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Policy Name	Domestic Abuse Policy
Policy Author	Assistant Director (Tenancy Services)
Approved by Sub Committee	N/A
Approved by Management Committee	March 2022
Latest date of Next Review	March 2025

West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.



HAPPY TO TRANSLATE

Registered with the Scottish Housing Regulator No. 203
Registered Charity No. SCO38737, VAT Registration No. 180223636
Registered society under the Co-operative and Community Benefit Societies Act 2014

1. Introduction

The Scottish Government's consultation paper, A New Deal for Tenants, (Rented Sector Strategy) was published on 20 December 2021, with the deadline for responses being 15 April 2022.

The Scottish Government sees this as one of the first key actions signalled in its Housing to 2040 strategy. As expected, the most significant proposals relate mainly to the private rented sector but does have parts which are relevant to the social sector.

The Scottish Government is also referring to these proposals as being part of a human rights approach to housing.

2. Domestic abuse

There are no new proposals for the social rented sector on domestic abuse, but the draft strategy reminds us about the social housing tenancy provisions in the Domestic Abuse (Protection) (Scotland) Act 2021, which, when implemented by the end of 2022, will give social landlords greater control to end a perpetrator's interest in a joint tenancy, transfer tenancies to a victim/survivor, and take a more proactive role in supporting and protecting victims/survivors of domestic abuse.

3. Policy Development

Although not directly related to this draft rented sector strategy, during 2022 there is expected to be a greater focus on social landlords' approach to domestic abuse.

WWHC does not currently have a stand-alone policy on Domestic abuse and a proposed Policy is enclosed for consideration.

4. Make a Stand

The Make a Stand pledge was developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance to encourage housing organisations to make a commitment to support people experiencing domestic abuse.

This pledge gives housing organisations the opportunity to sign up to make four focused commitments to provide support for people experiencing domestic abuse as a way to publicly commit to take action to support victims of domestic abuse.

The information leaflet detailing the pledges is attached.

5. Equalities

The Equality impact assessment is appended to the Policy.

6. Risk Management

- 6.1 Strong and effective governance is fundamental to the Co-operative's success and to upholding its reputation. Robust policies and procedures mitigate the risks of poor services, low confidence of tenants and external stakeholders, reputational damage and regulatory intervention.
- 6.2 Implementation of the Policy mitigates the risk that the Co-operative will not be compliant with legal and regulatory requirements and fail to achieve Scottish Social Housing Charter outcomes.

7. Recommendation

It is recommended that Committee approve the Domestic Abuse Policy and for WWHC to sign up to Make a Stand.

Policy Name	Domestic Abuse Policy
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1. Introduction

This policy sets out how West Whitlawburn Housing Co-operative (WWHC) 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.

We understand that anyone can be a victim of domestic abuse. Abusers and victims can be any gender, any race or religion and from all different types of background. Domestic abuse can be carried out by partners or ex partners, extended family, friends or carers.

It can be:

- intimidation, degradation, isolation and control, with the use or threat of physical or sexual violence
- emotional or psychological
- physical
- sexual
- financial
- harassment and stalking
- online or digital abuse

Domestic violence and abuse can manifest itself through the actions of immediate and extended family members via unlawful activities, such as forced marriage, 'honour-based abuse' and female genital mutilation. Extended family members may condone or even share in the pattern of abuse.

WWHC believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. WWHC will therefore take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.

2. Definition

2.1 WWHC 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. “

Source: National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000

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 victim's day to day activities
- Depriving or restricting the victim's 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.

WWHC 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. WWHC will in these circumstances respond to ensure that a victim enduring any form of abuse, is supported to take appropriate action.

3. Policy 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 by residents and employees
- Ensure our tenants who are experiencing domestic abuse feel they can approach WWHC 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.
- Improve overall safety and wellbeing by recognising that domestic abuse is a serious crime which has an adverse impact on the health of individuals, families and communities.
- Improve the response to victims through effective engagement of appropriate external enforcement and support agencies.
- Take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.
- Create a consistent approach for recording and monitoring incidents of domestic abuse.

4. Equalities

WWWHC is committed to fairness and equality of opportunity and will not discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Our domestic abuse policy will be flexible and where possible, take into account the individual needs of our tenants and their households. We will ensure that the relevant arrangements are made for communicating with our tenants with particular needs. This may include those with sight, hearing or learning difficulties, or those who find it difficult speaking or understanding English.

5. Legal and Regulatory Requirements

Our policy has been developed taking into account the legislation and guidance governing Registered Social Landlords (RSLs). Legislation relevant to our policy includes:

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

Our policy complies with the Scottish Social Housing Charter:

Outcome 1 – Equalities

Social landlords perform all aspects of their housing services so that: “every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.”

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

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that: “tenants and other customers live in well-maintained neighbourhoods where they feel safe.”

Outcome 11 – Tenancy Sustainment

Social landlords ensure that: “tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.”

Our policy was developed taking on board the guidance in the 2019 publication, Domestic abuse: a good practice guide for social landlords,

which is a joint publication of the Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women's Aid. Supported by COSLA.

6. Responsibilities

Management Committee

To ensure that WWHC has approved and implemented a policy on domestic violence and abuse that complies with current regulations and guidance.

Director

To ensure all employees and Committee Members are aware of the policy and their responsibilities under it.

Senior Staff Team

To co-ordinate the provision of any training required to enable employees to recognise and respond to incidents of domestic violence or abuse.
To ensure that relevant employees are fully aware of their responsibilities under the policy, in particular of the importance of reporting any incidents or pattern they become aware of.

Staff

To ensure we are aware of our responsibilities under our policy, and that we implement the policy and procedure when appropriate.

7. Policy Implementation

WWHC encourages all tenants, household members and staff to report domestic abuse, whether they are victims of, or witnesses to, such incidents.

7.1 Survivor-centred approach

We will deal with all reports of domestic abuse with sensitivity. We will adopt a 'survivor-centred' approach, that is, 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.

7.2 Prevention

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

- make all new tenants aware of our policies relating to housing services and where applicable the implications of joint tenancies
- publicise our domestic abuse policy to all tenants and employees, highlighting the consequences for perpetrators
- provide advice and information within our office

7.3 Confidentiality

Victims will be encouraged to allow us 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 their 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.

8. Options for action

We recognise that every reported case of domestic abuse will be different. Therefore, our response will be tailored to the individual circumstances and the needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety
- reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely
- helping them to access support from local Women's' Aid services
- referral to South Lanarkshire Council's Homeless Service
- reporting incidents to the Police, which may result in criminal action against the perpetrator
- where appropriate, we will take legal action against the perpetrator.

The safety of the victim and their dependents will be our priority. We will seek to develop an Action Plan setting out further actions agreed jointly

with the victim, and we will regularly contact the victim and keep them updated on progress.

8.1 Remaining in the Property

We 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 will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damages due to the domestic abuse.

Where appropriate, we will charge such costs to the perpetrator.

8.2 Emergency Rehousing

Where a resident reporting domestic abuse needs emergency accommodation we will provide advice and assistance on accessing accommodation provided by South Lanarkshire Council or by a women's refuge. We will provide a referral letter where appropriate and advocate on our tenant's behalf.

8.3 Permanent Rehousing

Where a resident reporting domestic abuse requests permanent rehousing, WWHC will prioritise their application in line with the Allocations Policy. In such cases, the suspension policy will not be applicable, and we will review and determine the action to be taken on a case-by-case basis.

Where we have no suitable housing available, or the rehousing requires to be out of the area, we will work with South Lanarkshire Council and, where possible, other Registered Social Landlords to try and access other appropriate alternative accommodation.

8.4 Multi-agency Approach

We will, only with the agreement of the victim, adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, coordinate available resources, access specialist services, take action against perpetrators and share best practice.

8.5 Action against perpetrators

WWHC 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.

9. Data protection

WWHC will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy.

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

10. Complaints

WWHC aims to ensure that the service provided to tenants is of the highest quality. Any complaints in relation to this Policy should be made through the implementation of the Complaint Handling Procedure.

11. Policy Review

This policy will be reviewed every 3 years or earlier if required.

West Whitlawburn Housing Co-operative

Equality Impact Assessment

Name of Policy to be assessed	Domestic Abuse Policy	New policy or revision of existing?	New
Person(s) responsible for assessment		Assistant Director (TS)	
Briefly describe the aims, objectives and purpose of the policy.	The policy sets out how WWHC 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.		
Who is intended to benefit from the policy? (EG applicants, tenants, staff, contractors)	Tenants and applicants		
What outcomes are wanted from this policy? (EG the measurable changes or benefits to members/ tenants / staff)	Increase awareness and understanding of domestic abuse to help victims who are tenants/household members. Encourage the reporting of domestic abuse by residents and employees. Ensure our tenants who are experiencing domestic abuse can approach WWHC in confidence knowing that staff will be equipped to signpost to the appropriate support services.		
Which groups could be affected by the policy? (note all that apply)			
Race	X	Gender	X
Sexual orientation	X	Gender reassignment	X
Age	X	Religion or belief	X
Marital status	X	Disability	X
Pregnant and Maternity	X		
If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			

N/A

Have those affected by the policy / decision been involved?

Policy developed taking account of the guidance Domestic abuse: a good practice guide for social landlords, which is a joint publication of the Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women's Aid. Supported by COSLA.

Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.

Positive Impact(s)

The policy will increase awareness and support. The policy will be applied consistently across all characteristics.

Negative Impact(s)

What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)

Information is available in other formats and languages where required. Information promoted on the website.

Signed: _____

Job Title: Assistant Director (Tenancy Services)

Date: 03/03/2022

Please attach to the policy report