

## Domestic Abuse Policy

### 1.0 Purpose of policy

- 1.1 We are committed to maintaining thriving, safe communities, and we recognise that domestic abuse can have a devastating impact upon its victims.
- 1.2 A large proportion of our staff are in regular contact with our customers, either on the telephone, in our offices or in their homes, and are in a position where they may be able to identify the signs of domestic abuse and offer the appropriate help. Alternatively, a customer may make a disclosure that they are the victim of domestic abuse, and our staff must be able to deal with that disclosure appropriately.
- 1.3 This policy outlines Karbon's approach to assisting and supporting any person experiencing domestic abuse.
- 1.4 Karbon also recognises that staff may be experiencing domestic abuse, and are committed to supporting them in any way that they can. Please refer to our People and HR policy regarding Domestic Abuse and supporting staff.

### 2.0 Objectives

- 2.1 We believe that our customers should not live in fear of or with violence, abuse or harassment from a partner, former partner, or any member of their household or family.
- 2.2 Anyone reporting domestic abuse to Karbon will be treated in a confidential, sympathetic, supportive and non-judgmental way. Any disclosure of abuse will be believed, taken seriously, and advice and assistance will be given as a priority.
- 2.3 Karbon has a holistic approach to dealing with domestic abuse, and will work with statutory and voluntary organisations to support victims, and to take action against perpetrators (where this is safe and appropriate). We will:
  - Ensure that anyone experiencing domestic abuse can access appropriate support as a matter of priority.
  - Ensure that our staff are trained to deal with disclosures of domestic abuse effectively.

- Offer same sex interviews or caseworkers for victims where requested, as some customers may feel more comfortable discussing their situation with a member of the same sex.
- Support people who are experiencing abuse, or have experienced abuse, by working in partnership with them and other support agencies.
- Ensure that where children or young people are affected by domestic abuse, they too are safe and have access to services as soon as possible.
- Signpost victims to where they can access help with the use of civil and criminal laws. This can offer them protection and prevent further abuse.
- Support victims to take appropriate legal measures to protect themselves and their families.
- Make appropriate safeguarding and any other necessary referrals if we believe that a child or an adult is at risk due to an abusive relationship.
- Support victims to make decisions around their housing needs, whether they wish to remain in their home or to move to a new home.
- Take action and/or support victims to take action, where they chose to do so, against perpetrators.
- Support the victim in whatever decision they make. Whilst we might understand their decision, if they decide to stay with or return to an abuser it is important they are made aware that they can come back and speak to Karbon and we will provide support.
- Signpost perpetrators of domestic abuse to agencies who can offer them support, in order to prevent the abuse reoccurring.

2.4 When dealing with domestic abuse full consideration will be given to our safeguarding responsibilities, details of which are included in Karbon's Safeguarding Children and Adults Policy.

### **3.0 Policy detail**

#### **Definitions of abuse**

3.1 Domestic abuse can encompass, but is not limited to, the following types of abuse:

- Physical.
- Sexual.
- Financial.
- Psychological.
- Emotional.
- Discriminatory.

3.2 This definition includes honour-based violence, forced marriage and female genital mutilation.

3.3 Abuse can also include:

- *Modern slavery*- encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

- *Stalking* can consist of any type of behaviour such as regularly sending flowers or gifts, making unwanted or malicious communication, damaging property and physical or sexual assault. If the behaviour is persistent and clearly unwanted, causing you fear, distress or anxiety then it is stalking and customers should not have to live with it.

3.4 Coercive and controlling behaviour underpins domestic abuse and is explained as a range of purposeful behaviours including intimidation, isolation, emotional abuse and manipulation. These behaviours are used in order to achieve power and control in an abusive relationship and reinforce the threat or reality of physical abuse.

### **Physical abuse**

3.5 Physical abuse can include: hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking and poisoning.

### **Sexual abuse**

3.6 Sexual abuse can include: rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception, threatened or actual sexual abuse of children.

### **Financial abuse**

3.7 Financial abuse can include: controlling money and bank accounts, making a victim account for all of their expenditure, running up debts in the victim's name, allowing the victim no say on how their monies are spent, refusing to allow them to work.

### **Psychological and emotional abuse**

3.8 Psychological and emotional abuse can have a profound impact on victims. It can leave them with little confidence that they can do anything to change their situation, or that they are powerless to take any action to improve their lives, or the lives of their children. Examples include:

- Isolating the victim – not allowing them to see their friends or family, or to go anywhere on their own.
- Using threats – threats to kill their family, children, friends, or pets, or to find them if they were ever to try and leave.
- Putting them down – humiliating, embarrassing or undermining them in front of others, telling them that they are stupid and that no one would believe them if they tried to tell people what was happening, or that they are a bad parent.

### **Discriminatory abuse**

3.9 This type of abuse is motivated by an oppressive and discriminatory attitude towards a person's:

- Disability, physical appearance, learning disability, mental ill health, sensory impairment, race, religion, gender/gender identity age, culture, sexual orientation, appearance.

## **Family and intergenerational abuse**

- 3.10 Domestic abuse approaches historically have had an emphasis on partner violence. More focus is now being given to family and intergenerational abuse, and the way in which it may be different from partner violence; for example, if the perpetrator is the victim's (adult) sibling, child or grandchild.
- 3.11 Abuse of an adult or a child may also be used by a perpetrator to exercise control over their victim.

## **Elder abuse**

- 3.12 Research has found that domestic abuse is experienced by both women and men regardless of age, disability and ethnic background. Elder abuse can be even more detrimental to a victim's wellbeing due to problems with mobility, mental health and social isolation.
- 3.13 Older people may have come to accept some aspects of domestic abuse as the 'norm', dependent on their generation. For example, in the past the male of the relationship was traditionally seen as the breadwinner and thus would have control over their finances, and limit their partner's access to money.

## **Barriers and challenges to ending abusive relationships**

- 3.14 Karbon recognises that victims will often find it extremely difficult to make a disclosure and ask for help. It is vitally important, therefore, that if a disclosure is made, it is dealt with in an understanding, sensitive and supportive manner. We have specialist staff who are trained on how to carry out interviews in such situations to ensure that they are able to provide all of the appropriate advice, gather the vital information they need to safeguard the victim, and put the correct support in place.
- 3.15 It is important to understand that victims may not seek, or respond to, offers of help and may wish to remain in their abusive relationship. Reasons for this may include:
- Fear of the abuser and/or what they will do.
  - Lack of experience or knowledge of other victims who have successfully left an abusive partner.
  - Doubt about the impact of any action taken by police or the courts, and fear of pressure to pursue a criminal case.
  - Lack of knowledge/access to support services.
  - Lack of resources, financial or otherwise.
  - Fear of not being believed.
  - Love, loyalty, attachment towards their partner and the hope that they will change.
  - Feelings of shame or failure.
  - Pressure from family/children/friends.
  - Religious or cultural expectations.
  - Long term effects of abuse e.g. self-neglect, depression, low self-esteem.
  - Drug and/or alcohol addiction.
  - Anticipated impact on children, or fear of losing contact with children/other relatives/friends.

- Fear of not being able to take pets with them.

3.16 People from a black and minority ethnic (BME) community may also have additional barriers, including:

- Language barriers.
- Family honour, shame or stigma.
- Fear of rejection by their community.
- Immigration status/no recourse to public funding.
- Racism (perceived or actual).
- Cultural or community expectations.
- Fear of so called 'honour'- based violence.
- Lack of appropriate services.

3.17 Disabled women are twice as likely to experience domestic abuse as women without disabilities, and are more likely to be at high risk of serious harm. Barriers to disabled women accessing services can include:

- Lack of accessible information about abuse and legal rights.
- Lack of accessible domestic abuse services.
- Fear that interpreters (for example, British Sign Language) may not keep conversations confidential.
- Assumptions that physical and sensory impairments prevent people from making their own decisions.
- Being used to 'dependency' and a lack of respect and dignity, leading to them assuming that abuse is normal and minimising its impact.
- Fear of having to live in a care home.
- Reliance on the abuser for care and support.
- The victim may be the carer of the abuser, and feel a sense of obligation to maintain the support and endure the abuse.
- The abuser may be the only person with whom the victim has any contact.

## **Confidentiality**

3.18 Any disclosure of domestic abuse will be believed and treated in the strictest of confidence, unless we have a duty to disclose information in order to:

- Protect the victim.
- Prevent harm to someone else.
- Prevent or detect a crime.

3.19 The Domestic Violence Disclosure Scheme (DVPS), also known as 'Clare's Law', allows police to disclose to individuals the details of their partner's abusive past, in order that they can make an informed decision about their situation.

## **Use of tools and powers**

3.20 Every case of domestic abuse will be assessed on its own circumstances, taking into account the wishes and needs of the victim, the severity of the abuse, and any additional criminality.

- 3.21 Karbon Homes will make use of any appropriate tools and powers available to us, as a housing provider, to tackle those who are perpetrators of domestic abuse. These may include the use of any relevant tenancy sanctions, injunctions and possession proceedings.
- 3.22 Karbon Homes will enforce the conditions of a tenancy agreement, where the tenancy agreement prohibits tenants or other members of their household from inflicting or threatening to inflict violence, including domestic abuse, against any person living within their home.
- 3.23 Any action taken by Karbon Homes will be based upon the victims' wishes, level of risk and professional judgement. The level of risk will be reviewed at various intervals, including new incidents of domestic abuse and/or escalation in the seriousness of the abuse or any new danger posed to the victim. Karbon Homes are aware that the level of risk usually escalates when a victim decides to end the relationship.
- 3.24 Perpetrators of domestic abuse can access specialist support if they acknowledge their behaviour, want to change and consent to a referral being made.
- 3.25 It is worth noting that not every victim will want to end their relationship, or will want to take enforcement action against the perpetrator. It is important, therefore, to manage risk and ensure that as many safeguards are in place as possible, if the victim is not ready to walk away from the perpetrator.
- 3.26 As well as the tools and powers available to Karbon, we will also work closely with partners to ensure a holistic approach to tackling domestic abuse and that the tools and powers available to these partner agencies are fully considered.
- 3.27 Detailed below are some of the options available to other agencies and where appropriate Karbon will assist these agencies and contribute to them obtaining orders which reduce domestic abuse.

### **Domestic Violence Protection Notices and Orders**

- 3.28 If the police have a reasonable belief that domestic abuse has occurred, they are able to serve the perpetrator with a Domestic Violence Protection Notice (DVPN) as the first step to acquiring a Domestic Violence Protection Order (DVPO).
- 3.29 A DVPO can prevent a perpetrator from returning to a residence, and from having contact with the victim, for up to 28 days. This allows the victim some time to consider their options, and to engage with some support. Getting a DVPO is a two-step process:
- On being called to an incident of domestic abuse, if the police have reasonable grounds to believe the victim remains at risk of domestic abuse, they can choose to issue an emergency non-molestation and eviction notice - the DVPN. Because the DVPN is a police-issued notice, it is effective from the time of issue, thereby giving the victim the immediate support they require. The issuing of a DVPN requires police authorisation at the rank of Superintendent or above.
  - Within 48 hours of the DVPN being served on the perpetrator, an application for a DVPO must be made by police, and heard in a Magistrates Court (Sundays and public holidays are excluded from this 48 hour time limit). The DVPN

continues in effect until the court has reached a decision. If the court rules that the victim requires continued support, they may issue a DVPO which would last for a minimum of 14 days, and a maximum of 28 days.

- 3.30 The law allows a Magistrate to make a DVPO against the abuser even if the victim does not agree to it. In addition, the Magistrates will take into account the welfare of anyone under 18 who the police consider will be affected by the DVPO.

### **Restraining orders**

- 3.31 These can be made by a court in relation to a criminal case alleging domestic abuse, whether or not the case is upheld. A restraining order is made when there is a need for the order to protect a named person or persons from harassment or conduct that will put them in fear of violence.
- 3.32 A restraining order imposes prohibitions and may cover a range of behaviour. It can, for example exclude a person from a specific geographical area, from contacting specific people, or behaving in a particular way.
- 3.33 The court will determine the length of the order and it becomes active on the day it is signed by the court, or until it is revoked. It can be renewed if the courts believe that the victim is still in danger.
- 3.34 It is a crime to breach a restraining order and a person doing so can be arrested and charged.

### **Civil law**

- 3.35 A person at risk of domestic abuse can make an application for an injunction. They can do this by applying directly via a solicitor, with the assistance of a specialist domestic abuse support service, or by contacting Karbon.
- 3.36 An injunction is a 'stay away' order which prevents the abuser from certain behaviour (such as contacting the victim) or compels them to action (for example, to leave the home).
- 3.37 There are two types of orders available - an occupation order, and a non-molestation order.
- 3.38 A **non-molestation order** can protect a person and any relevant child from violence or harassment. A person can obtain a non-molestation order against someone who has not been physically violent, but has been harassing, intimidating or pestering them.
- 3.39 If an order is breached, a criminal offence will have been committed. With the victim's consent and support, and if appropriate, Karbon may be able to use this as evidence to take action for breach of tenancy.
- 3.40 Non-molestation orders can run for a fixed period, or indefinitely. Generally they run until they are cancelled by a court.
- 3.41 **Occupation orders** establish who has the right to remain in a home. They can order an abuser to move out of the home, or to keep a certain distance from the home; it can order the abuser to stay in certain parts of the home at certain times

(for example, order them to sleep in a different bedroom), to let the victim back into the home if they have been locked out, or order them to continue to pay the rent or bills.

- 3.42 An order can last for six to 12 months, and some can be renewed.
- 3.43 A breach of an occupation order is not a criminal offence unless a power of arrest is attached.
- 3.44 Breaching an occupation order with a power of arrest could lead to up to two years in prison or a large fine.
- 3.45 **Domestic Abuse Offender Disclosure Schemes (Clare's Law)** are administered by the police and allow someone to make enquires about their partner if they are worried that they may have been abusive in the past. If police checks show that there may be a risk, they will consider sharing the information. An application can be made directly by the affected person if they have a concern that they may be at risk of harm; or any concerned third party (such as parents or friends) can also make an application if they are concerned. However, if someone else applies, they would not receive the information; it would only be given to the person in the relationship, or someone who is in a position to protect them from the abuse.

### **Safety and security**

- 3.46 Where appropriate, housing requirements and options will be discussed with every person experiencing domestic abuse. Officers will make every effort to ensure that a safe and secure environment is provided for them and their families, and will work alongside specialist agencies to provide advice and assistance.
- 3.47 Karbon Homes can provide victims with some small items of personal security equipment such as personal alarms. Other security may be offered such as lock changes, window and door alarms immediately in order to try and provide some reassurance and peace of mind. We may also consider carrying out further security measures such as dusk until dawn lights, or additional door or window locks where appropriate and if required. Not all circumstances will allow or warrant these requirements and in some instances we will not offer all the options to all case situations and discuss this openly with victims.
- 3.48 Karbon may also make referrals to partner agencies such as the police, the local authority or the local fire service for additional security or where a much greater level of home security is required (or where security is required as a matter of extreme urgency).

### **Housing needs and options**

- 3.49 A person experiencing domestic abuse may be able to remain in their own home, if it is safe to do so. However, there may be occasions where temporary accommodation is required whilst safety measures are being put in place.
- 3.50 Where a relationship has broken down as a result of domestic abuse, and there is a joint tenancy, Karbon homes may seek to re-house the perpetrator with their agreement, thereby ending the joint tenancy and reallocating the property as a sole tenancy.

- 3.51 Where the tenancy is in the perpetrators name, advice will be offered to victims and they will be referred to the relevant Local Authority.  
Each Local Authority has a responsibility to provide immediate temporary accommodation under the Housing Act (1996) and the Homelessness Act (2002).
- 3.52 Where the tenancy is in the sole name of a victim of domestic abuse then we will provide guidance on the options available to them. If the victim wants the perpetrator to leave the home, then we will provide support to them, in conjunction with external partners e.g: Police.
- 3.53 Often a request to leave will be resisted by the perpetrator, especially if it is a family home and may also heighten the risk of further abuse. Karbon Homes will work closely with the victim to manage and risk assess each situation.
- 3.54 We will always liaise with the relevant local authority and also Karbon colleagues for assistance, where the need for a temporary or permanent move is identified.
- 3.55 This will include advice on their tenancy rights and all housing options available relating to re-housing including Choice Based Lettings, private rented sector and other housing associations as well as rehousing options available in Karbon Homes stock.
- 3.56 Specialist agencies can also provide immediate sanctuary/refuge accommodation for victims fleeing domestic abuse and will be considered by staff.

### **Multi-agency risk assessment conference (MARAC)**

- 3.57 A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs), probation and other specialists from the statutory and voluntary sectors.
- 3.58 After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other agencies to safeguard children and manage the behaviour of the perpetrator. At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is represented by an IDVA who speaks on their behalf.
- 3.59 Any referrals to a MARAC will be made after discussion with, and consent from, the victim. However, if consent is not granted and there is an immediate or potential risk (to the victim or the victim's children and family) a referral may be made without the consent of the victim to protect them and their children/family from potentially serious harm.

## **4.0 Monitoring and Review**

- 4.1 Margaret Ferguson, Assistant Director of General Housing is responsible for delegating the operational implementation of this policy.

- 4.2 This policy will be reviewed at least every 3 years (or earlier if there are changes to legislation/regulation/good practice). Review will be coordinated by the Strategic Planning and Insight Team.
- 4.3 Staff across Karbon will receive regular, mandatory training on domestic abuse, including how to spot the signs of abuse, and how to deal appropriately with a disclosure.
- 4.4 In addition, the group is committed to training 'champions' who will be confident in advising both staff and customers on domestic abuse issues.
- 4.5 All staff will be given regular safeguarding training, and will be updated on any changes to policy, procedure or legislation around domestic abuse. Karbon will also support any staff member adversely affected by dealing with any incidents of domestic abuse as part of our approach to staff welfare.

## **5.0 Equality and Diversity**

- 5.1 This policy is implemented in line with the Group's Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.
- 5.2 This policy and associated documents are available in different languages and alternative formats where necessary.

## **6.0 Data Protection and Privacy**

- 6.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the General Data Protection Regulation. This is clearly set out in the Data Protection Policy for the Karbon Homes Group which in association with the Data Protection Procedures must be followed throughout the operation of this policy.