



**Bridgewater  
Housing  
Association Ltd  
Policy**

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**Domestic Abuse**

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## 1. Introduction

- 1.1 This policy sets out how Bridgewater Housing Association views domestic abuse, how we will respond to and seek to deal with any reports of such abuse affecting tenants or members of their households.
- 1.2 The Association believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. The Association will therefore take the strongest action possible against perpetrators of domestic abuse.
- 1.3 The Association has signed up to the Make A Stand Campaign which was established in 2018 in partnership with the Chartered Institute of Housing (CIH), Women's Aid and the Domestic Abuse Housing Alliance by and pledges to support our tenants who may be experiencing domestic abuse.

## 2. Definition

- 2.1 Bridgewater Housing Association will use the Scottish Government definition of domestic abuse, which is:

**“Domestic Abuse**, as gender based violence, can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, with-holding money and other types of controlling behaviour such as isolation from family and friends”.

It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.

- 2.2 **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.
- 2.3 **Coercive behaviour** is an act or pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.
- 2.4 The Domestic Abuse (Scotland) Act 2018 created an offence if someone engages in a course of behaviour which is abusive to their partner or ex- partner and any children, which causes physical or psychological harm – including fear, alarm and distress, either by intention or reckless behaviour. Behaving in a violent (physically or sexually), threatening or intimidating manner constitutes abusive behaviour, whether it is done with purpose or what would be considered by a reasonable person to have any of the effects listed below:
  - Making the victim dependant or subordinate on them
  - Isolating the victim from friends, relatives or other sources of support
  - Controlling, regulating or monitoring the victims day to day activities
  - Depriving or restricting the victims freedom of action
  - Frightening, humiliating, degrading or punishing the victim

In relation to children, it is an aggravated offence if at any time:

- Behaviour is directed at a child
- The child is made use of in directive behaviour towards the victim
- A child sees or hears or is present during an incident of behaviour that is directed towards the victim as part of a course of behaviour

Bridgewater Housing Association may become aware of domestic abuse through dealing with a complaint of Anti-Social Behaviour e.g. noise complaints, police callouts, broken locks and/ or damage to the property. The Association will in these circumstances respond to ensure that a victim enduring any form of abuse, is supported to take appropriate action. While advice and support is being given, it will not be appropriate to utilise any form of interventions relating to the ASB while the victim is being supported. The Association will resume ASB procedures were it is deemed appropriate.

### **3. Aims**

By adopting this policy, we aim to:

- Increase awareness and understanding of domestic abuse to help victims who are tenants/household members
- Encourage the reporting of domestic abuse
- Ensure our tenants who are experiencing domestic abuse feel they can approach the Association in confidence knowing that staff will be equipped to signpost to the appropriate support services.
- Treat all reports of domestic violence seriously and as a matter of high priority
- Empower victims by providing information on options available to them.

### **4. Equality & Diversity**

The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. See *our Equalities and Diversity Policy* Where interpretation services or information in an alternative format are required to engage with the victim(s) of domestic abuse the Association will arrange these.

### **5. Legislation**

The Association is required to act in accordance with the law. The key pieces of legislation are:

- Domestic Abuse (Protection) Bill (2021)
- Domestic Abuse (Scotland) Act 2018
- Equality Act 2010
- Data Protection Act 2018
- Human Rights Act 1998

The Domestic Abuse (Protection) (Scotland) Bill came into force in May 2021, the provisions enable police and courts to ban suspected abusers from re-entering the home for a period of up to three months with a domestic abuse order. The legislation will also allow social landlords to apply to the court to end a sole tenancy of a perpetrator of domestic abuse or end a perpetrators interest in a joint tenancy, enabling the victim to remain in the family home.

## 6. The Scottish Social Housing Charter

The relevant standards and outcomes of the Scottish Social Housing Charter for the Domestic Abuse Policy are:

**Standard 1** -The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

**Standard 2** -The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

**Standard 4:** The Governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose.

**Outcome 1** – Equalities

**Outcome 6** – Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

**Outcome 11** – Tenancy Sustainment

## 7. Policy Framework

Bridgewater Housing Association encourages all tenants, household members and staff to report domestic abuse, whether they are victims of, or witnesses to, such incidents. All disclosures or intelligence around Domestic Abuse will be confidential and any information will be held securely.

## 8. Prevention

As part of our arrangements to prevent domestic abuse we will:

- Make all new tenants aware of the Association's policies relating to housing services, and the implications of joint tenancies
- Publicise our position on domestic abuse by retaining the Make A Stand banner on our website.
- Taking a survivor-centred approach to support any legal or other action necessary to transfer a tenancy to the victim and rehouse a perpetrator.
- Provide advice and information within the Association's office and on our website.
- Provide staff training to increase awareness of domestic abuse so they can identify signs and to providing more specialised support through having a designated staff member to act as 'champion' to provide advice and support.

## 9. Survivor-centred approach

Bridgewater Housing Association will adopt a 'survivor-centred' approach in dealing with domestic abuse. Therefore, if a person feels they are experiencing domestic abuse, we will deal with it under this policy and prioritise the rights, needs and the wishes of the survivor.

We will deal with all reports in a non-judgemental manner and in confidence. We will not require victims to take legal action or to contact the Police before we provide assistance. We will only take action with the victim's consent. The exception to this general rule is where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved. Where a person is identified as the victim of domestic abuse, any interaction with them will be guided by best practice guidelines.

## **10. Confidentiality**

Victims will be encouraged to allow the Association to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued, and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with the victim's proper, informed consent.

The exceptions to this will be:

- Where we consider a child is at risk in any situation, or
- If there is a high risk of serious harm to anyone involved, or
- If we are obliged by law to disclose information.

## **11. Remaining in the property**

Bridgewater Housing Association will advise victims who wish to remain in their own homes of any local 'sanctuary' schemes (i.e. funds available to improve the security of their existing accommodation).

Where there are no local authority sanctuary schemes in place we may offer in emergency situations assistance by not recharging victims for lock changes and damages due to the domestic abuse. Approvals for lock changes in these circumstances will be made by the Housing Officer. Where appropriate we will charge such costs to the perpetrator.

Where there are repeated requests for lock changes we will provide Housing Options advice and encourage, if appropriate a transfer to another tenancy out with the current street or area. Complaints received about anti-social behaviour; which are subsequently identified as incidents of domestic abuse, will be dealt with in line with this policy.

## **12. Emergency rehousing**

Where a tenant reporting domestic abuse needs emergency accommodation Bridgewater Housing Association will provide advice and assistance on accessing such accommodation provided by Renfrewshire Council or by a women's refuge. We will provide a referral letter where appropriate and advocate on our tenants behalf.

## **13. Permanent rehousing**

Where a tenant reporting domestic abuse requests permanent rehousing, Bridgewater Housing Association will apply its Allocations Policy applying a Priority A to their application. In such cases any suspension will not be applicable. We will determine the action to be taken on a case by case basis and where appropriate we consider a management transfer for women so they can make planned moves and avoid homelessness.

Where the Association is rehousing a victim of domestic abuse we will not apply our SST requirement for rent to be paid in advance. In these situations the Association will seek to enter into an affordable arrangement to make the payment of rent. We will provide the services of our Welfare Benefits Officer to assist in maximising the victims income and assist if required in making applications for funding e.g. Community Care Grants.

#### **14. Multi-agency approach**

14.1 Bridgewater Housing Association will, only with the agreement of the victim, adopt a multi-agency approach in dealing with domestic abuse, to ensure the safety of the victims, meet their needs, co-ordinate available resources, access specialist services, take action against perpetrators and share best practice.

14.2 We will continue to work in partnership with Women's Aid Renfrewshire through leasing property to them which provides quality temporary housing for victims of domestic abuse.

#### **15. Action against perpetrators**

Bridgewater Housing Association will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home due to domestic abuse. Subject to data protection regulations, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.

#### **16. Data Protection/GDPR**

Bridgewater Housing Association has in place a sharing information protocol for our common allocations policy with Renfrewshire Council. This allows both the Association and Renfrewshire Council to share housing application information which determines the victim's housing priority without them having to provide the same information to both parties.

When implementing the policies and procedures of Bridgewater Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 ("the GDPR").

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

#### **17. Complaints**

The Association aims to ensure that the service provided to tenants is of the highest quality. If this is not the case, our Model Complaints Handling Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

#### **18. Delegated Authority**

Delegated authority is granted by the Board to the Chief Executive and Staff to implement this Policy and the associated procedures.

#### **19. Policy Review**

This policy will be reviewed every 3 years from the date of approval or sooner, subject to a change in legislation or circumstance.

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