

Domestic Abuse Policy

2022/25



SOUTH
KESTEVEN
DISTRICT
COUNCIL

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1. Introduction

- 1.1. Three simple facts that are difficult to read:
 - Domestic abuse is a leading cause of homelessness for women in the UK
 - Two women are killed by their partner or ex-partner every week
 - One in four women and one in six men experience domestic abuse in their lifetime
- 1.2. Research shows that domestic abuse is known to escalate in severity and frequency over time and the sooner it is identified and responded to, the better. That is where a local authority like South Kesteven District Council comes in – we have a unique and close relationship with our residents.
- 1.3. While the human cost is immeasurable, tackling domestic abuse also makes business sense. 60% of survivors of domestic abuse are in rent arrears of £1,000 or more. Early intervention to support people who are experiencing domestic abuse helps sustain tenancies and build safe, thriving communities.

2. Scope and purpose of the policy

- 2.1. This policy sets out how the Council will take steps to assist and support any person suffering from, or threatened with, domestic violence or abuse. It applies to all customers of the Council, including tenants and non-tenants living in our properties.
- 2.2. It sets out how the Council will work in partnership to address the issues that are caused by domestic abuse.

- 2.3. This policy will assist the Council in monitoring and continually improving its performance in identifying and responding to reports of domestic abuse.

3. Strategic context

- 3.1. This policy will assist the Council to meet the longstanding aspirations within its Corporate Plan, particularly:

“Housing that meets the needs of all residents”

“Healthy and strong communities”

It will also assist the Council to meet the aims within the Safer Lincolnshire Partnership. This is the single multi-agency forum for addressing community safety issues across Lincolnshire. Within the Safer Lincolnshire Partnership is a Core Priority Group focusing specifically on Domestic Abuse. The Safer Lincolnshire Partnership aims to:

- Reduce crime and disorder and increase the safety of individuals and communities across Lincolnshire
- Ensure those living, working or visiting Lincolnshire feel safe and are equipped to cope with any hazards or threats they may encounter
- Improve communication, coordination and cooperation between agencies allowing them to work together more efficiently and effectively

4. Legislation and guidance

4.1. The Domestic Abuse Act 2021 has introduced the following statutory definition of domestic abuse:

Behaviour by a person (A) towards another person (B) is domestic abuse if –

- a) A and B are aged 16 or over and are personally connected
- b) the behaviour is abusive

The Act includes in this definition behaviour by A that is directed towards another person, such as B’s child.

4.2. This can encompass, but is not limited to, the following types of abusive behaviour:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse

(See Appendix A for expanded definitions)

4.3. Domestic abuse has been criminalised and the various types are covered by different legislation.

4.4. The Housing Act 1996 created a new ground of domestic abuse, giving registered social landlords the power to evict a perpetrator of domestic abuse, whether or not they are a joint or sole tenant of the property.

4.5. South Kesteven District Council has legal responsibilities in managing personal data. We recognise that incidents of domestic abuse are extremely sensitive and are private incidents for survivors to report, and will ensure total confidentiality on any cases that are reported (with reference to section 7 of this policy). Information about the Council’s Privacy Notice is available on our website at: www.southkesteven.gov.uk



5. Equality and diversity

5.1. The Council recognises that it deals with a diverse range of people including those who are vulnerable and in highly stressful personal circumstances. It will therefore:

- Ensure that all individuals and households are treated sympathetically and with courtesy and respect
- Be sensitive and respond to the individual needs and circumstances of the people using its services
- Monitor its services and the outcomes for people using them in order to ensure that they are fair and responsive to needs

5.2. To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will also ensure that information is accessible and available in other formats such as large print, tape and Braille, as needed.

6. The policy

6.1. Our approach

We believe that no one should live in fear of violence or abuse. We take domestic abuse seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic abuse. The Council believes it can make a stand in its community safety role (i.e. as a community leader and as a landlord). Above all, we have a zero tolerance approach to domestic abuse.

6.2. Common principles

The Council adopts common principles and, as a local authority, we will:

a) Enable people to report domestic abuse to

us in different ways, including in person, in writing, by telephone, online or via a third party such as a police officer.

- b) Ensure that people experiencing domestic abuse know that they can meet staff in confidence at our offices or at an agreed choice of safe venue.
- c) Ensure that people experiencing domestic abuse are provided with information on appropriate services as early as possible (see Appendix B) and are given advice to allow them to make choices about what to do next.

This can include:

- Contacting the police if not already done so
 - Completion of a Multi-Agency Risk Assessment (MARAC)
 - Completion of a Domestic Abuse, Stalking and Harassment and Honor Based Violence (DASH) risk assessment
 - Options for short and longer term housing and property security
 - Advice on welfare benefits
 - Legal options and where to get advice
 - Referral to the specialist outreach support services in Lincolnshire (provided by EDAN Lincs) or other appropriate service provider
 - Referral to, or advice on how to, self-refer to the National Centre for Domestic Violence
- d) Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible in line with the relevant policy.
- e) Follow the relevant safeguarding procedures if we believe a child, young person or vulnerable adult is at risk due to an abusive relationship.
- f) Where a report of domestic abuse is received via a professional third party e.g. a police officer, we will seek to establish from the third party what details have been taken, what support is in place and what is required from us. Where required we will then contact the person experiencing domestic abuse directly and offer support.
- g) Share information with and attend MARAC. For cases which meet the MARAC risk rating threshold or if we have child protection

concerns, we have a legal duty to share this with agencies. In cases where the threshold is not met, with the agreement of the person experiencing domestic abuse, we will make referrals to other support from relevant agencies (vulnerability conferences, police, victim support etc.).

- h) We will recommend a person experiencing domestic abuse contacts the police, if they wish. However, where there is concern about serious harm, a report will be made to the police and/or MARAC and/or adult/children safeguarding without consent.
- i) Where a need for additional home security (e.g. security lights, window locks) is identified, permission will be sought immediately from the property owner or landlord, or granted if the Council is the landlord, subject to agreement on who will maintain such items. Use of a Sanctuary Scheme will be considered where appropriate.
- j) Support survivors of domestic abuse to rebuild their lives by working in partnership with them and other support agencies.
- k) On a case by case basis, the Council may consider that a perpetrator of domestic abuse does not qualify to join the housing register on the grounds of anti-social or criminal behaviour, in line with our Housing Allocation Policy.
- l) Publicise our approach, both in print and digitally, to raise awareness amongst staff and residents, with the aim of increasing reports of domestic abuse.
- m) Make domestic abuse awareness training available for all frontline staff working with residents.

6.2.1. As a landlord we will:

- a) Attempt to identify a resident experiencing domestic abuse at the earliest stages of a tenancy and will deal sensitively with any history of domestic abuse. If a history is disclosed, additional security measures will be considered.
- b) Agree an action plan with the resident experiencing domestic abuse, monitor the situation and review at a frequency agreed with them.
- c) Ensure that residents experiencing domestic abuse know that they can meet staff in

confidence at our offices or at an agreed choice of safe venue.

- d) In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out by the Council in line with the relevant policy. Although a crime reference number is usually required, in exceptional circumstances, the Tenancy Services Manager has the authority to waive this condition. Any damage should be photographed and noted and a recharge raised to the perpetrator. Where appropriate, the Council may seek to take direct action against the perpetrator and report the damage to the police as a crime.

6.3. Legal action

6.3.1. In terms of any criminal investigation, input and assistance from the relevant Housing and Neighbourhood Services teams will be given to the police on request and as set out in this policy.

6.3.2. Injunctions

Injunctions against the perpetrator can be sought by the person experiencing domestic abuse, who will need to give a statement and attend Court, as follows:

- Via the services of a local solicitor
- By applying directly to the courts (<https://www.gov.uk/government/publications/form-fl401-application-for-a-non-molestation-order-occupation-order>), representing themselves, and engaging the services of a process server
- Through the National Centre for Domestic Violence, who will prepare the statement on their behalf. www.ncdv.org.uk

In cases of domestic abuse, an injunction would normally involve the perpetrator not being allowed to enter the locality of the survivor's home.

From a landlord perspective, injunctions would be more appropriate where the perpetrator is a household member and not a tenant of the Council. Where relevant, an interim injunction will be sought pending the outcome of a possession hearing.



6.3.3. Eviction of perpetrator – landlord role

Options which may include eviction of a perpetrator will be discussed with the resident experiencing domestic abuse and they will be reassured of necessary support from the Council or other agencies.

Approval to seek a possession order with a view to eviction should be sought from the Tenancy Services Manager. Considerations including the survivor's wishes, evidence of abuse, serious breaches of other tenancy obligations, under-occupation and any known vulnerabilities of all involved will be taken into account.

Where seeking possession is the agreed route, an appropriate Notice of Seeking Possession will be served on the perpetrator if they are a joint or sole tenant.

If the property is not vacated by the effective date

of the Notice of Seeking Possession then action for possession will be instigated.

In some cases it may be appropriate to advise a survivor of domestic abuse to end their joint tenancy. This route would only be considered if the survivor had already left the property and had no intention to return while the perpetrator remained. This would assist in limiting financial abuse by ending the survivor's liability for any rent due from the date of the tenancy termination. Following this date, the perpetrator would have no right to remain in the property and proceedings for possession could be instigated for unlawful occupation.

6.4. Responsibilities

6.4.1. We will provide support and assistance to residents experiencing domestic abuse as described in this policy. Residents are responsible for cooperating with us and any

support agencies involved.

Where residents fail to engage and show no signs of a willingness to engage, and where the behaviour is having an impact on neighbours, we may consider addressing the behaviour under the relevant anti-social behaviour (ASB) legislation.

- 6.4.2. All tenants of the Council are responsible for adhering to their tenancy agreement. Breaches of the tenancy agreement will be addressed in accordance with the relevant policy, ensuring any action taken is reasonable and proportionate given the tenant's circumstance and the impact of their tenancy breach.



7. Confidentiality

In the operation of this Policy, information will be treated as confidential between the various agencies in line with their normal working practices. However, it must be remembered that public interest and the statutory duties of agencies can at times override the duty of confidentiality via the information sharing protocol.

8. Related policies and documents

- Lincolnshire Preventing Domestic Abuse Strategy 2021 – 2024
- Lincolnshire County Council Safeguarding Children Policy
- Lincolnshire Safeguarding Adults Policy, Procedure and Process, 2017
- Equality and Diversity Annual Position Statement 2021
- Allocations Policy
- Tenancy Agreement
- The Ministry of Defence, No Defence for Abuse 2018–2023
- National Rural Crime Network ‘Captive & Controlled’ Domestic Abuse in Rural areas (2019)

9. Review

This Policy will be reviewed every three years, unless legislative or regulatory changes require an earlier review. If Council staff become aware that there are problems with effective operation of the policy or the associated procedures, they should report this to the Policy Owner. This feedback will be incorporated into the Policy / procedural review process.

Appendix A Terms and definitions

The Domestic Abuse Act 2021 describes that:

1. Behaviour by a person (A) towards another person (B) is domestic abuse if –
 - A and B are each aged 16 or over and are personally connected
 - the behaviour is abusive
2. Behaviour is abusive if it consists of any of the following:
 - Physical abuse (including, for example, hitting, punching, kicking, slapping, hitting with objects, pulling hair, pushing or shoving, cutting or stabbing, restraining, strangulation, choking, murder)
 - Sexual abuse (including, for example, rape and coerced sex, forcing person B to take part in unwanted sexual acts, refusal to practice safe sex or use contraception)
 - Violent or threatening behaviour (such as intentionally putting person B in fear of physical or mental harm, injury or material loss)
 - Controlling behaviour (this could include 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)
 - Coercive behaviour (including, for example, acts or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten person B)
 - Economic/financial abuse (see section 3 below)
 - Psychological, emotional or other abuse (such as creating isolation for example by limiting or preventing other social activities and relationships, use of threats such as to spread rumours or to cause physical harm, humiliation and undermining the person's confidence)
3. Economic/Financial abuse means any behaviour that has a substantial adverse effect on B's ability to –
 - Acquire, use or maintain money or other property
 - Obtain goods or services
4. A's behaviour may be behaviour toward B despite the fact that it consists of conduct directed at another person (for example, B's child).
5. Two people are personally connected 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
 - they are relatives
6. A person has a parental relationship in relation to a child if –
 - The person is a parent of the child; or
 - The person has, or has had, parental responsibility for the child.
7. In the Domestic Abuse Act 2021 –
 - 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; and
 - Relative has the meaning given by section 63(1) of the Family Law Act 1996
8. The government's definition of domestic abuse from 31 March 2013, which is not a legal definition, includes so called honour-based violence, female genital mutilation (FGM) and forced marriage, and recognises that it is clear that people experiencing or surviving domestic abuse are not confined to one gender or ethnic group.
9. The Domestic Abuse Act 2021 states how children can be victims of domestic abuse.
- Any reference in the Act to a victim of domestic abuse includes a reference to a child who—
- (a) sees or hears, or experiences the effects of, the abuse, and
 - (b) is related to A or B.
- (3) A child is related to a person if—
- (a) the person is a parent of, or has parental responsibility for, the child
 - (b) the child and the person are relatives.
- (4) In this section—
- Child means a 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

Appendix B

Further information on services

Lincolnshire Police

- In an emergency call 999
- The non-emergency number is 101
- Domestic abuse (lincs.police.uk)

National services

- **National Centre for Domestic Violence:** free 24hr legal helpline specialising in obtaining injunctions. Call 0800 970 2070 or text NCDV to 60777 for a call back, www.ncdv.org.uk.

- **Women's Aid:** 24hr helpline on 0808 2000 247 run by Women's Aid and Refuge, or email (with 5 day response time) helpline@womensaid.org.uk. Access The Survivor's Handbook at www.womensaid.org.uk/the-survivors-handbook/.

- **Refuge:** helpline as above, or email helpline@refuge.org.uk, www.refuge.org.uk.

- **Men's Advice Line:** for men experiencing domestic abuse. Call 0808 801 0327 (Monday to Friday 9am to 5pm) or email info@mensadviceline.org.uk (two day response time), www.mensadviceline.org.uk.

- **ManKind Initiative:** helping men escape domestic abuse. Call 01823 334244 (Monday to Friday, 10am to 4pm), www.mankind.org.uk.

- **Galop:** LGBT+ domestic abuse helpline on 0800 999 5428 or email help@galop.org.uk, chat online at www.galop.org.uk (Monday to Friday 10am to 5pm, Wednesday and Thursday also 5pm to 8pm).

- **Karma Nirvana:** support for victims of honour-based abuse and forced marriage. Call 0800 5999 247 (Monday to Friday 9am to 5pm) or email info@karmanirvana.org.uk, karmanirvana.org.uk.

- **Childline:** helpline on 0800 1111, chat online to a counsellor or email via www.childline.org.uk.

- **The Hideout:** an online space created by Women's Aid for children and young people, thehideout.org.uk.

- **Civil Legal Advice (CLA):** advice as part of legal aid. Call 0345 345 4345 (Monday to Friday 9am to 8pm) or text 'legalaid' and your name to 80010 for a call back, www.gov.uk/civil-legal-advice.

- **FLAWS** (Finding Legal Options for Women Survivors): www.flows.org.uk

- Health services

Should you contact any of these services and find they are no longer in existence or their provision has significantly changed, please contact the Council's customer services team on **01476 406080**.

Alternative formats and languages

To ensure all residents of South Kesteven have access to our information material, our documents will be made available in a range of different languages and formats, including large print, Braille, audio tape and computer disc.

To request a document in a specific language or format, you can ring us or email us on:

☎ 01476 40 60 80
✉ pr@southkesteven.gov.uk

This information can be made available in large print, Braille, on audio tape or computer disc. If you, or someone you know, might benefit from this service, please contact us.

Polski / Polish

Informacja ta może być dostępna w języku polskim. Jeżeli Państwo albo ktoś kogo Państwo znają, może z tej usługi skorzystać, proszę nas kontaktować.

繁体中文 / Cantonese

本資料有繁体中文版，若你本人或你認識的甚麼人會受益於此版本，敬請聯絡我們。

Magyar / Hungarian

Ezeket az információkat magyar nyelven is tudjuk biztosítani. Ha Ön, vagy valaki, akit Ön ismer igényt tart erre a szolgáltatásra, kérem, keressen fel minket.

Latviski / Latvian

Šo informāciju var iegūt arī latviešu valodā. Ja Jums vai kādai no Jūsu paziņai šādi pakalpojumi nāktu par labu, lūdzu kontaktējiet mūs.

Lietuviškai / Lithuanian

Šią informaciją galite gauti lietuvių kalba. Prašome kreiptis į mus, jei jums arba jūsų pažįstamiems ši paslauga galėtų būti naudinga.

Português / Portuguese

Esta informação pode ser disponibilizada em português. Se você, ou alguém que conhecer, beneficiar com este serviço, por favor contacte-nos.

русский / Russian

Эта информация может быть доступна крупным шрифтом, шрифтом Брайля, на аудиокассете или на компьютерном диске. Если вы или кто-то из ваших знакомых может воспользоваться этой услугой, свяжитесь с нами.

Slovenský / Slovak

Tieto informácie je možné sprístupniť veľkou tlačou, Braillovým písmom, zvukovou páskou alebo počítačovým diskom. Ak z tejto služby môžete mať úžitok vy alebo niekto, koho poznáte, kontaktujte nás

Pilipino / Tagalog

Ang impormasyong ito ay maaaring magamit sa malaking print, Braille, sa audio tape o computer disc. Kung ikaw, o isang taong kilala mo, ay maaaring makinabang mula sa serbisyong ito, mangyaring makipag-ugnay sa amin

Français / French

Ces informations peuvent être mises à disposition en gros caractères, en braille, sur bande audio ou sur un disque d'ordinateur. Si vous, ou quelqu'un que vous connaissez, pourriez bénéficier de ce service, veuillez nous contacter.

Contact details

Alternative formats are available on request:
audio, large print and Braille

South Kesteven District Council
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 www.southkesteven.gov.uk

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