

ITEM No ...3.....

REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE – 16 NOVEMBER 2020

REPORT ON: DUNDEE CITY COUNCIL HOUSING – DOMESTIC ABUSE POLICY

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 276-2020

1 PURPOSE OF REPORT

The purpose of this report is to:

- 1.1 Provide details of the proposed Domestic Abuse Policy that has been developed which is designed to support those affected by domestic abuse in Dundee City Council housing;
- 1.2 Give an overview of the consultation process adopted during the development of this policy.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approve the Domestic Abuse Policy which is attached to this report.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications in the approval of this policy.

4 BACKGROUND

Dundee City Council signed up to the Make a Stand Pledge in February 2019. Developed by the Chartered Institute of Housing in partnership with Woman's Aid and the Domestic Abuse Housing Alliance, it encouraged social landlords to make a commitment to support those experiencing domestic abuse.

One of the commitments was to put in place and embed a policy to support those affected by domestic abuse in council housing in the City.

A Working Group was established, bringing knowledge and expertise together to develop the policy. Among those represented on this group were:

- Dundee Violence Against Women Partnership
- Adult/Child Protection Services
- Dundee Woman's Aid
- Council services, including Housing and Legal Service

An initial draft of "Dundee City Council Housing - Domestic Abuse Policy" was produced in March 2020.

This policy reflects the guidance contained in the document entitled "Domestic Abuse: A Good Practice Guide for Social Landlords", which was published in August 2019, jointly by the Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland, Scottish Woman's Aid, and COSLA

The fundamental principle that underpins this guidance is that the victims of domestic abuse have the right to choose. And, whatever that choice may be, whether to remain in the home or move out, the wishes of the victim will remain at the centre of the council's approach to supporting them.

4.1 Consultation Strategy

Having produced a draft policy, the next stage was to develop a consultation strategy that ensured that the policy would be shared more widely amongst all key partners in the process. Not only would they have the opportunity to see the content of the policy, but would also have the chance to feedback their comments and/or suggestions.

4.2 Who to Consult

The key partners to be consulted included:

- Women's Aid
- Lived experience groups
- The Violence Against Women Partnership
- The Convener/Depute Convener of Dundee City Council Neighbourhood Services
- Dundee City Council Senior Management and Elected Members
- Dundee Federation of Tenants' Associations
- Registered Social Landlords
- Dundee Health & Social Care staff
- Staff within Dundee City Council Housing and Community Safety Teams.

4.3 How to Consult

As a result of the coronavirus pandemic, lockdown restrictions were implemented that impacted not only on the proposed method of consultation, but also on the timescale. Following further discussion, it was agreed that the draft policy would be shared amongst all key partners. In addition, a link to an online questionnaire/survey was shared, allowing the partners to feedback comments on the contents of the policy.

Teleconference calls were also used for briefings to, for example, members of the Violence Against Women Partnership, as well as the Registered Social Landlords in Dundee. Discussions with the Registered Social Landlords is important to ensure all social landlords in the city share a commitment to supporting those experiencing domestic abuse in social housing in Dundee. All Registered Social Landlords in the city have signed up to the Make a Stand Pledge.

Finally, a focus group of those with Lived Experience of domestic abuse was able to meet to discuss the contents of the policy. They were then able to complete the online questionnaire/survey individually. Their feedback has proved invaluable in the final preparation of the policy.

4.4 When to Consult

The consultation began just prior to lockdown, during March 2020. A number of initial briefings had taken place with some key partners, but the process had to be put on hold once lockdown was introduced. However, once the restrictions of lockdown were more fully understood, it was possible to recommence the consultation process towards the end of May/beginning of June. As noted previously, changes still had to be made, and in particular, different communication channels had to be used to enable partners to see and feedback on the policy.

The consultation period concluded in early September 2020, by which time the key partners all had access to the policy and also had the opportunity to feedback comments.

4.5 Outcome of Consultation

- Feedback overall has been extremely positive.

- All partners think that this policy will benefit victims of domestic abuse.
- The policy has been welcomed by those with lived experience of domestic abuse, in particular, who also think it will benefit the victims of domestic abuse. The fact that those who have experience of domestic abuse feel that this policy will be a benefit is to be welcomed.
- The majority of those who responded to the questionnaire/survey could not foresee any objections to the policy, and saw no reason why it should not be implemented.
- The policy has been revised and amended to reflect the feedback received.

5 POLICY IMPLICATIONS

- 5.1 This report has been subject to an assessment of any impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundee.gov.uk/ia/reports.

6 CONSULTATIONS

- 6.1 The Council's Management Team were consulted in the preparation of this report.

7 BACKGROUND PAPERS

- 7.1 None.

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October 2020

Appendix 1

DUNDEE CITY COUNCIL HOUSING
DOMESTIC ABUSE POLICY

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1. AIM/PURPOSE

Dundee City Council recognises the impact domestic abuse has on the victims and their families. As a landlord, we regard domestic abuse as unacceptable behaviour which will not be tolerated in our council houses.

In February 2019, the Council signed up to the Make a Stand Pledge, committing us to supporting those experiencing domestic abuse.

This policy document details how we aim to achieve that, whilst ensuring that the perpetrators of domestic abuse are held accountable for their actions.

The Council will provide a proactive housing response to preventing and addressing domestic abuse by:

- Being sensitive and supportive to anyone residing in council housing experiencing domestic abuse
- Working in partnership with other agencies to help victims/survivors of domestic abuse access information, advice and support on the housing options and choices available to those experiencing domestic abuse
- Holding the perpetrators of domestic abuse to account
- Promoting equality and diversity by eliminating all gender-based violence, and to ensure the support provided is available to all, regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

2. DEFINITION

This policy;

- 2.1. Applies when responding to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary. This also applies to honour-based abuse. Honour based abuse is a collection of practices used to control behaviour within families in order to protect perceived cultural and religious beliefs and/or honour. Violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. Men can also be victims of this.
- 2.2. Is based on the Scottish Government's definition of domestic abuse as a form of gender-based violence (GBV) (such abuse is mainly perpetrated against women and girls because they are female).

GBV encompasses actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts,

coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence.

The nationally agreed definition of domestic abuse is:

Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).

- 2.3. Follows an equalities and human rights approach, consistent with Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls.
- 2.4. Refers to those experiencing domestic abuse as women and children, and those perpetrating it as men. This is based on prevalence and the context of domestic abuse, and the Scottish Government's definition of domestic abuse as a form of violence against women and girls. There is information about prevalence and context in Equally Safe.

For the purposes of this policy, it is assumed that the domestic abuse is being perpetrated by a partner or ex-partner (that is an intimate partner). However, in some communities, wider family members become involved in the abuse.

Children who live with domestic abuse are, themselves, experiencing abuse.

3. SCOPE

This policy has been developed for both victims and perpetrators of domestic abuse living in council housing in Dundee. The aim of the policy is to support the victims and hold the perpetrators to account.

The policy will provide victims and perpetrators with information on how Dundee City Council views domestic abuse within council housing in the city and will provide advice to the victims on how we will support them, as well as a very clear statement on the actions that can be taken against perpetrators.

The policy is intended for all front-line staff and Housing staff, although, as the policy promotes the adoption of an 'eyes and ears' approach to domestic abuse, other staff such as Maintenance staff, Tradesmen and Contractors, Community Safety Wardens, and staff in the Safety Alarm and Response Centre (S.A.R.C.) and other relevant support staff are likely to become more involved so the policy will also be relevant for them.

Whilst focussing primarily on staff, other possible first contacts need to be included within the scope of this policy. Elected Members in particular, will have a dual role in shaping the strategic direction of the policy, as well as potentially, along with MP's and MSP's, becoming a first contact if someone attends their surgeries and highlights issues/concerns about domestic abuse.

The policy also provides staff across a range of service departments in the council with information about domestic abuse, how to recognise the signs and what to do if you have concerns. This will include staff within the following service areas/departments:

- Chief Executives Service, including:
 - Strategic direction of the council;
 - Communication;

- Corporate Services, including:
 - Customer Services;
 - Corporate Finance;
 - Democratic & Legal Services;
 - HR;

- Children and Families Service, including:
 - Education;
 - Community Justice Services and Children's Services

- Neighbourhood Services, including:
 - Housing & Communities;
 - Community Safety & Protection;
 - Environment;
 - Construction;

- Dundee Health & Social Care Partnership

The policy also details the various processes, procedures, protocols and pathways that are in place to support staff when dealing with domestic abuse.

4. EQUALITIES

This policy has been developed to ensure compliance with our human rights and equalities obligations. It is also consistent with the Public Sector Equality Duty as it ensures that, as a public authority, Dundee City Council is continuing to look to how we can positively contribute to a more equal society through advancing equality and good relations in our day to day business.

The policy complies with Article 8 of the European Convention of Human Rights and Article 9 of the UN Convention on the Rights of the Child (UNCRC)

The policy sets out how, by focusing on the victim, and taking a victim centred approach, this will ensure we comply with the European Convention of Human Rights, and by also providing the perpetrator with alternative accommodation, if needed, that this is further evidence of an equality and human rights-based policy.

An Integrated Impact Assessment has been carried out on this policy. This included using a reference group of those with lived experience to help assess the impact.

Equally Safe is the joint strategy of the Scottish Government and COSLA for preventing and eradicating violence against women. The vision of Equally Safe is *“A strong and flourishing Scotland where all individuals are equally safe and respected and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it”*.

The Equally Safe Strategy and Implementation Plan can be found here - .
<https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

5. POLICY CONTENT

5.1. Prevention:

Dundee City Council will work collaboratively with all relevant agencies and stakeholders to prevent domestic abuse. Primary prevention measures will be focused on engaging in awareness raising/challenging attitudes and gender equality actions.

Secondary prevention will be targeted at perpetrators of domestic abuse and those who are victims/survivors.

We will adopt a proactive, victim centred approach that promotes and strengthens the rights of those experiencing domestic abuse to remain in the home, should they choose to do so. This proactive approach includes:

- The inclusion of a new clause within the Tenancy Agreement for all council tenancies, emphasising that domestic abuse will not be tolerated and detailing the implications for anyone perpetrating domestic abuse.

Domestic abuse is different from anti-social behaviour and the Tenancy Agreement needs to reflect this difference. Complaints about domestic abuse should be dealt with as such, and not as complaints about anti-social behaviour.

- Information about domestic abuse to be included in the Tenants Handbook.
- Promotion through information leaflets, newsletters and on the Council's and partner agencies websites.
- Details of the actions the Council will take against any perpetrator of domestic abuse residing in council property.
- Adopting an 'eyes and ears' approach that requires other staff such as Maintenance staff, Tradesmen and Contractors, Community Safety Wardens, staff in the Safety Alarm and Response Centre (S.A.R.C.) and other relevant support staff, who are encouraged to report concerns.

We will deliver on the commitments that we signed up to as part of the Make a Stand pledge.

5.2. **Housing Options:**

This policy commits the Council to work to support those experiencing domestic abuse. The wishes of the victims will be at the centre of the Council's approach to rehousing. The Council will:

- Maximise the flexibility of the housing options available to those experiencing domestic abuse;
- Support those affected by domestic abuse to remain in the tenancy, if that is their choice; or if they prefer to move out of the tenancy, to support them to do this;
- Ensure that the Letting Regulations positively supports those affected by domestic abuse, whether their choice is to stay in the tenancy or move out;
- Consider the use of management transfers as an option to support women to make planned moves and avoid homelessness;
- Support those experiencing domestic abuse to transfer the tenancy to their name;
- Support victims/survivors to gain legal information and advice on their rights and their Housing Options;
- Develop specific pathways for those who have experienced domestic abuse to improve their journey into a new home.
- Use all relevant and appropriate legislation to support the rehousing choices of the victims of domestic abuse.

5.3. **Actions Against Perpetrators:**

In responding to the perpetrators of domestic abuse, Dundee City Council will:

- Take a proactive approach to the identification of perpetrators of domestic abuse, by raising awareness amongst staff and encouraging them to raise any suspicions with appropriate officers. This will include adopting the “eyes and ears” method.
- Emphasise that anyone breaching the new clause in the Tenancy Agreement prohibiting domestic abuse may be subject to action that could place the occupation of their council house in jeopardy. Being in breach of the Tenancy Agreement is one of the grounds under Section 2, Part 1 of the Housing (Scotland) Act 2001, where we, as the landlord, could seek to recover possession of the property.
- The Tenant’s Handbook, information leaflets and the Council’s website will contain details of the actions the Council can take,
- Assist the rehousing of those perpetrators of domestic abuse who voluntarily agree to relinquish their occupancy of the family home.
- Where it is safe to do so, seek rehousing that maximises the opportunity for continued family relations in future.
- Work with other agencies to ensure action is taken against the perpetrators of domestic abuse.
- Use all relevant and appropriate legislation, and working with other partner agencies, hold perpetrators to account for their offending behaviour.

5.4. **Homelessness:**

The aim of this policy is to prevent homelessness, but where a homeless presentation is the preferred option, the policy will also seek to lessen the impact of homelessness for the victim.

The Council will:

- Provide information and clear pathways so that those affected by domestic abuse know how the process works, what they should expect, their rights under legislation and the options available to them by way of rehousing.
- Provide a sensitive homeless assessment process, focused on the needs of the victim, their children and the wider family.
- When considering rehousing options, listen to the victims and their concerns about the suitability of potential offers.
- Be aware that victims presenting as homeless may have suffered financial abuse and are likely to need financial advice, guidance and support. Rent arrears, storage costs, travel to school for children, etc., are all examples of things that we know can impact on the victim’s/survivor’s ability to leave and remain safe.

5.5. **Confidentiality:**

This policy will ensure that we as a council will respond in a confidential, non-judgemental and sympathetic way when dealing with instances of domestic abuse.

In order for the Council to provide services to those affected by domestic abuse, we need to gather personal information. To deliver our services, to meet our legal obligations and to protect public funds, we need to collect, store, use, share and dispose of personal information.

How we use this information and who we share it with is in accordance with the General Data Protection Regulations and the Data Protection Act 2018, and contained in the privacy statement available on the council's website.

All information provided by the victims of domestic abuse will be treated with the utmost confidence and will only be shared with external agencies with the proper consent. Exceptions to this are where we consider a child or an adult is at risk or if there is a high risk of serious harm to anyone involved or where we are obliged by law to disclose the information.

5.6. **Support:**

This policy acknowledges that no one agency is able to adequately deal with the victims and the perpetrators of domestic abuse. A partnership approach is essential. This policy has been developed in partnership with the Dundee Violence Against Women Partnership.

5.7. **Consistent Systematic Approach:**

5.7.1. In conjunction with this policy, procedures will be developed for all staff dealing with those experiencing domestic abuse to ensure consistency of service delivery and service standards.

5.7.2. Agreed referral arrangements, along with clear assessment processes will be outlined for staff.

5.7.3. Clear pathways will be finalised and shared with staff to ensure these are familiar.

5.7.4. Training for all staff will be delivered as part of the implementation phase. Specialist training will be required for some Housing staff more directly involved with domestic abuse victims which has commenced. These Officers with more comprehensive and specialist knowledge will be available to provide staff with additional support and guidance, where necessary. (See 5.8)

5.8. **Training:**

All staff likely to come into contact with those affected by domestic abuse will receive training. The training, however, will be tailored to ensure that all staff have the necessary skills and knowledge to carry out their roles and responsibilities.

It is imperative that the Council provides a supportive first point of contact for those experiencing domestic abuse. This should encourage those experiencing domestic abuse to seek help and support from the Council.

5.8.1. All relevant front-line staff, Customer Services staff and Housing staff will be trained to ensure they know about domestic abuse and other forms of violence against women, and in particular coercive control.

- 5.8.2. All frontline staff and Housing staff will complete mandatory 'introduction to violence and abuse' training with a refresher every two years. This is to be written into the induction programme for new staff.

Shelter Scotland training has been developed for staff who deal with enhanced housing options interviews (EHOIs) with more insight in the law and legal matters. This training is made up of e-learning and face-to-face.

All staff who have completed the Shelter Scotland training have access to the resource hub that gives them information on legislation, referrals and resources, perfect pathways and reflective exercise.

- 5.8.3. A number of staff are currently receiving additional, more specialist training so that they can be available to offer advice and guidance to those experiencing domestic abuse, and to the staff on the front line. These staff can contact specialist services to consult on the best approaches to take, tailored to individual circumstances.
- 5.8.4. Identified staff will receive awareness raising training on domestic abuse.
- 5.8.5. As the Council is adopting an 'eyes and ears' approach, other staff may come into contact with situations of domestic abuse. Staff such as Maintenance staff, Tradesmen and Contractors, Community Safety Wardens, staff in the Safety Alarm and Response Centre (S.A.R.C.) and other relevant support staff will also receive training.
- 5.8.6. As well as staff, awareness raising training will be made available to Elected Members, and MP's and MSP's, as they may potentially become first responders if someone attends their surgeries and highlights issues/concerns about domestic abuse. This first contact is critically important, not only in ensuring the right support can be accessed straight away, but also in providing a supportive environment where those experiencing domestic abuse can feel safe.
- 5.8.7. Training for Senior Management and local Service Managers will ensure a consistent approach across all services.
- 5.8.8. When developing and delivering the training we will work in partnership with Violence Against Women Partnership, Scottish Woman's Aid and local support groups/agencies to ensure that training is reflective of the needs of those who will receive the services.

5.9. **Collaboration/Partnership Working:**

- 5.9.1. The Council is committed to working collaboratively across all relevant services and involving all appropriate agencies.
- 5.9.2. We are committed to collaborative, partnership working and will introduce co-locations, where appropriate.
- 5.9.3. We will also deliver services on a locality basis thus allowing all services to be tailored to the needs of those individuals in the locality.
- 5.9.4. Clear referral, signposting and working arrangements are already in place with our partners across the city, and this policy will strengthen and build on these links.

5.10. **Information and Advice:**

As part of the commitment given by the Council when signing up to the Make A Stand Pledge, information about National and Local domestic abuse support services is available on the Council's Website and other appropriate places so that they can be easily accessed by the public and staff.

5.11. **Risk Management:**

Front-line staff will receive training to be able to better identify and assess risks factors associated with abusive behaviour, particularly domestic abuse. Where risk is identified, policies and procedures are in place to deal appropriately with the risk, and staff are familiar with these policies and procedures.

Specifically, appropriate front-line officers will use the Safe Lives Risk Indicator Checklist when assessing a victim's levels of risk. The purpose of the checklist is to give a consistent and simple tool for practitioners who work with victims of domestic abuse in order to help them identify those who are at high risk of harm and should be referred to a Multi Agency Risk Assessment Conference (MARAC) meeting in order to manage their risk and develop a safety plan;

This policy also acknowledges that victims are often best placed to understand risk. It is important to speak to them at the earliest opportunity.

5.12. **Responsibilities**

This policy sets out clearly how Dundee City Council will respond to domestic abuse and who in the organisation is responsible for what:

Elected members:

Elected members will have a key strategic role in the development of this policy and how it is implemented across the City. They will ensure that those experiencing domestic abuse in Council Housing in Dundee will receive a responsive, sensitive, supportive and co-ordinated service from the Council and partners.

Senior Management:

Are responsible for setting clear aims and objectives and ensuring a priority response. Senior Management will look to create a positive and supportive climate where anyone experiencing domestic abuse feels able to come forward. Senior Management will take the lead in ensuring that perpetrators are held accountable.

Local Management:

Will ensure procedures, protocols, targets, are in place so that those experiencing domestic abuse know what service they are to receive and fully understand their options and the choices available to them. Local Management will monitor service delivery to make sure delivery meets expectations.

Front Line Staff: Will understand their role, be familiar with policies, procedures and pathways and will adopt a victim centred, non-judgemental approach when dealing with those experiencing domestic abuse. They will treat those affected by domestic abuse with dignity and respect at all times, whilst also ensuring that perpetrators are held accountable.

6. LEGISLATIVE CONTEXT

As this policy relates specifically to those residing in Dundee City Council tenancies, the Housing (Scotland) Act 2001 remains the predominant legal authority if seeking to evict perpetrators of domestic abuse.

The specific grounds within the Act are Part 1, Schedule 2, grounds 1, 2, 7 & 15

Amendments will also be made to the Tenancy Agreement to ensure those experiencing domestic abuse are fully supported.

Other related legislation includes:

- Domestic Abuse (Scotland) Act 2018
- Matrimonial Homes (Family Protection) (Scotland) Act 1981

Domestic Abuse (Scotland) Act 2018

Domestic Abuse (Scotland) Act 2011

Adult Support and Protection (Scotland) Act 2007

Children (Scotland) Act 1995

Children's Hearing (Scotland) Act 2011

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

Protection from Abuse (Scotland) Act 2001

Housing (Scotland) Act 1987

Homelessness etc. (Scotland) Act 2003