

POLICY AND PROCEDURE FOR THE RESPONSES TO DOMESTIC VIOLENCE

SECTION 1

1.0 INTRODUCTION

- 1.1 Following the January 1999 Housing Committee the document 'Review of Response to Domestic Violence' was circulated widely to agencies within Gosport and the TLC framework members. This document incorporates agreed changes made following the consultation exercise.
- 1.2 The original review was brought about due to the recognition that instances of domestic violence represent both a serious impediment to the victims' well being and involve a significant proportion of cases presenting themselves as homeless to the Allocations and Advice section. However, cases involving domestic violence also present themselves to other sections within housing services, other business units and external agencies. This document is therefore not restricted to Housing Services response to domestic violence, and considers opportunities for improvement of service throughout this Council and with external agencies.
- 1.3 This document considers the following:
- definition of domestic violence
 - the scale of problem and local resources
 - policy statement
 - review objectives
 - procedures within Allocations and Advice
 - options for improvement of customer service throughout housing services
 - options for improvement of customer service through inter-agency initiatives.

2.0 DEFINITION OF DOMESTIC VIOLENCE

- 2.1 For the purposes of this document domestic violence is defined as follows:
- Domestic violence is violence against a person by the partner, ex-partner or other family member or associated person. The perpetrator may live in the home or elsewhere. Violence is the actual or threatened (as perceived by the recipient) use of physical, psychological, emotional or sexual abuse, which causes the recipient or responsible adult to fear for their safety.
 - As a foot note to this definition it should be noted that in terms of whether to consider customers under either homelessness provisions or under the Joint Housing Register Management Re-housing provisions, a distinction is drawn between violence perpetrated from another person residing in the dwelling as opposed to violence perpetrated from a person residing elsewhere. In general terms, it is anticipated that where violence is perpetrated from within the same dwelling, homeless provisions will be used because of the probable higher risk of violence and increased difficulties in adopting a preventive approach.
 - It is recognised that, in the majority of instances, domestic violence is perpetrated by men against women, but can be perpetrated by any household member of either sex or any relation or associated person. It is also recognised that people experiencing domestic violence are at risk from further violence and that action must be initiated at the point of disclosure.

3.0 GOSPORT BOROUGH COUNCIL'S POLICY STATEMENT

- 3.1 Gosport Borough Council will offer assistance to people experiencing domestic violence, and will treat all such applicants with priority under the provisions of the Housing Act 1996, homeless provisions and/or in accordance with Gosport's Joint Housing Register. The Housing Service recognises that some people may not wish to disclose their experience of domestic violence to housing officials, but we will offer advice and encourage disclosure where appropriate. All advice and assistance will seek to enable the fulfilment of the customers' choice, with advice given on the consequences of that choice.
- 3.2 Gosport Borough Council also recognises that proactive services require enhancing. To this end, the Council will seek to raise awareness of domestic violence both generally and to targeted groups, and seek to improve customer services throughout the district.

4.0 OBJECTIVES

- To ensure all people approaching Gosport Borough Council who are experiencing domestic violence are offered sensitive, confidential and consistent treatment in discussing their housing options.
- To ensure that customers are offered a flexible range of services to assist such people to live in safety and security.
- To ensure that officers receive appropriate support and training to enable the provision of a quality service to customers.
- Those services are monitored.
- To exercise a co-ordinated response to instances of domestic violence within all sections of the housing services division to bring about improvements in customer services.
- To work in partnership with other statutory, voluntary and other organisations to identify and improve customer services to meet the needs of people experiencing domestic violence within the District.

SECTION 2

5.0 STRATEGIC OBJECTIVE ONE

- 5.1 *To ensure all people approaching Gosport Borough Council who are experiencing domestic violence are offered sensitive, confidential and consistent treatment in discussing their housing options.*

5.2 STATEMENT OF PRINCIPLES

- 5.3 To achieve this objective, a number of principles have been identified which have guided the establishment of operational procedures which officers shall observe. The principles are set out below:

- Consideration shall be given to the most appropriate methods of enabling disclosure at initial and subsequent interviews.
- The customers' statements shall be accepted without corroboration from the customer in first instance. The customer will be asked for the details of any professional or other person who is able to confirm details of statements and the caseworker will check with the named persons direct. It is only in the eventuality that no confirmation is received from named persons that the customer will be asked for further proof if a senior officer approves this.
- The Council in connection with the victims housing application will not contact the perpetrator of the violence.
- The customer will be given the various options regarding the manner in which this Council

can assist and will be advised as to the consequences of their choice and assisted where appropriate. Where the customer chooses to return to the home where they are at risk the customer will be made aware of appropriate services, including emergency procedures and encouraged to return for assistance at any time.

The operational guidance set out in Appendix 1, provides detail as to how the above principles will be put into practice.

6.0 STRATEGIC OBJECTIVE TWO

6.1 *To ensure that customers are offered a flexible range of services to assist such people to live in safety and security.*

6.2 STATEMENT OF PRINCIPLES

6.3 It is recognised that domestic violence involves a variable level of risk to victims, and that the solutions are best decided upon by the victim with appropriate advice and assistance.

6.4 A flexible range of options and assistance shall be made available to the victim, which will include:

- advice only where this is the only service the customer chooses
- temporary accommodation under homelessness provisions of the Housing Act 1996 pending enquiries and where eligible (through Gosport's Joint Housing Register) permanent re-housing or accommodation limited for so long as it takes to safely resume occupation of the home
- initial advice on tenancy/title rights, injunctions and referral service
- advice and information on emergency services including access to the community alarm service (see strategic objectives 5)
- if the customer wishes to leave a violent situation then they will be considered under the Housing Act 1996, homeless persons provisions and/or in accordance with the priority provisions of this Council's Joint Housing Register. In addition, existing Gosport Borough Council tenants who are victims of domestic violence where the perpetrator(s) do not reside in the same dwelling can be considered under the Management Re-housing provisions of the Council's transfer policy.
- the recommendations of the Code of Guidance will be followed with regards to their current home and advice on the legal remedies available.

6.5 Services available to customers from the Allocations & Advice Section will be delivered in accordance with the guidance set out below. The following notes provide detail on how objectives 1 & 2 are to be implemented (further operational guidance is set out in Appendix 1).

6.6 ALLOCATION OF PROPERTY

6.7 Housing Services is committed to:

- operating a fair re-housing and lettings policy
- providing good quality advice and assistance on the methods available for moving home
- using the Council's stock in the most appropriate way to meet the needs of applicants for housing

6.8 Safe accommodation will be offered immediately on a temporary basis or on a permanent basis if the applicant's case attracts sufficient priority under the points scheme applicable to the transfer policy. In Gosport, the preferred temporary options are the Women's Refuge, a hostel unit or bed and breakfast available both within and outside the Borough. The location of the temporary accommodation will be carefully considered with the applicant to ensure that their

safety is the primary objective. Where no suitable temporary accommodation is available, the case shall be referred to a senior officer for consideration of the use of permanent stock under a contractual tenancy (Section 193, Housing Act 1996).

- 6.9 Permanent housing can only be allocated through the Joint Housing Register and this will be done as sensitively as possible as to the areas of re-housing, with particular emphasis on the safety of the applicant and/or the provision of an appropriate support network in the area. It is recognised that people leaving violence need to be housed where they will not be vulnerable to further violence. The suitability of both temporary and permanent accommodation will specifically take into account these factors.
- 6.10 The Council's Allocations Policy enables priority to be awarded to victims of domestic violence under the social priority category. In addition, those cases accepted under the Housing Act 1996, homeless persons provisions, are awarded priority for their homelessness or threat of being made homeless under the Allocations Policy.
- 6.11 Rent arrears that accrue during periods of absence on a tenancy, which the victim has fled from, will not be taken into consideration for the purposes of approving the victims' application for re-housing, subject to the Housing Services Manager's discretion. In some circumstances housing benefit may be claimed on two addresses where the claimant has fled domestic violence.

6.12 TENANCY ADVICE

- 6.13 If a person reports domestic violence and chooses to stay in their current home, assistance may be given in terms of advice about their tenancy and referrals to other agencies.
- 6.14 Housing Services will advise people experiencing domestic violence that their application can be dealt with as a priority for temporary re-housing. Permanent re-housing will be pursued as soon as possible depending upon supply of accommodation, its suitability, the areas of safety in which the applicant wishes to be re-housed and the points level of the applicant.
- 6.15 People experiencing domestic violence will be advised that breaches of tenancy, such as rent arrears, will not prevent a temporary move, but they will be informed that these issues may have to be resolved in the near future.

6.16 OTHER ADVICE ON EMERGENCY SERVICES

- 6.17 Housing Services will provide general advice on the legal remedies available to protect applicants experiencing domestic violence, but the person will be advised to contact a solicitor for expert advice. Housing services will investigate an option of referring applicants needing legal advice to certain solicitors who are specialists in dealing with those types of cases.
- 6.18 A list of advice agencies and contact numbers will be given to all people experiencing domestic violence who approach housing services. This will include information on how to access this Council's 24-hour emergency service (including access to crisis accommodation). Customers will also be made aware of the community alarm service (see objective five).

6.19 INFORMATION LEAFLETS

- 6.20 Allocations & Advice has produced a leaflet which will be placed on display at all times in the Town Hall reception area, and stocks of the leaflet will be retained at all times.

6.21 HOMELESS LEGISLATION

- 6.22 Where homeless procedures are used to assist the applicant, housing services will consider the risk of violence or threats of violence from inside or from outside the home in assessing the need of applicants who have requested assistance and will adopt the following standards of

operation:

- all front line Housing Officers will undertake a programme of training to raise awareness of the issues surrounding domestic violence and new officers will receive such training as soon as possible
- all Housing Officers will be issued with domestic violence guidance notes on how cases of domestic violence should be dealt with
- the local connection requirements of both the Council's Allocations Policy and the of the Housing Act 1996, homeless provisions will be waived if prompted by an applicant leaving a domestic violence situation
- where necessary, temporary accommodation will be obtained for the applicant, the location of which will be carefully considered with the applicant. Where the applicant has applied for assistance under the Housing Act 1996, homeless provisions, there is a target of completion of enquiries within 30 days of receipt of the application. Applicants will be informed in writing of the outcome of their homeless application within 3 working days of reaching a decision and care will be taken to check with the applicant as to how and where they wish to receive notification
- all applicants will be advised of their right to appeal if they are unhappy with the decision made
- all appeals will be dealt with by senior officers in line with the approved appeals procedures.

6.23 CONFIDENTIALITY

- 6.24 All applicants approaching Housing Services who are experiencing domestic violence will be immediately offered a private and confidential interview with an officer of the same sex if this is desired by the customer.
- 6.25 Housing Services will treat all information given by the interviewee as highly confidential and will always check the validity of people requesting information regarding the applicant. In the case of telephone enquiries, this will be done by ensuring that any person or agency requiring information are telephoned back to validate their intent and not compromise the safety of the applicant.
- 6.26 Any information recorded on house files, application forms or other documents will be kept confidential for the benefit of the applicant, unless housing services is authorised by the applicant or his/her legal representatives disclose information. The applicant has rights of access to personal information in accordance with the law and this will be honoured by housing services as appropriate.

7.0 STRATEGIC OBJECTIVES THREE AND FOUR

- 7.1 *To ensure that officers receive appropriate support and training to enable the provision of a quality service to customers; and*
- 7.2 *Those services are monitored.*
- 7.3 STATEMENT OF PRINCIPLES
- 7.4 Housing Services is committed to enabling its officers to provide a quality service. A quality service also recognises that officers require appropriate support and training to enhance development. A quality service strives always to improve. In order to obtain this, monitoring mechanisms are needed that are able to identify strengths and weaknesses as well as monitoring the demand on services.

7.5 TRAINING

- 7.6 Cases involving domestic violence require a complex set of skills for an adviser to effectively

deal with the customer. To achieve the necessary skills, officers are provided with a varied range of training opportunities that cover both technical knowledge aspects (such as relevant law and Council policy/procedure) and delivery of service (such as interview skills, awareness and customer care training).

7.7 The following minimum training programme shall be provided to officers:

- security of tenure (Housing Advisory officers)
- relationship breakdown including emergency procedures and awareness training (Housing Advisory officers)
- training on the Council's Allocations Policy (all officers)
- homelessness (Housing Advisory officers)
- customer service and interview skills (all officers)
- IBS enquiries - IT training (for selected officers).

7.8 Existing officers have undergone the above training within the last year. New officers will receive the above programme as soon as is practicable with a target of completion within 6 months of appointment, and until completion will be closely supervised.

7.9 SUPPORT

7.10 On a day-to-day basis officers are supported by a senior officer. Every effort is made to ensure that at least one senior officer is available at all times within the Allocations and Advice section. In addition, officers take part in annual personal reviews (reviewed again after 6 months), and a minimum of one staff meeting is held every month.

7.11 MONITORING

7.12 The Allocations & Advice section keeps detailed statistical records on all homeless applications and Joint Housing Register applications that give indications on the level of demand and any changes in that demand.

7.13 A senior officer approves all homelessness decisions and allocations of permanent accommodation as part of quality monitoring. The strengths and weaknesses of areas of service provision are discussed with officers to assist in service development.

7.14 Annual Customer Satisfaction surveys are conducted.

8.0 STRATEGIC OBJECTIVE FIVE

8.1 *To exercise a co-ordinated response to instances of domestic violence within all sections of the housing services division to bring about improvements in customer services.*

8.2 STATEMENT OF PRINCIPLES

8.3 It is recognised that various sections within the housing services division provide services to victims of domestic violence. As such, the importance of co-ordination between sections within the housing services division is acknowledged in the maintenance of a consistent quality service.

8.4 The following measures have been adopted by housing services for existing Council tenants:

- commitment to prioritise specified repairs/security improvements where domestic violence has been identified (see Appendix 3);
- provision of community alarms at nil cost to the customer (see Community Alarms, Domestic Violence Cases, a copy of which has been placed in the Members Room)

- the dovetailing of this Council's procedures on domestic violence (homelessness response) and Management Re-housing (transfer response)
- this Council will advise all joint tenants who are the victim of domestic violence by another party to the tenancy that they can use tenants Notice To Quit to terminate the tenancy so that permanent re-housing can be effected. Following the case of *Crawley B.C. v Ure* CA 1995 (27 HLR 524) it is established that such action does not leave the tenant issuing NTQ vulnerable to claim by the other joint tenant(s). The case of *L.B. of Hammersmith v Monk* 1992, 24 HLR 206 provides precedent that such NTQ does indeed terminate other joint tenants' rights.

8.5 It should be noted that permanent re-housing would be unnecessarily delayed where a previous secure or assured housing association tenancy still exists.

9.0 STRATEGIC OBJECTIVE SIX

9.1 *To work in partnership with other statutory, voluntary and other organisations to identify and improve customer services to meet the needs of people experiencing domestic violence within the District.*

9.2 STATEMENT OF PRINCIPLES

9.3 It is recognised that a number of external organisations provide valuable services to victims of domestic violence and that co-ordination and co-operation between organisations is beneficial. The following list sets out areas of inter-agency work:

- participation in the cross district Domestic Violence Forum covering Gosport and Fareham.
- the provision of community alarms to anyone residing in Gosport free of charge to the customer for a limited period of time (reviewed thereafter). This represents a significant service extension requiring co-operation between various agencies for which an inter-agency procedure has been established (available in the Members Room).

GUIDANCE TO OFFICERS - CONDUCT OF CASEWORK INVOLVING CONSIDERATION OF DOMESTIC VIOLENCE

Most people experiencing domestic violence will have little self-respect or confidence. It is difficult to leave any relationship especially if children are involved.

It is important that officers offer good, clear advice and assistance, adopting a sympathetic but professional approach to help relieve the anxiety and stress of a situation involving domestic violence.

THE INTERVIEW

A. INITIAL CONSIDERATIONS

1. *Always* offer a private interview.
2. *Offer* an interview with a member of the same sex.
3. *Always* give your name and assure the person that anything discussed will be treated in the strictest confidence.
4. People reporting domestic violence should be assisted under the *Homeless Persons' Legislation* where temporary accommodation needs to be allocated.

B. APPLICATION FORMS

1. Advise the person that certain forms will need to be completed during the interview including a normal Joint Housing Register application form and a Homeless Persons' application form.
2. Complete the forms in accordance with standard procedures.
3. Only note information supplied by the person to complete the forms.
 - *Do not request proof, but do ask for names of people who can support the applicants' statement, e.g. their Doctor, Police (if called out), social worker etc.*
 - *Do not ask for specific details*
 - *Do not be judgmental*
4. Advise the person to read the declarations and sign the forms.

C. SAFE ACCOMMODATION - (TEMPORARY RE-HOUSING)

1. Safe accommodation should be secured for the person immediately, (if this is what the applicant wishes you to do).
2. *Preferred options* would be (in order of preference):-
 - Women's Refuge (if vacancy available)
 - Hostel Unit
 - Bed and Breakfast (only if no vacancies in above)

In exceptional circumstances consideration may be given to the allocation of permanent Council stock by way of a contractual tenancy. This would be referred to a senior officer.

3. *Other options* and considerations: -

Friends and family may leave the person at risk or put pressure on to go back. They will fear the perpetrator and will be at risk.

Bed and Breakfast or a Hostel Unit might be easily traceable and some women who have

experienced violence from men may need to be in a place where there are no men.

4. Remember that the person may have left home in what they stand in and have no money, clothes, etc. Ask the person if they would like us to contact other specialist agencies on their behalf, e.g. Social Services, Victim Support, etc. Make telephone contact and arrange appointments with any preferred agencies as appropriate.
5. It is possible to have *Housing Benefit* paid on both the tenancy and hostel/bed and breakfast establishment in certain circumstances (see Regulation 5, Housing Benefit Regulations). Where a person cannot live at their property for fear of violence, dual benefit can be arranged. A memo should be passed to Housing Benefit within 7 days requesting benefit be paid on both.

D. RE-HOUSING

1. *It is a statutory requirement that all accommodation, including temporary accommodation is suitable to the individual household's needs.* People fleeing domestic violence need to be re-housed where they will not be vulnerable. Discuss their housing requirements with particular emphasis on their safety and support network. *Give realistic options, advice and assistance.*
2. Being isolated is not what a person with little self-confidence or having lost contact with family or friends needs.
3. Being housed near to the perpetrator or the perpetrator's family and friends is not suitable.
4. Rent arrears should not prevent a person experiencing domestic violence from moving. However, arrears cannot be ignored and a repayment agreement will need to be discussed.
5. If the current tenancy is a *joint tenancy* (with the perpetrator) advice and assistance should be given regarding terminating the tenancy or advice on action which housing services could take under the Conditions of Tenancy agreement.
6. Remember that the person may have no furniture or belongings. Ask if they would like us to contact other specialist agencies on their behalf (e.g. Social Services, Jacob's Well).

E. REMAIN IN THEIR CURRENT HOME

1. Some people may choose to stay in their current home and need assistance to remove their violent partner from the property or prevent him/her from returning.
2. Establish whose tenancy it is and advise of what action is available under the terms of the tenancy agreement.
3. Do not attempt to be a legal expert but be aware of the legal options available to people experiencing domestic violence. These include:-

Short term measures

- undertakings (no acceptance or finding of guilt)
- injunctions
- non molestation orders (this does not remove the perpetrator from the premises, it merely places a Court Order on the perpetrator not to do specified things against named individuals)
- ouster orders (this orders the perpetrator to remove themselves from the home)
- exclusion order (this orders the perpetrator not to go within a specified distance of the home). The Power of Arrest (this can be added to an injunction and enables the Police to arrest with ease should an incident occur when there is proof that the order has been breached)
- Other Orders, for example, specific orders to prevent the disposal of a tenancy or title interest (selling the home)

It should be appreciated that when a Court considers an application for an injunction the Court is bound by the principle of minimum intervention to protect all parties. People often want ouster orders but the Court, on the evidence available, will make a molestation order only. This Council will offer temporary accommodation until any application for an injunction is applied for.

Long term measures

- Property adjustment Orders (to change the name of the tenant etc.)
- Encourage the person to seek legal advice from a solicitor who can offer more advice on the best option available.

F. SUMMARY

1. At the end of the interview, summarise what has been said and agreed.
2. Provide the customer with a copy of the interview record.
3. Indicate realistic time scales.
4. Give out your business card and advise how, where and when you can be contacted.
5. Arrange a follow-up meeting if appropriate or confirm telephone numbers or addresses where you can contact the person.
6. If referrals to other agencies have been agreed, confirm contact names and telephone numbers.

Remember that within the homeless investigations *domestic violence* cases should be given priority within your caseload.

RESPONSIBLE TO DOMESTIC VIOLENCE - "DO'S"

- DO Make sure the individual and any children are safe. This should be your first priority regardless of the type of accommodation they are leaving.
- DO Talk to them about seeking assistance from other agencies.
- DO Offer them a choice of interviewing officer (i.e. male/female)
- DO Tell them about your experience in dealing with other people in similar situations, this may put them at ease.
- DO Remember that their options may be limited, they may have no money, no clothes, and no food; accommodation may be the least of their concerns.
- DO Ask them whether you can telephone them or send letters at home - CONFIDENTIALITY IS CRUCIAL - or if there is another address they may want letters sent to.
- DO Ask them what they want, and see if you can help, but be realistic, don't raise false hopes.
- DO Talk to them on their own. The applicant and any children may feel too threatened to speak in the presence of the perpetrator and responsibility for the violence could become obscured.
- DO Tell them they can contact you at any time.
- DO Make sure they have emergency out-of-hours numbers.
- DO Respect their decisions - even if you think they are the wrong ones. Your responsibility is to advise on the customers' options and the consequences of their choice and to assist them where appropriate in their choice.

- DO Find out what other agencies have to offer and let the applicant know.
- DO Take personal responsibility when referring them elsewhere.
- DO Let them know if the local refuges have any outreach services.
- DO Take their situation seriously, no matter what your own opinions are.
- DO Discuss the situation and any options open to them.
- DO Make sure they feel comfortable, and at ease, at all stages of their interview.
- DO Keep in contact; if at all possible, let them know what is happening.

RESPONSIBLE TO DOMESTIC VIOLENCE - "DON'TS"

- DON'T Discuss them as a fraud if they don't want to take further action.
- DON'T Ignore your intuition if you suspect someone is being abused. You should try to get them to open up.
- DON'T Contact the person's partner/the perpetrator of violence. Without approval from the customer and a senior officer.
- DON'T "Fob off" someone if they come to you for help.
- DON'T Just focus on what they alone can do in the situation, although it is important to ensure they feel as in control as possible.
- DON'T Make choices for them.
- DON'T Give up on someone just because things are taking longer than you think they should.
- DON'T Promise to give a letter or pass on a message to the perpetrator or to facilitate in any way.

DOMESTIC VIOLENCE POLICY - REPAIRS

All repairs relating to security issues for Council tenants experiencing domestic violence will be dealt with as an emergency and completed in the shortest possible time scale.

The type of work that could be offered:

- Lock changes, including the supply and fitting of mortice locks
- Spy holes
- Solid front entrance doors
- Repairs to or strengthening of door frames
- Fire proof letter box
- Re-glazing broken windows
- Repairs to entry phones including the programming out of the perpetrator's fob wherever possible
- Fitting of window locks where appropriate to ground floor windows

Note: these repairs/works may be carried out without the need for a crime reference number.

This list is not exhaustive and other repairs may be carried out as an emergency at the discretion of the Area Housing Officer or Housing Enforcement officer. The lead officer shall highlight on the file and any work order, the reason for the additional priority. The repairs contractor, having been informed of the special nature of the work will make every effort to contact the tenant immediately prior to an operatives visit to warn of their imminent arrival. The repairs contractor will also take appropriate steps to ensure operatives carry and volunteer identity cards to the tenant before attempting to gain access to the property.

NOTE: Where there is a joint tenancy, a lock change can be carried out at the request of one of the tenants.