



# DOMESTIC ABUSE POLICY

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## DOCUMENTATION MASTER SHEET

Amendments to this Document are Detailed Below.

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
01	27/02/19	New policy original contained within ASB policy	14/03/19	Simon Boden / Jo Weavin	Tenant Panel
02	January 2023	Review & update due to new legislation	24/05/2023	Nicky Bullock	ELT
03	October 2024	Add in a small section re intersectionality	October 2024	Nicky Bullock	DAHA Ops Group
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## OVERALL AIM/INTRODUCTION

As a Housing Provider we recognise that that we are well placed in identifying the signs of Domestic Abuse and be able to offer the appropriate help. We may also be the first point of disclosure and our staff must be able to deal with that disclosure appropriately.

## SCOPE OF POLICY

This policy sets out our approach to assisting and supporting any person experiencing or threatened with domestic abuse.

We also recognise that our own staff may be experiencing domestic abuse and are committed to supporting them in any way that we can. This is addressed in a separate policy and procedure.

## LEGAL AND REGULATORY EXPECTATIONS

- Domestic Abuse Act 2021
- Housing Act 1988, 1996
- Family Law Act 1996
- Protection from Harrassment Act 1997
- Human Rights Act 1998
- Data Protection Act 2018
- Domestic Violence & Victims Act 2004
- Police and Justice Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Anti-social Bheaviour, Crime & Policing Act 2014
- Serious Crime Act 2015
- Care Act 2014
- Stalking Protection Act 2019
- Domestic Abuse Act Draft Statutory Guidance 2021
- Clare's Law/Domestic Abuse Offender Disclosure Scheme (DVDS)
- HM Government: Call to End Violence Against Women & First Strategy & Action Plan 2010
- ADASS Adult Safeguarding & Domestic Abuse – Guide to Support Practitioners & Managers

## ASSOCIATED POLICIES

- Anti-social behaviour and Hate Crime Policy
- Safeguarding Policy
- Tenancy Changes Policy
- Data Protection Policy
- Lettings Policy
- GCH Tenancy Agreement

## Definitions

The Domestic Abuse Act 2021 Part 1 introduces the first statutory definition of domestic abuse:

### Section 1: Definition of “domestic abuse”

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) 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) Behaviour is “abusive” if it consists on any of the following:
  - (a) physical or sexual abuse
  - (b) violent or threatening behaviour
  - (c) controlling or coercive behaviour
  - (d) economic abuse (see subsection (4))
  - (e) psychological, emotional, or other abuse

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

- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to –
  - (a) acquire, use, or maintain money or other property, or
  - (b) obtain goods or services
- (5) For the purpose of this Act, A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section
- (7) For the meaning of “personally connected”, see section 2

## Section 2: Definition of “personally connected”

- (1) Two people are “personally connected” to each other if any of the following applies –
- (a) they are, or have been, married to each other
  - (b) they are, or have been, civil partners of each other
  - (c) they have agreed to marry one another (whether or not the agreement has been terminated)
  - (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
  - (e) they are, or have been, in an intimate personal relationship with each other
  - (f) 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 (2))
  - (g) they are relatives
- (2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if –
- (a) the person is a parent of the child, or
  - (b) the person has parental responsibility for the child
- (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

## Section 3: Children as victims of domestic abuse

- (1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse
- (2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who-
- (a) sees or hears, or experiences the effect of, the abuse, and
  - (b) is related to A or B
- (3) A child is related to a person for the purposes of subsection (2) if –
- (a) the person is a parent of, or has parental responsibility for, the child, or
  - (b) the child and the person are relatives
- (4) In this section –
- “child” means person under the age of 18 years
- “Parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act)
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996

## **Types of domestic abuse**

There are a number of different types of domestic abuse.

### **Intimate partner abuse**

Domestic abuse most commonly takes place in intimate partner relationships, including same sex relationships. Partners do not need to be married or in a civil partnership and abuse can occur between non-cohabiting intimate partners.

Abuse can continue or intensify when a relationship has ended or is in the process of ending. This can be a very dangerous time for a victim including an increased risk to their physical safety.

### **Teenage relationship abuse**

Teenage relationship abuse is not a term that is defined by the 2021 Act, or elsewhere in law. However, if the victim and perpetrator are at least 16 years old, abuse in their relationship can fall under the statutory definition of domestic abuse. Teenage relationship abuse often occurs outside of a domestic setting and the abuse can be just as severe and has the potential to be as life threatening as in adult abuse relationships.

### **Abuse by family members**

Domestic abuse may also be perpetrated by a family member – children, grandchildren, parents, those with “parental responsibility”, siblings or extended families including in-laws.

### **Child-to-parent abuse**

Abuse within the family includes child-to-parent abuse, also commonly referred to as Adolescent to Parent Violence/Abuse (APV/A) and Child and Adolescent to Parental Violence and Abuse (CAPVA). Child-to-parent abuse can involve children of all ages, including adult children, and abuse toward siblings, grandparents, aunts, uncles as well as other family members such as those acting as kinship carers. If the child is 16 years of age or over, the abuse falls under the statutory definition of domestic abuse in the 2021 Act.

## **Definitions of abuse**

Domestic abuse can take many forms, some of which are included as examples below:

### **Physical abuse, violent or threatening behaviour**

Physical abuse can include being or threatened to be hit, punched, kicked, slapped, hit with objects, pulling hair, pushing, or shoving, cutting or stabbing, restraining, strangulation, being burnt, scalded, poisoned, drowned, damaging or denying access to medical aids or equipment.

### **Sexual abuse**

Sexual abuse can include rape and coerced sex, forcing a victim to take part in unwanted sexual acts, refusal to practice safe sex or use contraception. It can also coexist with sexual exploitation. Forced sex actions may involve activities such as being forced to person pornography or to strip in person via a webcam or live streaming.

### **Technological abuse**

Perpetrators can use technology and social media as a means of controlling or coercing victims. This could include:

- Using social media to harass victims
- Controlling emails or social media accounts
- Using spyware such as tracking apps and hidden cameras
- Using home assistances such as Alexa or Google Home to monitor someone's movements

### **Controlling or coercive behaviour**

Controlling and coercive behaviour is defined by Section 77 of the Serious Crime Act 2015, as:

- a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- Coercive behaviour is an 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.

This could include:

- Controlling who they see, or what they wear
- Controlling their medication, or preventing them from seeing medical professionals such as doctors or dentists
- Isolating them from friends, family or other means of support
- emotional or psychological abuse
- economic abuse

### **Psychological and emotional abuse**

Psychological and emotional abuse can have a profound impact on victims. It can leave them with little confidence that they can do anything to change their situation, or that they are powerless to take any action to improve their lives, or the lives of their children.

Examples include:

- Isolating the victim – not allowing them to see their friends or family, or go anywhere on their own
- Using threats to kill their family, children, friends or pets, or to find them if they were every to try and leave
- Puttting them down, humiliating, embarrassing or undermining them in front others, telling them no one would believe them if they tried to tell people what was happening.

### **So-called honour-based violence**

So-called honour-based abuse includes offences that have been committed to protect the perceived honour of a family or a community. It is often carried out by family members. So-called honour-based violence and abuse can also include:

- Forced marriage
- Female genital mutilation

### **Economic Abuse**

Economic abuse can include:

- Controlling money and bank accounts
- Making a victim account for all of their expenditure
- Running up debts in the victim's name
- Allowing the victim, no say on how their monies are spent
- Refusing to allow them to work.

## **SERVICE STANDARDS**

Every case of domestic abuse is different and will be handled differently, taking into account the wishes and needs of the victim, the severity of the abuse and any additional criminality.

Anyone reporting domestic abuse to us will be treated in a supportive and non-judgemental way.

- We will support customers who are experiencing domestic abuse to access to accurate and appropriate advice about their housing options and signposting around their legal rights and responsibilities to allow them to make choices about what to do next.
- We will respect that not every person experiencing domestic abuse will want to end their relationship, or will want enforcement action taken. We will endeavour to work with relevant partner agencies to make sure that risk is managed and that safeguards are in place if the person experiencing the abuse is not going to leave the abuser.
- We will attend MARAC (Multi-Agency Risk Assessment Conferences) where high risk cases are heard, alongside representatives from other services. All meetings are



## Domestic Abuse Policy

confidential and information is shared and action plans agreed to safeguard the victim and their family and to ensure that appropriate measures are put in place.

We will help make the home a safe and secure place by:

- Assisting with raising any emergency repairs with the repairs team.
- Assisting with reporting any damage related to the domestic abuse to the police, if the customer agrees
- Referring the customer to Gloucestershire Domestic Abuse Service (GDASS) if they agree, for specialist support
- Provide advice and assistance to help make the home secure.

We will make appropriate safeguarding referrals if we believe that a child or vulnerable adult is at risk due to an abusive relationship

We will work with our repairs & assets teams as well as partner agencies such as the Police, Fire Service or Local Authority for additional security where appropriate and necessary.

We will ensure that applicants being rehoused due to domestic abuse will ensure that the appropriate assurances and safeguards are in place from partner agencies and the applicant feels safe. This will include recommendations from MARAC, GDASS or the police and referencing any court orders with restrictions or prohibitions in place.

## Housing Needs

A person experiencing domestic abuse may be able to remain in their own home, if it is safe to do so. However, there may be occasions where temporary accommodation is required whilst safety measures are being put in place.

We will consider all options where the need for a temporary or permanent move is required and will liaise with the Local Authority if accommodation cannot be secured straight away within GCH's housing's own stock.

We will also check the tenancy status of the victim and perpetrator to identify whether tenancies are held jointly or solely. Independent legal advice may be required where victims and perpetrators hold a joint tenancy, or where a tenancy is held in a perpetrator's sole name.

## Other considerations

It is important to understand that victims may not seek, or respond to, offers of help and may wish to remain in their abusive relationship. Reasons for this may include:

- Fear of the abuser and/or what they will do

## Domestic Abuse Policy

- Doubt about the impact of any action taken by Police or the courts, and fear of pressure to pursue a criminal case
- Lack of knowledge/access to support services
- Lack of resources, financial or otherwise
- Fear of not being believed
- Love, loyalty, attachment towards their partner and the hope that they will change
- Feelings of shame or failure
- Pressure from family/children/friends
- Religious or cultural expectations
- Long term effects of abuse e.g. self-neglect, depression, low self esteem
- Drug and/or alcohol addiction
- Anticipated impact on children, or fear of losing contact with children/other relatives/friends.

People from an ethnic minority background may also have additional barriers, including:

- Language barriers
- Family honour, shame or stigma
- Fear of rejection by their community
- Immigration status/no recourse to public funding
- Racism (perceived or actual)
- Cultural or community expectations
- Fear of so called 'honour' based violence
- Lack of appropriate services

People with disabilities are more likely to experience domestic abuse, and more likely to be at high risk of serious harm. Barriers to disabled people accessing services can include:

- Lack of accessible information about abuse and legal rights
- Lack of accessible domestic abuse services
- Fear that interpreters (e.g. British Sign Language) may not keep confidentiality
- Assumptions that physical and sensory impairments prevent people from making their own decisions
- Being used to 'dependency' and a lack of respect and dignity, leading to them assuming that abuse is normal and minimising its impact
- Fear of having to live in a care home
- Reliance on the abuser for care and support.
- The victim may be the carer of the abuser, and feel a sense of obligation to maintain the support and endure the abuse
- The abuser may be the only person with whom the victim has any contact.

LGBT+ victims can have a similar experience of domestic abuse to heterosexual victims.

Whilst there are many similarities between heterosexual and LGBT+ people's experiences of domestic abuse, LGBT+ victims may also experience abuse of power and control closely associated with having their sexuality, gender identity or gender reassignment used against them. This may include the following abusive behaviours:

## Domestic Abuse Policy

- Threats of disclosure of sexual orientation and gender reassignment to family, friends, work colleagues, community and others;
- Disclosing gender identity history, sexual orientation or HIV status without consent;
- Limiting or controlling access to LGBT+ spaces or resources;
- Using immigration law to threaten with deportation to the country of origin, which might be unsafe, due to, for example, anti-gay legislation; and
- Violent physical or sexual acts motivated by beliefs about an individual's sexual orientation or gender identity.

As with all victims, it is important that LGBT+ people are not viewed as a homogenous group. Abuse disclosed by lesbian women may be different to that of bisexual and trans women. Equally, gay men's experiences may be different to that of bisexual or trans men. Trans specific abuse may include coercing a person into not pursuing gender transition including denying or withholding access to medical treatment or hormones, ridiculing, or exotifying their body or assaulting medically altered body parts or forcing exposure.

LGBT+ people experience distinct personal and structural barriers in accessing help and reporting abuse. This may include services lacking quality referral pathways with LGBT+ specialist sector and low visibility and representation of LGBT+ issues within services. It can also include lack of understanding and awareness by professionals around unique forms of coercive control targeted at sexual orientation, gender identity or gender reassignment, and professionals minimising the risk experienced by LGBT+ people.

We will take an intersectional approach to supporting the individual: seek to understand their specific needs, including consideration of how protected characteristics (e.g. gender, sexual orientation, disability, cultural background etc) may intersect to impact their unique experience and which may present challenges or barriers to accessing support.

We will use a people centred approach to anyone to understand how victims/survivors are perceived by us and in society, which will help to better understand their barriers and traumas.

## Perpetrators

We will seek appropriate support solutions for customers who are perpetrators of domestic abuse to prevent abuse recurring if the perpetrator wants to change and consents to a referral being made.

We will make use of the appropriate tools and powers to sanction and support those who are perpetrators of domestic abuse, including injunctions, Notice of Seeking Possession and possession proceedings where appropriate.

## Training

We will ensure that all staff receive regular, mandatory training on domestic abuse, including how to spot the signs of abuse and deal appropriately with a disclosure.

## Domestic Abuse Policy

We will ensure that all staff receive regular, mandatory training on safeguarding for adults and children.

GCH have a wellbeing tile on its intranet with information to provide assistance and support to staff who may be affected when dealing with Domestic Abuse cases.

### Useful contacts:

Police – 101 (non-emergency) or 999 (emergency)

Homeseeker **01452 396396** [homeseeker@gloucester.gov.uk](mailto:homeseeker@gloucester.gov.uk)

If you are at risk of becoming homeless 01452 396396 [homeless.team@gloucester.gov.uk](mailto:homeless.team@gloucester.gov.uk)

Citizens Advice Bureau 01452 527202 <http://gloucestercab.org.uk/>

Gloucestershire Domestic Abuse Support Service (GDASS) 0845 6029035  
<http://www.gdass.org.uk/>

Gloucester Law Centre 01452 423 492 <http://www.gloucesterlawcentre.co.uk/>

Mankind (for male victims of Domestic Abuse) tel: 01823 334244

The Halo Project (supporting victims of forced marriage and honour based violence) 01642 683045

## CONSULTATION

This Policy has been written to comply with the statutory guidance of the Domestic Abuse Act 2021 which required persons exercising public functions, to whom the guidance relates, to have regard to the guidance in the exercise of those functions.

## APPEALS

Any customer, partner or stakeholder who is not satisfied with our approach in terms of Domestic Abuse can lodge a formal complaint.

## REVIEW

This policy will normally be reviewed triennially to ensure that it remains fit for purpose, unless an earlier review is required due to regulatory, statutory or other requirements.