

## domestic abuse

<b>Responsible Officer:</b>	Assistant Chief Executive Neighbourhoods
<b>Approved:</b>	By Performance and Policy Committee June 2016
<b>Review Date:</b>	June 2018
<b>Ratification:</b>	November 2010
<b>Version:</b>	6
<b>Scope:</b>	Group Wide

# Domestic Abuse Policy

## 1.0 Introduction

- 1.1 Incommunities Group believes that its customers should not live in fear of violence from a spouse or partner, former spouse or partner or other member of their household and will take steps to assist and support any person suffering from or threatened with violence and abuse.
- 1.2 It is recognised that a gender blind approach is key to an integrated approach to Domestic Abuse and sexual exploitation. This policy highlights Incommunities Group intentions to work closely with appropriate agencies in all areas that we operate under relevant strategies in to tackle domestic abuse. The policy should be used alongside the Safeguarding policy and protocol's.
- 1.3 In March 2013 The Government introduced a change in the definition of domestic violence. It was widened to include young people aged 16 to 17 and those who exhibited coercive control defines- a pattern of controlling behaviour.
- 1.4 The cross government definition of domestic violence and abuse is: Domestic Abuse as: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:
  - Psychological
  - Physical
  - Sexual
  - Financial
  - Emotional

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 assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition (but is used by government departments for the purposes of, for example, targeting support services), includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

- 1.5 Assaults can be threatened, attempted or actual violence.

- 1.6 Domestic Abuse is ubiquitous; most research suggests that domestic abuse occurs in all sections of society irrespective of race, culture, nationality, religion, sexuality, disability, age, socio-economic circumstances, class or educational level.
- 1.7 It is most often perpetrated by men, but may also be perpetrated by women and between gay and lesbian partners as well as heterosexual partners. There are some instances where a family can join together in abusing a victim. Violence and abuse can also be carried out by an offspring who assumes the role of the abuser and physically hurts the parent who becomes the victim. This policy is intended to cover all such instances and will be supported by the Safeguarding policy.

## 2.0 Statement of Intent

- 2.1 Incommunities Group policy supports and upholds the principles within the strategies, protocols and safeguarding reporting and procedural process that are relevant to the areas that we operate within.
- 2.2 We will work with local domestic abuse partnerships as appropriate and other relevant agencies. These include the following:

- Local Authorities
- West and South Yorkshire Police
- Area Child Protection Committee
- Representatives of voluntary organisations
- Health services
- Probation service

Incommunities Group recognises the importance partnership work within this area.

- 2.3 Incommunities Group's Allocations policies supports this policy by:

- Recognising the housing needs of women and men who need to move because of domestic violence

Enabling customers with rent arrears that have experienced domestic violence to be re-housed Providing a link to the following policies/strategies to achieve the purpose of supporting the applicant to find a suitable home:

*The Housing & Homelessness strategy, The Tenancy Strategy 2013-2018, Bradford Supporting People Strategy 2008-2013, Tackling Empty Homes in the Bradford District Delivery Plan 2011-2014, Domestic Violence protocol, Housing Strategy for people with Learning disabilities 2010, Equality and Diversity Strategy 2010-2013, West Yorkshire Multi agency Safeguarding Adults Policy and Procedure 2013, Bradford Safeguarding Children Board Strategic Plan 2008-2012, West Yorkshire Probation Trust Strategic plan 2013-2014, Multi Agency Public Protection Arrangements (MAPPA), Bradford District's Child Poverty Strategy 2011-2014, Adult Service 5 year Strategy 2007-2012.*

2.4 Incommunities Group has produced a Domestic abuse toolkit. The toolkit works in conjunction with the Allocations Policies and other support agencies. The main aims of this protocol are to:

- Reduce the stress experienced by Domestic abuse victims in securing accommodation.
- Enable effective networks between refuges, hostels, partner agencies and housing.
- Reduce the use of temporary accommodation under S188 of the Housing act.

2.6 Incommunities Group recognises the importance of a multi-agency approach to ensure commitment and consistency:

- Domestic abuse is unacceptable in any community and all individuals have the right to feel safe and be safe in their own home.
- Incommunities Group upholds the principles contained within the ASB policy (4.1. P9)

### 3.0 What Research Tells Us

3.1 **Data from the Office of National Statistics (ONS)** Feb 2015 report that an estimated 1.4 million women and 700,00 men have suffered domestic abuse in 2014.

Overall 28.3 % of women and 14.7% of men had reported to having experienced some form of domestic abuse since the age of 16. This equates to 4.6million women and 2.4 million men.

Women are more likely to experience intimate abuse than men ONS highlight that 2.2% of women and 0.7% men experience intimate abuse. The Police recorded 64,205 sexual offences in 2013/14

ONS revealed a hidden link between poverty and domestic abuse. Women living in the poorest households are three times more likely to experience domestic abuse than middle to higher income households.

Domestic violence has repeatedly been identified as a major factor leading to **death** in or related to **pregnancy and childbirth**

Domestic violence accounts for **10% of emergency calls**

Domestic violence has consistently accounted for between **16%** and **one quarter** of all recorded violent crime

**Domestic abuse is a serious safeguarding issue with 60% of serious case reviews domestic abuse is a factor.**

**The NSPCC highlight that 1 in 5 children are or have been exposed to domestic abuse**

On average **2 women a week are killed** by a male partner or former partner: this constitutes around one-third of all female homicide victims

The prevalence of domestic violence is greater among young women (under 24 years), and those who have a long-term illness of Disability

## 3.2 Gender differences

Research consistently shows that **more women than men** are or have been victims of violence and abuse from an intimate partner/former partner. However, due to different definitions and different methodologies, the degree of difference varies considerably

The difference between men's and women's experiences of domestic violence are greater when asked about their **lifetime experiences** than for experiences of violence and abuse during the last year

Female victims of intimate partner violence experienced **more severe violence** and control, with **more serious psychological consequences**, than did male victims; and women were much more likely to be **fearful** of their partners

32% of women who had ever experienced domestic violence did so four or more times, compared with 11% of the (smaller number) of men who had ever experienced domestic violence; and women constituted 89% of all those who had experienced 4 or more incidents of domestic violence

Men are significantly more likely than women to be **repeat perpetrators** of violence.

Intensity and severity of violence used by men was more extreme, men being more likely to use physical violence, threats, and harassment

Men's violence creates a context a **fear and control** – this is not usually so for women's violence

With (heterosexual) men, there is evidence that **the distinction between “victim” and “perpetrator” is often blurred**: of 171 men referred to one project for male victims, more than one-third had a history of perpetrating domestic violence<sup>21</sup>. And follow-up interviews with men reporting abuse in the Scottish Crime Survey also indicated that a significant proportion were either primary perpetrators, or engaged in mutual violence with their partners

## 3.3 Older people

In England, 1.6% of older people aged 66 and over reported experiencing abuse (Physiological, Sexual, Physical and Financial) in the past year from a family member, close friend or care worker (DH 2007). 40% of the abuse was perpetrated by the partner, and 43% by another family member.

In 2013, the Local Government Association (LGA), supported by the Association of Directors of Adult Health Services (ADASS) published “Adult safeguarding and abuse guide to support practitioners and managers”

The Care Act 2014 outlines what constitutes a vulnerable adult and places a onus on Local Authorities to implement safeguarding principles and procedures, Incommunities Group will ensure that where vulnerable adults and/or children are identified as being at risk of harm/neglect we will work within our safeguarding protocols

The Care Act 2014 outline what constitutes adult safeguarding :

In the context of the legislation, specific adult safeguarding duties apply to *any* adult who:

- has care and support needs and
- is experiencing, or is at risk of, abuse or neglect and
- is unable to protect themselves because of their care and support needs.

In its definition of who should receive a safeguarding response, the legislation also includes people who are victims of sexual exploitation, domestic abuse and modern slavery. These are all largely criminal matters, however, and safeguarding duties would not be an alternative to police involvement, and would only be applicable at all where a person has care and support needs that mean that they are not able to protect themselves.

Research (Magown 2004) shows that :

- More than 50% of disabled women in the UK may have experienced domestic abuse in their lives a rate of twice that of non-disabled women.

### 3.4 **Forced Marriage**

The Government Anti-social Behaviour Crime and Policing Bill 2014, criminalises both forced marriage and the breach of a Forced Marriage Protection Order.

*“A forced marriage is where one or both people do not (or in cases of people with disabilities, cannot) consent to marriage and pressure or abuse is used. This is seen as an appalling and indefensible practice and is recognised within the UK as a form of violence against women and men, domestic child abuse and a serious breach of Human Rights.*

It is important to highlight that the pressure put on people to marry against their will can be physical (including threats, actual physical harm and sexual violence) or emotional and psychological for example making someone feel and believe that they are bringing shame on their family. Financial abuse can take the form of withholding wages and/or denying access to money .

Within West Yorkshire between 2014/15 there were 90 incidences of Forced Marriage, with 23 Forced Marriage Protection Orders being taken out by West Yorkshire Police 18 of these orders (78%) were taken out in Bradford.

Data via the Forced Marriage Unit (FMU) Jan – Dec 2013

The FMU provide advice and support related to a possible forced marriage in 1302 cases.

Where the age was known, 15% of cases involved victims below 16 years of age, 25% involved victims aged 16/17, 33% involved victims aged 18/21, 15% involved victims aged 22/25, 7% involved victims aged 26/30 and 3% were 31+ 82% involved women and 18% involved men.

The FMU handled cases involving 74 different countries, including Pakistan (42.7%), India (10.9%), Bangladesh (9.8%), Afghanistan (2.8%), Somalia (2.5%), Iraq (1.5%), Nigeria (1.1%), Saudi Arabia (1.1%), Yemen 91%0, Iran (0.8%), The Gambia (0.7%), Egypt (0.6%), and Morocco 90.4%), the rest were unknown (5.4%).

The regional distribution was ; London (24.9%), West Midlands (13.6%) South East (9.9%), North West (9.3%), Yorkshire & Humber (6.8%), East Midlands (4.2%), East Anglia (3.5%), Scotland (2.9%), North East (2%), South West (1.6%), Wales (1.6%), Northern Ireland (0.3%). In (19.4%) cases he region was unknown.

97 cases involved victims with disabilities

12 Cases involved victims who identified as lesbian, Gay, Bisexual or Tranns gender (LGBT).

### 3.5 Female Genital Mutilation (FGM)

FGM is internationally recognised as a clear form of violence against women and girls. It reflects a deep rooted inequality between the sexes, and constitutes and extreme form of discrimination against women.

It is not necessarily an offence committed by men on women, as women also commit the offence. It is regularly carried out on minors and is a violations of the rights of children. The practice also violates a person's health, security and physical integrity, the right to be free from torture and cruel inhumane or degrading treatment, and the right to life when the procedure results in death.

FGM is usually carried out on girls between infancy and age 15, with the majority of cases occurring between the ages of 5 & 8 years (HM Government 2011).

Due to the hidden nature of the crime, prevalence is hard to estimate. A study based on the 2001 census in England and Wales estimated that 23,000 girls under the age of 15 could be at risk of FGM each year; and nearly 66,000 women are living with the consequences (Dorkenoo et al 2007). These figures are likely to be even more prevalent due to population increase and migration from practicing countries since 2001 (HM Government 2011)

It is important to highlight that FGM has been a specific criminal offence in England and Wales since 1985. Since 2003 it has been an offence for UK nationals or permanent UK residents to carry out and/or assist FGM abroad, even in countries where FGM is legal.

A range of measures to combat FGM was announced to mark the International Day of Zero Tolerance on the 6<sup>th</sup> February 2014.

There is now a National FGM database figures collated within this data base from England highlight that there were girls recorded under the age of 18 and 1,026 recordings over the age of 18 and one recording where the age was unknown.

## 4.0 National approach

4.1 The National strategic approach to domestic abuse was developed through a consultation in 2003 on 'Safety and Justice': The Government's Proposal on domestic abuse. It was centred on three areas:

- **Prevention:** working to prevent domestic abuse and working with survivors and perpetrators to prevent repeat victimisation
- **Protection and Justice:** increased legal protection for survivors and their families
- **Support:** for survivors to rebuild their lives.

- 4.2 **Domestic Violence Crime and Victims Act (2004) and 2012 amendments.** The Act requires the Criminal Justice System (from crime prevention through to the punishment & rehabilitation of offenders), to work to reduce domestic abuse and sets out proposals to tackle domestic violence, including changes to civil and criminal law.
- 4.3 **The Crime and Disorder Act (1998)** requires Partnerships to do all they reasonably can to prevent and reduce crime and disorder. Domestic abuse is an integral part of the Act and sets out a duty on the responsible authorities to regard Home Office guidance relating to domestic abuse. The responsible authorities that sit on the partnership are:
- The Police who as part of the Policing Performance Assessment Framework have one headline statutory performance indicator on domestic violence.
  - Bradford Safer and stronger communities' partnership group have a Domestic Abuse Monitoring project that provides an analysis of Police domestic abuse data.
- 4.4 **The Family Law Act (1997) and The Protection from Harassment Act (1997)** are two statutory acts that provide a legal basis for prosecution of the perpetrators of domestic abuse. These Acts provide a framework for survivors of domestic abuse to seek legal help to bring perpetrators to justice. The Acts also make reference to the 'health' of survivors of domestic abuse and state that health service organisations may be required to provide medical evidence to the police and the Criminal Courts.
- 4.5 **The Crime and Security Act (2010)**  
From 8 March 2014, Domestic Violence Protection Orders (DVPOs) will be implemented. These mean that a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.  
The Domestic Violence Disclosure Scheme will be implemented from 8 March 2014. Right to Know will allow agencies to apply for disclosure if the agency believes that an individual is at risk of domestic violence from their partner. The police can release information if it is lawful, necessary and proportionate to do so.

## 5.0 Local Cost of Domestic Abuse

- 5.1 The estimated cost of domestic violence to the Bradford District is £54.2 million per annum (Total costs not including human and emotional costs).

The cost broken down across areas:

- £11.8 million per annum for Criminal Justice Costs
  - £2.7 million Social services costs.
  - £1.9 million Housing and refuges
  - £3.6 million Civil and legal services
  - £18.1 million Lost economic input
  - £16.2 million Physical and mental health care costs
  - £93.5 million Human and emotional costs (not included in total)
- (source Walby 2009. These costs are likely to be under estimates as they do not include domestic violence perpetrated by family members other than intimate partners)

## 6.0 Support and Prevention

- 6.1 We shall seek to support and assist individuals who have a history of unacceptable behaviour to enable them to sustain a conflict free tenancy and break the cycle of tenancy failure. However, it must be stressed that Safeguarding principles supersede any support measures.
- Incommunities Group recognises that no one single agency can deal with the prevalence and incidence of domestic abuse and therefore work across agencies to support and devise prevention Incommunities Group safeguarding policy and procedures should always be used in conjunction with the Domestic abuse policy
  - It is paramount that safety and confidentiality should underpin all action
  - No single person or agency can, or should be expected to undertake all supportive action(s)
  - Collaboration is essential to the sensitive and effective delivery of services to survivors of domestic abuse
  - Inaction is not an acceptable response to domestic abuse
  - The notion of Domestic Violence is referred to within the starter Tenancy agreement 3.25
  - Incommunities Group Anti-social Behaviour Policy outlines Incommunities Group approach to tackling domestic abuse.
- 6.2 It is our intention to demonstrate clearly what behaviour is considered acceptable and appropriate, and to give a clear message to tenants that they are responsible for their own behaviour, as well as the behaviour of everyone who lives in, or visits their home. Criminal and anti-social behaviour will not be tolerated. This policy compliments commitments set out in clauses of the Tenancy Agreement as well as associated policies that relate to harassment, hate crime and domestic abuse.

## Policy

### 7.0 Aims

- 7.1 Incommunities Group believes that its customers should not live in fear of abuse from a spouse or a partner, former spouse or partner, or other member of their household. Incommunities Group are committed to offering assistance to any of our customers who are suffering from domestic abuse from someone within their home, or from someone outside their home. Enhancing the safety of adult and child survivors of domestic abuse is our ultimate goal. We aim to achieve this by:
- Raising awareness of domestic abuse and its consequences to all staff/contractors and relevant others. .
  - Detecting domestic abuse more accurately through screening, risk assessment, awareness raising, education, efficient data collection and sharing of information across agencies
  - Provide appropriate services (based on identified need) to support all survivors of domestic abuse. Taking into account the needs of BME victims, same sex partners, transgender people, and victims with disabilities.

- Changing attitudes towards domestic abuse bringing about a 'shift' towards zero tolerance of this behaviour
- Working in partnership in order to reduce the number of repeat survivors of domestic abuse
- Provide services to our customers within the framework for action by all agencies that encourage a co-ordinated and consistent approach appropriate to the needs of all service users, and
- Hold perpetrators accountable, through the utilisation of the tenure and legal action in general.

## 8.0 Objectives

8.1 Incommunities Group will deliver the aims of this policy through a number of objectives:

- Work in partnership with all statutory and voluntary agencies and those operating in other areas that we work..
- Offer support through intensive housing management where appropriate.
- Work within the principles outlined within the Incommunities Group Safeguarding vulnerable adults and children policy.
- Ensure that Incommunities Group has a representative at relevant forums.
- Raise awareness of domestic abuse through training, planned promotion and publicity campaigns.
- Ensure survivors are safe in their homes via target hardening initiatives.
- Ensure support systems are accessible to all survivors of domestic abuse via providing information and signposting people to appropriate services.
- Ensure perpetrators are held accountable, when evidence exists and take all necessary steps to prosecute and/or evict.
- A domestic abuse toolkit is available for staff, to assist them in providing support to victims of domestic abuse.
- A domestic abuse leaflet for customers incorporating a safety plan and support agency contacts. This leaflet was developed by survivors of domestic abuse.

## Implementation

### 9.0 Procedure

9.1 This procedure should be followed within the context of the Safeguarding principles

9.2 Partnership Working:

- Incommunities Group will work with our partners to provide housing and housing support for survivors of domestic abuse or for those families who are at risk.
- We will take a multi-agency approach when working with survivors of domestic abuse recognising that partnership work and communication is a key principle within a safeguarding process.

- Where relevant Incommunities Group' officers attend and contribute to Multi-Agency Risk Assessment Conferences (MARAC). The MARAC brings together a group of designated representatives from a number of agencies. Customers who contact Incommunities Group and present as needing to flee their properties as a result of domestic abuse will be allocated as urgent need. Individuals who are not Incommunities Group customers will be referred to Housing Options.

## **10.0 Raising Awareness of Domestic Abuse**

- 10.1 We aim to reduce incidences of domestic abuse by identifying the causes and putting in place positive, joined-up solutions that will prevent incidents from arising in the first instance or tackle it as soon as it arises.
- 10.2 We will raise awareness of domestic abuse and its consequences to all staff, contactors and relevant others through the delivery of training programmes tailored to address the issues identified in the neighbourhoods across Incommunities Group.
- 10.3 Publicise a zero tolerance approach by raising awareness on our website, in our customer access points, in our publication newsletters and in our tenancy agreement.

## **11.0 Survivors Safety**

- 11.1 We will work with partner agencies in identifying the support needs of customers who are suffering domestic abuse. This will enable, where possible, families and individuals to remain in their homes and sustain their tenancies.
- 11.2 Incommunities Group, in consultation with staff and partners, produced a Domestic Abuse Toolkit and leaflet, which will assist all staff who may work with survivors of domestic abuse.
- 11.3 Incommunities Group is committed to tackling domestic abuse on estates with an intention to deliver a rapid, robust and effective response service using current legislative powers.
- 11.4 Staff will continue to receive information on how to signpost survivors of domestic abuse to specialist partner agencies.
- 11.5 Treat all cases of domestic abuse as confidential explaining when and why we may need to seek agreement to share information with members of our own and other organisations in line with safeguarding protocols. Such instances will be due to either concern about child protection and/or the victim's safety then the MARAC procedures will be initiated.
- 11.6 Ensure that where children are involved we access the appropriate services to ensure that their needs are assessed and their welfare promoted. We will do this by using our safeguarding policy and procedures

## **12.0 Support for Survivors**

- 12.1 We aim to support customers experiencing domestic abuse by: Providing adequate services (based on identified need) to support all survivors of domestic abuse

- Striving to change attitudes towards domestic abuse bringing about a 'shift' towards zero tolerance of this behaviour
- Empowering the abused person to make their own decisions by giving options, support and information
- Recognising that a person experiencing domestic abuse may request and may be entitled to receive a service more than once
- Ensuring that the abused person does not have to constantly repeat the same information by keeping consistent, accurate and relevant records, which may need agreement to be shared with other agencies, in line with Data Protection and Safeguarding procedures
- Ensuring that people experiencing domestic abuse have the opportunity to be supported by an employee of the same gender, where requested
- Ensuring that the non-abusing parent is supported to protect the children
- Where appropriate take enforcement action to deal with the perpetrator depending on the circumstances and the survivors wishes, such as:
  - Procession proceedings under the housing act 1996
  - Reference to the police for criminal prosecution
  - Injunctions and exclusion orders
  - Issue warnings to enforce tenancy conditions

12.2 The primary concern for Incommunities Group is the welfare of the survivor, we recognise that in some cases the survivor may want to remain in a relationship with the perpetrator. In these instances we will offer to work with other agencies to support the survivor and the perpetrator.

## 13.0 Review

Incommunities Group will review this policy at least every two years in accordance with its cycle of policy reviews to ensure that it takes account of legislative changes and best practice initiatives in relation to domestic abuse.

## 14.0 Associated Documents

- Domestic Abuse Toolkit
- Anti-Social Behaviour Policy
- Hate Crime Policy
- Equality and Diversity policy
- Equality Strategy
- Incommunities Group Tenancy agreements
- Incommunities Group Domestic Violence Protocol
- Domestic Abuse equality analysis
- Housing Allocations Policy
- Personal Indicator Policy