

LAMBETH & SOUTHWARK HOUSING ASSOCIATION

# LSHA DOMESTIC ABUSE POLICY

## SAFETY & SUPPORT

<b>CONTENTS</b>	<b>PAGE</b>
<b>1 Policy Statement</b>	<b>2</b>
<b>2 Scope</b>	<b>2</b>
<b>3 Definitions</b>	<b>2</b>
<b>4 Policy Aims and Objectives</b>	<b>4</b>
<b>5 Roles and Responsibilities</b>	<b>4</b>
<b>6 Key Principles</b>	<b>5</b>
<b>7 Supporting the Victim - Survivor</b>	<b>5</b>
<b>8 Legal Guidance and Regulatory Standards</b>	<b>6</b>
<b>9 Monitoring and Review</b>	<b>6</b>
<b>10 Equality &amp; Diversity</b>	<b>6</b>





## 1 POLICY STATEMENT

- 1.1 Domestic abuse is an abuse of human rights and, in many cases including physical abuse, sexual abuse, control and coercion, and economic abuse, it can be a criminal offence. It often escalates over time in frequency and severity and affects the victim's mental, emotional and physical wellbeing.
- 1.2 Lambeth & Southwark Housing Association (LSHA) will treat all incidents of domestic abuse reported to us as high priority as set out in this Policy.

## 2 SCOPE

- 2.1 This Policy will apply to all Tenants and employees.
- 2.2 LSHA will always work with victim - survivors, respecting their wishes but acting where we have the duty or power to do so. This includes sharing information with appropriate agencies under the Data Protection Act 2018 when there is a risk of injury, death to the individual or others.
- 2.3 LSHA will raise a safeguarding adults concern to the Local Authority if the adult at risk has care and support needs and is experiencing domestic abuse in accordance with the Care Act 2014.
- 2.4 LSHA will raise a safeguarding children's concern if there are children in the home who are or may be at risk in accordance with the Safeguarding Children's Act 2004.
- 2.5 At LSHA we will refer to the adult as the victim-survivor, the adult will have control over the word used to describe their circumstances. In this policy we will use the term victim- survivor.

## 3 DEFINITIONS

### 3.1 Domestic Abuse

3.1.1 LSHA has adopted the Domestic Abuse Act 2021 statutory definition of Domestic Abuse: Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if:

- A and B are each aged 16 or over and are personally connected to each other, and
- the behaviour is abusive.

3.1.2 Behaviour is "abusive" if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse;
- psychological, emotional or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct.

3.1.3 "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to:

- acquire, use or maintain money or other property, or
- obtain goods or services.<sup>(1)</sup>

<sup>(1)</sup> Domestic Abuse Act Part 1 Definition of Domestic Abuse



## 3.2 Personally Connected

3.2.1 For the purposes of this Act, two people are “personally connected” to each other if any of the following applies:

- they are, or have been, married to each other;
- they are, or have been, civil partners of each other;
- they have agreed to marry one another (whether or not the agreement has been terminated);
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- they are, or have been, in an intimate personal relationship with each other;
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (8.2.2));
- they are relatives.

3.2.2 For the purposes of subsection (8.21) a person has a parental relationship in relation to a child if:

- the person is a parent of the child, or
- the person has parental responsibility for the child.

3.2.3 In this section:

- “child” means a person under the age of 18 years;
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
- “parental responsibility” has the same meaning as in the Children Act 1989
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996 <sup>(2)</sup>.

## 3.3 Controlling behaviour:

3.3.1 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.

## 3.4 Coercive behaviour:

3.4.1 A continuing 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.

## 3.5 Honour Based Violence (HBV):

3.5.1 Is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community (e.g. Acid attacks, Child Marriage, Rape, Forced Marriage, Suicide, Bride Price, Male Child Preference, Female Genital Mutilation) In cases where there is concern that HBV may be present, normal Domestic Abuse Procedures may need to be adapted to ensure that communication with the family does not place the victim or child at increased risk (e.g. increased risk of being removed from the country to face forced marriage.) Therefore, when disclosing to Social Services and/or Police, HBV **must** be disclosed.



<sup>(2)</sup> Domestic Abuse Act 2021 Part 1 Definition of Personally Connected



### **3.6 Victim – Survivor**

- 3.6.1 A victim is typically used to refer to someone who has recently been abused or experienced domestic or sexual violence.
- 3.6.2 A survivor is referred to as someone who has either begun, currently in, or successfully completed their healing process. The term victim focuses on the violent action, while the term survivor discusses how they overcame this instance. A victim can suggest a more negative mentality while a survivor can capture a more optimistic outlook. By calling someone a survivor it suggests that despite these difficult circumstances they are continuing to persist and regain agency over their life. The most important thing given these situations is to attentively listen as these stories can sometimes rehash old emotions.
- 3.6.3 The term victim is typically used in law enforcement or the legal system as it serves as a technical indicator that the individual has been abused whether it is physical, sexual, emotional, financial, or verbal. However, when you are talking with the individual, the best term to use is often survivor. When speaking to this individual, it is important to not impress how you think they should get help because they just had their power stripped away by their abuser. Rather, you should listen, provide open and flexible support, and remind them that you believe them <sup>(3)</sup>.

## **4 POLICY AIMS AND OBJECTIVES**

- 4.1 LSHA is committed to responding to incidents of Domestic Abuse in a responsive, victim - survivor centred and supportive manner.
- This policy sets out the statutory definition of domestic abuse and outlines what measures LSHA may take to:
  - Ensure that people experiencing domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next.
  - Support people who are / have experienced abuse to rebuild their lives by working in partnership with them and other support agencies
  - Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.
  - Support victims to employ the use of civil and criminal laws which can offer them protection and act as a preventative measure to avoid further abuse.
  - Ensure that people experiencing abuse are not deterred from reporting abuse.
  - Seek appropriate support solutions for perpetrators of domestic abuse to prevent abuse recurring.
  - Follow the relevant Safeguarding Children procedures if we believe a child is at risk due to an abusive relationship.
  - Follow the relevant Safeguarding Adults procedure if we believe an adult with care and support needs is at risk due to an abusive relationship.
  - Provide support and guidance to employees experiencing domestic abuse.

## **5 ROLES AND RESPONSIBILITIES**

- 5.1 The Head of Operations is responsible for the oversight and day-to-day operational management of the policy.
- 5.2 The Head of Operations and or the Senior Neighbourhood Officer will represent LSHA at all Safeguarding Board review meetings and other statutory service meetings as appropriate to each case.
- 5.3 The Senior Neighbourhood Officer is responsible for the day to day housing management services, liaising with the victim-survivor, their advocates and other engaged services on a case by case basis.
- 5.4 All tenant facing roles are responsible for being vigilant and reporting concerns to the Senior Neighbourhood Officer or Head of Operations
- 5.5 The Chief Executive is responsible for managing any correspondence involving Homicide Reviews that involve LSHA.

<sup>(3)</sup> Safe Alliance Words Matter Victim or Survivor



## 6 KEY PRINCIPLES

- 6.1 To promote the welfare of all victim- survivors of domestic abuse who have contact with the LSHA.
- 6.2 To create a safe environment where victims - survivors of domestic abuse feel they can approach us, are encouraged to talk and are listened to, thus enabling them to make informed decisions about their lives and live more independently.
- 6.3 To provide timely and effective guidance by working in partnership with relevant agencies to respond to any cases of abuse that may arise. We seek to enhance the safety and security of those involved and support them to increase their confidence, resilience and empower themselves to live independently.
- 6.4 To provide employees with clear and practical guidance to ensure we support and protect victims- survivors of abuse, allowing victims to have more information about their choices so that they feel empowered to fulfil their ambitions.

## 7 SUPPORTING THE VICTIM - SURVIVOR

- 7.1 LSHA will provide appropriate support, advice and assistance to its Tenants who have experienced or are experiencing domestic abuse and will seek to resolve the situation using the available resources and legal remedies.
- 7.2 LSHA will adopt a victim - survivor centred approach to people experiencing domestic abuse. The purpose is to empower them by advising them of their options and giving guidance so they can make their own decisions.
- 7.3 Where the victim-survivor requires an interpreter, LSHA will ensure they identify an independent translator, and will not accept a family member as an interpreter for the victim.
- 7.4 Strict confidentiality will be maintained in accordance with the Data Protection Act 2018. No information will be given to other agencies or individuals without the consent of the victim, unless there is evidence of significant harm, which would necessitate a Multi-Agency Risk Assessment Conference (MARAC) referral or a Safeguarding Children or Adult referral.
- 7.5 LSHA will arrange for victims-survivors to speak to a member of Staff in a private and safe environment.
- 7.6 LSHA will provide the necessary support and assistance to enable the victim - survivor to remain within their home, where it is safe to do so.
- 7.7 Staff will be trained to offer basic advice and assistance. Where Staff cannot provide the advice and assistance that is required then information will be given on specialist agencies that can. This could include but is not limited to legal advice in relation to immigration status, which may be preventing the victim from leaving the perpetrator.



- 7.8 LSHA recognises that the risk to a victim - survivor can increase at the point where they disclose or intend to flee the abuse. LSHA will work closely with the police, local authority and other specialist local agencies to ensure that there is a co-ordinated approach to tackling domestic violence/abuse.
- 7.9 LSHA will develop links with a wide range of community groups, voluntary and statutory agencies, to gain experience in dealing with domestic violence and to provide adequate support to victims.

## 8 LEGAL GUIDANCE AND REGULATORY STANDARDS

- 8.1 The introduction of the Domestic Abuse Act 2021 includes key changes in law. The following are relevant for this policy and LSHA role but this is not an exhaustive list of changes:
- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse
  - provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order
  - place a duty on local authorities in England to provide accommodation-based support to victims of domestic abuse and their children in refuges and other safe accommodation
  - extend the controlling or coercive behaviour offence to cover post-separation abuse.
  - place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.
  - provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance
  - ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy
- 8.2 LSHA is required to comply with the Regulator of Social Housing’s Neighbourhood and Community standard which requires registered providers to have a policy for how they recognise and effectively respond to cases of domestic abuse and to cooperate with appropriate local authority departments.

## 9 MONITORING AND REVIEW

- 9.1 We will report case numbers to the Board on at least an annual basis, or more often if necessary based on the severity of a particular case.
- 9.2 This Policy will be reviewed every three years, unless legislation or sector developments require otherwise, ensuring that it continues to meet its objectives and take account of good practice developments

## 10 EQUALITY & DIVERSITY

- 10.1 LSHA, Staff, partners, stakeholders and contractors are committed to providing services, which are relevant and appropriate to the needs of people. We will treat others fairly and without discrimination.
- 10.2 We will ensure that all our services relating to this policy are accessible and available for all customers as set out in the requirements of the Equality Act 2010.

**Author:**  
**Steve Hickman-Brown, Head of Operations**  
*with input from Belinda Oates, Consultant*

