



Oadby & Wigston
BOROUGH COUNCIL

Domestic Abuse Policy

2022

Date approved by Housing Service Manager	21 st September 2022
Full Council Approval Date	27 th September 2022
Implementation Date	28 th September 2022
Review Date	27 th September 2024
Version	1

Contents

1. Introduction	Page 2
2. Key Principles	Page 2
3. Definitions of Domestic Abuse	Page 3
4. Legal and Regulatory Framework	Page 4
5. Equality and Diversity	Page 4
6. Reporting Domestic Abuse	Page 5
7. Supporting Victims and Survivors	Page 5
8. Actions Against Perpetrators	Page 6
9. Safeguarding	Page 7
10. Working in Partnership	Page 7
11. Information Sharing and Confidentiality	Page 7
12. Complaints	Page 8
13. Monitoring	Page 8
14. Appendix 1 – Useful Contact Information	Page 9

1. Introduction

- 1.1 This policy applies to all tenants, leaseholders and residents of Oadby & Wigston Borough Council (the council) as well as any victims of domestic abuse who are seeking assistance from the council.
- 1.2 The aim of the policy is to set out the approach of Oadby & Wigston Borough Council when identifying and dealing with incidents of domestic abuse.
- 1.3 The specific objectives of the Domestic Abuse Policy is to ensure that we provide a consistent and supportive service to anyone who is experiencing domestic abuse.
- 1.4 In cases of staff experiencing domestic abuse, we will follow our staff domestic abuse policy.

2. Key Principles

- 2.1 At Oadby & Wigston Borough Council we believe that nobody should live in fear of violence, abuse, stalking or harassment so our priority is to provide an accessible and responsive service.
- 2.2 We support the Domestic Abuse Housing Alliance values, and we will align our response to incorporate these values. By working to these values we aim to increase victim safety, housing safety and hold perpetrators to account for their harm.
- 2.3 We will ensure that our frontline staff receive appropriate and on-going training necessary to safely identify, assess, support and manage cases of domestic abuse.
- 2.4 The council will take a harm centred and victim focused approach to deal with the cases of domestic abuse empathetically, sensitively and in accordance with the victims' needs.
- 2.5 We will work in partnership to ensure that survivors of domestic abuse receive the support that they need, when they need it and to ensure that services are joined-up and well sign-posted.
- 2.6 We will raise awareness of domestic abuse to educate, reduce reoccurrences and prevent incidents of domestic abuse occurring.
- 2.7 Whilst women and girls are disproportionately affected by all forms of domestic abuse, we will support any individual experiencing such issues irrespective of age, gender, sexuality, disability, ethnicity, religion, social background or any other protected characteristics identified in the Equality Act 2010.
- 2.8 We recognise that victims with different protected characteristics might face additional barriers to seeking support when experiencing domestic abuse, and we are committed to making the support accessible to all.

3. Definition of Domestic Abuse

3.1 We use the Domestic Abuse Act 2021 definition of domestic abuse which is defined as;

‘Behaviour of a person (“A”) towards another person (“B”) is domestic abuse if-

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) The behaviour is abusive’

3.2 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

3.3 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

3.3 Controlling behaviour is defined as 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 is defined as an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

3.5 The definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender.

3.6 The term Violence Against Women and Girls refers to the following range of serious crime types which are predominately, but not exclusively, experienced by women and girls:

- Domestic violence and abuse
- Sexual offences
- Stalking
- FGM
- Crimes said to be committed in the name of ‘honour’
- Forced marriage
- Prostitution
- Trafficking for sexual exploitation

3.7 Controlling and coercive behaviour is also defined under section 76 of the Serious Crime Act 2015 as causing someone to fear that violence will be used against them on at least two occasions or generating serious alarm or distress that has a substantial effect on their usual day to day activities.

4. Legal and Regulatory Framework

4.1 This document makes reference to the legal requirements and policies that must be adhered to. We have had regard to legislation (but not limited to) the following:

- Domestic Abuse Act 2021
- Crime and Victims Act 2004
- Protection from Harassment Act 1997
- The Family Law Act 1996
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- The Data Protection Act 2018
- The Equality Act 2010

4.2 Other related documents which are available on our website at www.oadby-wigston.gov.uk that we have had regard to are:

- Anti-Social Behaviour Policy 2018
- Lone Worker Policy and Procedure 2017

4.3 Leicestershire County Council has the overall responsibility for safeguarding concerns. However, Oadby & Wigston Borough Council has Designated Safeguarding Officers (DSO) who will work together with officers both within the Council and Leicestershire County Council where safeguarding or welfare concerns are raised.

5. Equality and Diversity

5.1 The Council will treat all customers with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

5.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs.

5.3 We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between all of our residents and service users

5.4 The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).

5.5 We understand that a victim's experiences of domestic abuse could in part be defined by their intersectional needs such as race, gender, sexuality, disability etc. Therefore we will take steps to understand intersectionality, to recognise the discriminatory barriers and create a service accessible to all victims.

6. Reporting Domestic Abuse

6.1 The council recognise that reporting domestic abuse or seeking help can be a very frightening experience and is committed to promoting a sensitive and confidential response.

6.2 We will offer a range of ways for domestic abuse to be disclosed to us including in person, over the telephone, in writing, by email or online, and referrals from third parties with the victim's consent such as the Police.

6.3 We will aim to respond within one working day and will endeavour to make available an officer of the same gender or ethnicity, where requested. We will also provide translation and interpretation services where necessary including British Sign Language (BSL) and Braille.

6.4 We operate an out of hours service for reporting emergency repairs and for homelessness advice, should victims of domestic abuse need emergency repairs or accommodation.

6.5 We will report incidents to the police on behalf of individuals (with consent) or support them in doing so or where they feel intimidated or frightened to do it themselves.

6.6 We will investigate all reports that we receive including those from witnesses or third parties who are concerned that domestic abuse is taking place.

7. Supporting Victims and Survivors

7.1 We provide a named appropriate case worker who will support the victim to complete a safety plan and identify services that would provide them with the support they require.

7.2 We will agree a safe place to meet and establish safe communication measures to prevent any further risk to the victim.

7.3 We will ensure that a risk assessment using the Domestic Abuse, Stalking and Honour Based Violence (DASH) Risk Identification Checklist is completed. This may be carried out by a trained member of the council or by another agency who is better placed to complete it. Where the DASH assessment meets the local authority threshold for the Multi-Agency Risk Assessment Conference (MARAC), it will be referred.

7.4 If safeguarding concerns are identified our Designated Safeguarding Officers will ensure that our safeguarding procedures are followed.

7.5 The council will work with our partners to ensure the support is co-ordinated and that those affected by domestic abuse have access to the right services at the right time.

- 7.6 We will have Domestic Abuse Champions in place to support with awareness and signposting.
- 7.7 We will offer advice and support regarding housing options where it is unreasonable for a person to continue to occupy their home if it is possible that this will lead to domestic abuse or other violence taking place. If further risk of harm or abuse is identified, we will liaise with the relevant organisations to provide advice, support, and guidance to establish safe accommodation options.
- 7.8 Where survivors wish to remain in their current home we will offer advice and guidance on how to manage changes to tenancies and can provide security measures such as additional locks, lighting or sanctuary rooms. And we will work with the victim to identify agencies that can support with additional measures such as lock changes and refer to national domestic abuse services to obtain legal advice on non-molestation orders.
- 7.9 We will signpost or refer to more specialist services where appropriate.
- 7.10 We will regularly review action plans and assess risk to ensure that the needs of those experiencing domestic abuse are at the core of our support.
- 7.11 Closure of the case will be agreed with the victim unless we haven't been able to engage the victim. In this instance, any other agencies involved in the case will be notified that the council has closed the case.
- 7.12 In the case of joint tenancies, it should be noted that the perpetrator has the right of access to the tenancy file. Measures such as logging these cases as anonymous to ensure they are not associated with the tenancy and redacting any confidential information about the victim will be taken to ensure that this is not accessible to the perpetrator, or anyone representing the perpetrator.

8. Actions Against Perpetrators

- 8.1 It is a breach of tenancy for abuse to be perpetrated in any form, where the perpetrator is identified as a Oadby & Wigston Borough Council tenant, we will use appropriate tools and powers to sanction perpetrators such as a Notice of Seeking Possession. We will work with the Police on the criminal aspects of abuse.
- 8.2 Where the perpetrator is not a Oadby & Wigston Borough tenant, another agency or service may be best placed to take action such as the police or even the victim themselves.
- 8.3 The council acknowledges that perpetrators may have their own vulnerabilities and will assess the support needs of the perpetrator at the earliest stage. When considering any form of legal action we will endeavour to undertake a proportionality assessment to ensure action is necessary and proportionate and that we have considered the Human Rights Act 1998 and the Equalities Act 2010.
- 8.4 Where support needs are identified we will work with the perpetrator where appropriate or signpost to perpetrator programmes such as Free from Violence & Abuse (FreeVA) or other agencies in an effort to break the cycle of abuse.

8.5 Any action will be taken in accordance with what is in the best interest of the victim.

9. Safeguarding

9.1 We understand that victims of domestic abuse may be vulnerable for a number of reasons and that a person's vulnerability and safety can change during the course of a case.

9.2 We will consider the implications to the victim prior to making referrals to relevant agencies.

9.3 We will ensure timely contact and necessary safeguarding referrals are completed to Social Services at Leicestershire County Council.

9.4 The council will not give details or information to anyone without permission unless there are serious concerns for the safety of any victim, perpetrator or household member. In cases where safeguarding concerns are apparent, we have a legal responsibility to share information.

10. Working in Partnership

10.1 The council recognises that we cannot assist those experiencing domestic abuse in isolation and that a co-ordinated response is essential to ensure that survivors and their families receive the correct support.

10.2 We will maintain effective partnership working with the appropriate supportive agencies such as Women's Aid.

10.3 Oadby & Wigston Borough Council is an active partner of Multi-Agency Risk Assessment Conference (MARAC) which facilitates, monitors and evaluates effective information sharing to enable appropriate actions to be taken to increase the safety of victims. MARAC combines up to date risk assessments and links them to a risk management plan and the provision of services appropriate to those involved in domestic abuse; victim, children and perpetrator.

10.4 We will support and promote the engagement of multiple agencies to identify, prevent, intervene and reduce the impact of domestic abuse as well as raising the profile of available services.

10.5 We will work collaboratively with specialist organisations to break down harmful gender and cultural barriers that make it difficult for some victims to report domestic abuse and engage with services.

11. Information Sharing and Confidentiality

11.1 Details on the collection, use of personal data and how we protect an individual's privacy is contained within our Privacy Notice, which is available on our website.

11.2 The council will maintain confidentiality when dealing with cases of domestic abuse and will always seek consent from those reporting domestic abuse before disclosing information to any other agency.

- 11.3 However, where cases meet the MARAC threshold, where there are safeguarding concerns or it is believed a crime has taken place, we have a legal basis for sharing information irrespective of whether consent has been gained.
- 11.4 When we share information, we will ensure that we transfer it safely and store it appropriately.
- 11.5 Should we receive a Freedom of Information Request, Subject Access Request, Serious Case Review (SCR) Request or Domestic Homicide Review (DHR) Request we will deal with these lawfully and within guidance from the Information Commissioners Office.

12. Complaints

- 12.1 Any person who is not satisfied with how Oadby & Wigston Borough Council or its contractor(s) has delivered the service they have received, then a complaint should be made through the Council's Compliment, Comment and Complaints Procedure. The person can make a complaint in the following ways:
- Online - www.oadby-wigston.gov.uk
 - Telephone - 0116 288 8961
 - Email - csc@oadby-wigston.gov.uk
 - Letter – Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR

13. Monitoring

- 13.1 This policy will be publicised and promoted on our website and through a variety of media.
- 13.2 This policy will be reviewed every three years unless legislation, statutory guidance or business developments require otherwise. This is to ensure we continue to meet our key principles and deliver good practice.
- 13.3 We will monitor how many domestic abuse cases are reported to us, our response time and how many survivors approach us with a housing need and are assessed under homelessness legislation.
- 13.4 We will undertake, where appropriate, a satisfaction survey with each person that we open a domestic abuse case for to ensure that we can continue to improve our service and that it meets the needs of those accessing it.

Appendix 1 - Useful Contact Information

Leicestershire Police

Website: www.leics.police.uk

Telephone: 101 (non-emergency), 999 (emergency)

National Domestic Abuse Helpline

Website: www.nationaldahelpline.org.uk

Helpline: 0808 2000 247

United Against Violence & Abuse (UAVA)

Website: www.uava.org.uk

Helpline: 0808 80 200 28

Respect

Website: www.respect.uk.net

Free from Violence & Abuse (FreeVA)

Website: www.freeva.org.uk

Telephone: 0808 802 0028

Rise freedom from abuse & violence

Website: www.riseuk.org.uk

Telephone: 01273 622 822

Galop

Website: www.galop.org.uk

Telephone: 0800 999 5428

Helping Hands Advice Service – Wigston and Oadby

Website: www.helpinghandsadvice.co.uk

Telephone: 0116 278 2001

Shelter Housing Advice and Research Project (SHARP)

Website: www.leicestershelter.org.uk

Telephone: 0116 254 6064