at another party in order to cause distress to other person (for example, the other person's child).

Children are considered victims of abuse where they see/hear/experience the effects of the abuse and are related to the victim of the domestic abuse or the victim has parental responsibility for the child.

This definition includes honour-based violence, female genital mutilation (FGM) and forced marriage.

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This applies equally to women and men and can also occur in same-sex relationships.

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 a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Victims are not confined to one gender or ethnic group.

Emotional/Psychological abuse is where a person is subjected to threats, deprivation of contact, shouting, ignoring, cruelty, bullying, humiliation, enforced isolation, negating the right of the person at risk to make choices and undermining self-esteem.

Physical abuse can range from a slap or shove to a black eye, cut lip and broken bones. In the most extreme cases it can result in death.

Sexual abuse is where a partner uses force or threats to make you have sex and make you perform sexual acts with which you are uncomfortable.

Financial abuse may include a partner taking your money, stopping you from working, placing all bills and debts in your name or monitoring how you spend money and other financial resources.

Honour based violence is normally a collective and planned crime or incident, mainly perpetrated against women and girls, by their family or their community, who act to defend their perceived honour. They believe the victim (s) have done something to bring shame to the family or community.

Forced marriage is where one or both people do not consent to the marriage and pressure or abused is used. The pressure put on people to marry against their will can be physical, emotional, psychological or financial abuse.

Female Genital Mutilation is a procedure where the female genitals are deliberately cut, injured or changed where there is no medical reason for this to be done.

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4. OUR APPROACH TO TACKLING DOMESTIC ABUSE

Our approach to Domestic Abuse aims to prevent and reduce the risk of harm to persons who are experiencing, or are at risk from, abuse or neglect. We will ensure:

- Customers can report domestic abuse to us through a variety of methods, and we will investigate all reports that we receive.
- Our staff receive specialist training at the appropriate level on dealing with situations of domestic abuse.
- We will support those individuals experiencing violence or domestic abuse irrespective of age, gender, sexuality, disability, ethnicity, religion, social background or any other protected characteristics identified in the Equality Act.
- We will work with our partners to support individuals experiencing domestic abuse and, where appropriate, act against perpetrators where we can do so without compromising the safety of the individual experiencing abuse.
- We will share information between agencies and make referrals for example to Multi-Agency Risk Assessment Conference (MARAC), Bradford Women's Aid, Staying Put (Bradford) and Bradford Domestic Abuse Services.
- We will provide a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. For cases which meet the threshold of a MARAC, or if we have safeguarding concerns, we will share information with relevant agencies.
- We will arrange, with the agreement of the individual experiencing domestic abuse, Multi-Agency meetings to ensure support is received from all relevant agencies.
- We will give people experiencing domestic abuse the opportunity to opt for a staff member of a specific gender and, where possible, of the same ethnic origin to deal with their case.
- We will provide people experiencing domestic abuse translation services where necessary.
- We will ensure that people experiencing domestic abuse know they can meet staff in confidence at our offices or at an agreed choice of safe venue. We will also agree the method of contact the individual wishes us to use.
- In the case of joint tenancies, it should be noted that the perpetrator has the right of access to the tenancy file. Measures such as logging these cases as anonymous, so they are not associated with the tenancy and blanking out confidential information about the individual experiencing domestic abuse will be taken to ensure that this is not seen by the perpetrator, or anyone representing the perpetrator.

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- We will provide improved security to a customer's home in conjunction with partner agencies, where required.
- We will make a referral to our Welfare Benefits & Financial Support Officer for any required support relating to financial issues.
- We will signpost the individual experiencing domestic abuse to relevant organisations to provide legal advice as appropriate.
- We will advise people experiencing domestic abuse of external agencies who can offer further advice and support dependent upon their needs, and work with our partners to ensure co-ordinated services to prioritise the safety of the person who is experiencing domestic abuse and the safety of their children, where present.
- We will agree an action plan with the person experiencing domestic abuse, monitor the situation and review at a frequency agreed with them.
- We will take firm action (where evidence is available) against anyone responsible for domestic abuse. This will only be done in cases where we can do so without compromising the safety of the individual, and we will work closely with partner agencies and keep them informed of any action taken.
- 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. We will also offer third party reporting services if requested.
- We will offer advice and assistance via Housing Options Team in cases where emergency temporary accommodation is required. This can also involve referral to refuges via the National Domestic Violence Helpline or other relevant agencies such as Staying Put.

5. ENFORCEMENT MEASURES

If appropriate, MHA will consider recommending or pursuing the following enforcement actions against perpetrators of Domestic Abuse.

- Possession Proceedings
- Extension of Assured Shorthold (Starter) Tenancy
- Injunctions/Undertaking
- Non-molestation Order

MHA will consider enforcement action with the consent of the victim(s) or when it is felt that it is proportionate and reasonable, just and convenient or if the perpetrators behaviour is capable of causing a nuisance or annoyance to surrounding residents. If the perpetrator has convictions for indictable offences committed in the locality of the perpetrator's address and the application is both reasonable and proportionate, MHA will pursue a Claim for Possession.

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MHA recognises the benefits of supporting victims of domestic abuse to secure protection through Non-Molestation Orders via signposting the victim to a Family Law Solicitor. Though on occasion it may be appropriate to pursue a housing-related Injunction Orders with a Power of Arrest attached and an Exclusion Order, if the reported Domestic Abuse and Violence is causing or capable of causing a nuisance or annoyance to surrounding residents in addition to the victim.

6. TRAINING

We will ensure that training on domestic abuse is compulsory for all appropriate staff. Staff who are involved in dealing with cases of domestic abuse will receive appropriate training to enable them to recognise issues.

We will ensure all staff are familiar with MHA's Lone Worker Policy and ensure that the risk of visiting victims and perpetrators of domestic abuse are considered prior to visits.

We recognise that not all our staff will be experts in this area and that we do not have the resources or structures to deal with all aspects of domestic abuse. We will work in partnership with legal statutory and voluntary services to ensure services are provided in a co-ordinated way.

7. STAFF AND DOMESTIC ABUSE

We acknowledge that MHA staff may also be victims of domestic abuse and we will deal sensitively with those staff in these cases. Where a member of staff is a convicted perpetrator of domestic abuse we will address this through our HR policies.

All staff will be provided with support regardless of gender and the type of abuse they wish to raise if they are suffering domestic violence and wish to take action against the perpetrator. If we are made aware we will signpost the person to the relevant specialist support that may be available to them. We will report any incidents of unwelcome contact, harassment or intimidation which we become aware of at work by an alleged perpetrator, so this can be dealt with immediately.

Staff will be made aware that misconduct inside and outside of work is viewed seriously and can lead to disciplinary action being taken because of the impact it may have on the staff suitability to carry out their role. Staff should be aware that domestic abuse is a serious matter and can lead to a criminal conviction.

In cases where both the victim and perpetrator of domestic abuse work for the organisation, once notified we would take the most appropriate action.

8. CONFIDENTIALITY AND DATA PROTECTION

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

- We are required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders.

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- 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.

Where Safeguarding concerns are identified while dealing with Domestic Abuse then staff should refer to the Safeguarding – Children and Vulnerable Adults Policy and act in accordance with guidance set out in the policy.

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9. EQUALITY AND DIVERSITY

As Bradford’s only Black and Minority Ethnic (BAME) housing association, MHA is actively committed to promoting and embedding a culture of equality, diversity and inclusion. MHA is an organization which values differences and enables individuals to be their authentic selves.

Our aims are for the organization to be a leading voice for BAME communities, to be truly representative of all sections of society and communities we service, and for each member of our staff, residents, and other stakeholders to feel respected and valued.

10. MONITORING AND REVIEW

We will monitor and review this policy in conjunction with residents to ensure its effectiveness and relevance to the Association’s stated aims and objectives.

The Director of Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in tenancy management. The policy will be reviewed every three years or sooner due to statutory, regulatory or good practice requirements

Policy Name	Domestic Abuse Policy
Policy Ref. No.	EX09
Date of Customer Panel Consultation	
Equality Impact Assessment Completed	Yes
Date Approved by the Executive Team	February 2023
Next Review date	February 2026
Lead Officer	Deputy Chief Executive/Director of Operations