

SPITALFIELDS HOUSING ASSOCIATION LIMITED

DOMESTIC VIOLENCE POLICY

Section 1 - Introduction

What is Domestic Violence?

Domestic violence is a crime. It makes up a quarter of all reported violent crime.

Both civil law and criminal law are involved. The police have a duty to respond to domestic violence incidents they are called to. They have discretion to intervene, arrest, caution or charge someone for domestic violence offences. The common law applies in domestic settings in the same way as it does in other settings. A perpetrator can be charged with assault, criminal damage, unlawful imprisonment, rape etc. in exactly the same way as if they have committed these offences against a stranger.

For the purposes of this policy the definition of domestic violence is:

“The use of power to assert and maintain control over another person. It can involve the physical, sexual, emotional and psychological abuse of adults within all kinds of intimate and family relationships.”

As alluded to in the above definition, in addition to actual physical violence, domestic violence may include:

Threats of violence

Sexual violence

Bullying

Violence/threats to children

Humiliation/constant undermining

Deprivation of money and food

Confinement in the home/control over when the other person goes out/whom s/he sees

Prevention from working/studying

This list is not exhaustive.

Victims and Perpetrators - Who are the victims of domestic violence? Who perpetrates domestic violence?

For the purposes of this policy and procedure the simple terms 'victim' and 'perpetrator' are used. However the policy recognises the issues raised by use of these terminologies.

Victims are also survivors and perpetrators may themselves also be victims.

Domestic violence can be perpetrated by both men and women. 70% of all domestic incidents are committed against women and in 90% of those incidents, the perpetrators are men. Of the 30% of domestic incidents against men, over 50% of these are perpetrated by other males.

Domestic violence cuts across barriers of class, race cultural and religious background, marital status, age, ability or sexuality. So, it can take place within lesbian and gay as well as within heterosexual couples. Or it can be perpetrated by a father on his adult daughter, a grandmother on her son in law.

Equal proportions of ethnic minority women report assaults. Certain ethnic groups face additional difficulties, cultural factors and racism creating not only reasons for domestic violence but also added difficulties for those seeking to escape from it. Children, even if they do not witness actual violence, are aware of domestic violence and are deeply affected by it. One study found that in 90% of violent incidences children were in the same or next room. The emotional effects of witnessing or overhearing violence include depression, anxiety, hyperactivity, bed-wetting, eating problems, heightened aggression and stress related illnesses such as asthma, excema, and bronchitis.

Section 2 - Spitalfields H.A Domestic Violence Statement

The Association believes that none of its tenants or non tenants within the household should live in fear of violence from a spouse, 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 domestic violence.

Section 3- Spitalfields H.A Domestic Violence Policy

1. Persons reporting domestic violence must **be believed** and **feel believed** by those to whom they report the abuse. They must be treated in a sympathetic and supportive manner from the moment they report domestic violence and assured of confidentiality. Officers should bear in mind that the majority of domestic violence victims will have suffered abuse over an extended period of time and that reporting domestic violence to the Association has taken a great deal of courage. Officers must be aware that their role is to support and advise the victim on their options and put them in touch with more specialist support services. They must refrain from personal moral judgements and or expressing frustration with a victim who, in their eyes, does not appear to be following a constructive or correct course of action.
- 2 .Persons reporting domestic violence will be interviewed within 24 hours [during week days] of making a report to the Association by a trained officer of the Association – This will usually be a Housing Officer trained for this purpose but could also be the Housing Manager, Customer Services Officer or Employment and Community Development Officer. The interview will be recorded on the domestic violence report form contained in this document. Where the interview takes place must be decided by the victim. Officers should assist the victim by suggesting all practicable choices of location for an interview.
3. The victim will be offered an interview by a trained officer of the same sex.
4. Wherever possible the victim will be offered an interview with an officer of the same cultural background.
5. In cases where an interpreter is required, the victim will be offered an interpreter of the same sex as the victim.
6. The process for interviewing a victim of domestic violence is an extremely delicate one and must be carried out in a non-judgemental manner. Specific training for dealing with domestic violence will be attended by relevant Officers employed by the Association.
7. The officer should ascertain what the victim wishes to do and what s/he would like the Association to do on his/her behalf. The officer should offer the victim advice where needed on the options available to him/her. It is essential that the officer equips the victim with enough information for him/her to be able to make a reasoned and informed decision about how to deal with the immediate situation and how to deal with the longer term. The victim should not be put under any pressure to decide on a course of action or to decide anything to a specified time scale. (See section on Housing Options)

6. If the victim wishes to remain in their home and is a sole tenant of the property and or has an injunction preventing the legal tenant from accessing the property and is fearful that security at the property may be breached, the officer should discuss measures to improve security at the property. Any breach of security should be remedied on an Emergency Priority basis (Ie Broken Doors / Windows). Any agreed security improvement measure should be carried out on an Urgent Priority basis. The cost of these improvements will be born by the Association. (Options for improved security may include London Bars, strengthened doors, additional locks, spy holes, intercom installation/ repair or other Fire approved security measures.)
7. To facilitate the above the association will keep an up to date list of local agencies which may be in a position to offer advice or support to victims of domestic violence and participate in any local forums established to consider the needs of those suffering from domestic violence.
8. Where appropriate the officer carrying out the interview will contact external agencies, such as the police, the local authority homeless persons unit, solicitor, local advice agency, refuge etc. The officer will only make such contact with the permission of the victim. NB. the law is complex and legal advice from a solicitor is essential. Making a decision to take legal action needs thought and a victim should not be pressurised into taking legal action.
9. If the victim is unable to return home, the officer will liaise with LBTH Homeless section or a refuge regarding provision of temporary accommodation subject to the wishes of the victim.
10. Where the victim has left the association's accommodation, and with their express permission, the association will serve a Notice of Seeking Possession on the perpetrator of the domestic violence where that person is a tenant of the Association using its powers under the provisions of the 1996 Housing Act. The Housing Manager will consider in conjunction with the Housing Officer whether it is appropriate to pursue possession against a perpetrator on the ground of domestic violence.
11. The Association will redraft its Assured and Assured Shorthold tenancy agreements to reflect the revisions in housing legislation in respect of domestic violence.
12. All information relating to domestic violence should be kept in the tenancy file in such a way that it is kept apart from the remainder of the contents of the file and is marked confidential.
13. Under no circumstances should third parties, including and in particular the alleged perpetrator of domestic violence be allowed access to confidential documents relating to domestic violence.

14. Under no circumstances should an officer discuss a case of domestic violence with any unauthorised third party, including and in particular the alleged perpetrator. In many cases the perpetrator will be unaware that their partner has reported domestic violence to the Association and to disclose such information will compromise the victim, and may put the victim at further risk.
15. Officer's dealing with a reported case of domestic violence must advise other officer's of the Association of the matter informing them of the identity of the victim and perpetrator and of the need for confidentiality, care and vigilance when dealing with both parties.
16. Under no circumstances must an officer reveal the whereabouts of a victim of domestic violence who has left their home to any unauthorised third party, including and particularly the alleged perpetrator. This provision should apply indefinitely.
17. If it is deemed appropriate and or necessary, and only if the victim gives his/her express permission, an officer may discuss the domestic violence with the perpetrator. The officer may advise the perpetrator of the association's view of domestic violence and that he/she could face eviction, criminal prosecution and civil law sanctions as a result of his/her behaviour. Such advice should be given in a safe environment, such as at the association's offices [never at the perpetrator's home] and in the presence of at least one other officer of the association.
18. If it is deemed appropriate the officer may refer the perpetrator to an organisation which works with abusive persons.
19. Should the perpetrator require advice regarding his/her legal rights in respect of his/her tenancy, access to children etc the officer should refer him/her to a solicitor.
20. The officer should advise the victim of the content and outcome of any contact he/she has had with the perpetrator as soon as possible after that contact has been made.
21. An officer who is dealing with a case of domestic violence should discuss the matter regularly with their line manager and share the burden of responsibility with them. Dealing with domestic violence can be very stressful. Feelings of shock or helplessness can cause emotional problems for those who are trying to help.
22. All cases involving domestic violence will be kept under constant review until it is deemed that the problem has been resolved satisfactorily.

23. In cases where the officer feels there may be a substantive risk to the welfare of children the officer should discuss this with their line manager. If it is deemed appropriate a referral to Social Services or referral to a specialist agency catering for children may be made.

Housing options for victims of domestic violence.

Officers may advise victims that the following options for housing are available:-

- Leaving the home and going to a refuge on a temporary basis.
- Leaving the home and registering as homeless under the provisions contained in the Housing Act 1996. Under the 1996 Housing Act, amended by the Homelessness Act 2002, the Borough has a statutory duty to re-house tenants who have been victims of domestic violence and made homeless. In the first instance it is likely that the victim will be offered temporary accommodation which may at times be provided outside the Borough.
- Staying in the home with legal protection. Victims may seek an injunction to bar the violent person from the home. An injunction can include a power of arrest if breached by the perpetrator. This may be used as a short term measure whilst further legal avenues are considered.
- Leaving the home and making their own arrangements for alternative accommodation.
- Staying in the home but registering with the Local Authority and or Spitalfields H.A for alternative accommodation. Officers should advise the victim that this option is a longer term option due to the level of demand for housing. Under Spitalfields H.A's Lettings Policy the victim would be awarded 500 Emergency Re housing points but will still wait a considerable time.

Advice to Sole, Joint or Non – Tenants.

The victim's situation will be affected by whether they are a sole, joint or non tenant at the property where they live.

Joint Tenant

Where the victim shares a tenancy with the perpetrator the officer should advise the victim to seek legal advice regarding their options in relation to the tenancy.

As part of Matrimonial proceedings the victim may be entitled to have the tenancy transferred to their sole name.

Non Tenant

If the victim is a non tenant but is married to the perpetrator the officer should advise the victim to seek legal advice regarding their options in relation to the tenancy as the victim may be entitled to have the tenancy transferred to their sole name as part of Matrimonial proceedings.

For other non tenants, for example a partner, child, parent etc the individual will have limited legal rights to the property.

Sole Tenant.

If the victim is the sole tenant of the property the officer should advise the victim that they have sole right to use and occupation of the premises.

Any perpetrator in residence at the property should have no legal right to the tenancy.

Section 4 – The Law and other services

Legal protection for Victims of Domestic Violence

Criminal Law

Protection from Harassment Act 1997. Includes two criminal offences : causing harassment and putting people in fear of violence. If an offender is convicted of one of these offences the criminal courts can issue a restraining order as part of the sentence.

Victims may also apply for an injunction at the Family courts.

People considering using the criminal law can seek advice from a police Community Safety Unit [CSU]. These are specialist units dealing with hate crimes including domestic violence. The officers are trained to deal sensitively with victims of hate crimes. There are two CSU offices in Tower Hamlets:

Community Safety Units

Bethnal Green : 0208 217 3865

Isle of Dogs: 0207 275 4266

Civil Law

The Family Law Act 1996. There are two types of orders that can be enforced, these are often referred to as “injunctions”.

Occupation orders which concern the right to occupy the family home; and non-molestation orders which provide protection against violence and abuse for the victim and, if necessary, the children.

DIY Injunctions

Rights of Women [ROW] has published a Domestic Violence Injunction Handbook which explains in detail how to obtain an injunction for women who cannot afford a solicitor but to do qualify for legal aid. Copies available in English and Bengali in the Association’s reception. More copies can be obtained from : ROW, 52-54 Featherstone Street, London EC1Y 8RG, tel: 0207 251 6577

*A key publication is: Relationship Breakdown – A Guide for Registered Social Landlords [cost £10, from DETR Publications Sales Centre, Unit 21, Goldthorpe Industrial Estate, Goldthorpe, Rotherham S63 9BL, tel: 01709 891 318.

Help for perpetrators

Assisting perpetrators

There are very few specialist services for perpetrators of domestic violence in London. The Inner London Probation Service runs a group work programme for men who are on probation orders for domestic violence related offences, or who are on orders for other offences but have a history of perpetrating domestic violence. The Domestic Violence Intervention Project [based in Hammersmith] and the Everyman Project [based in Stockwell] are voluntary sector organisations that work with men who attend on a voluntary basis. These services focus on domestic violence as a problem in its own right. They challenge perpetrators to take responsibility for their abusive behaviour, and to develop non-abusive skills.

Where contact and discussion with a perpetrator is appropriate and is sanctioned and poses no danger to the victim the Officer may discuss the possibility of assistance from such a service with the perpetrator.

Section 5 -Useful contacts

Domestic Violence Helpline: 0870 599 5443 [24 hour service with Language Line interpreting support]

Tower Hamlets Law Centre: 0207 247 8998

LBTH Housing Advisory Service [advice for private sector and HA tenants and owner-occupiers on a wide range of housing issues]

Bethnal Green Team [E1, E2, E3]: 0207 364 3558

Millharbour Team [E14]: 0207 364 7196

Refuge Crisis Line: 0870 599 5443

Women's Aid National Helpline: 0345 023 468

WAFE: 0845 702 3468

Community Legal Service : Information line: 0845 608 1122

Information line minicom: 0845 609 6677

LBTH Homeless Service

B Block, 3 Millharbour, Isle of Dogs, London E14

Opening hours: 9.30am to 4.00pm Mondays, Tuesdays, Thursdays, Fridays

9.30am – 12 noon on Wednesdays

Tel: 0207 364 7230 during office hours

0207 364 7000 out of office hours

Tower Hamlets Victim Support 0208 981 8421

Details of any breaches of security to the persons home:-
(To be carried out in 24 Hours)

Details of any improvements required to the security of the persons home:-
(To be carried out in 5 working days)

Has the person reported these matters to any other agencies ?(If yes indicate contact details if no please indicate and advise the person of contact telephone numbers where appropriate. If the person would like you to contact any services on their behalf please assist them.)

The Police – Community Safety Unit (Bethnal Green 208 217 3865/ Isle of Dogs
0207 2754266)

G.P

Social Services -

Victim Support – 0208 9818421.

Homeless Persons Unit -0207 3647230 office hours / 0207 3647000 out of hours.

A solicitor or advice agency – 0845 6081122.

Please advise the person of their housing options/ other options:-

- Remain in the home seeking legal protection (injunction)
- Leave the home and apply to the HPU for accommodation
- Leave the home and seek accommodation with refuge
- Apply for alternative accommodation with SHA or LBTH

What does the person wish to happen next ?

Details of further actions and further contact date :

Signed by the interviewing Officer:

Signed by the interviewee:
Provide a copy to the interviewee: