

**ELHA POLICY**

**Date Issued:** 26 October 2006

**Last Reviewed** **March 2025**

**Department:** Housing Management

**Title:** Domestic Abuse

**Objective:** **To respond swiftly and appropriately to all reported incidents of domestic abuse**

**Responsible:** Director of Housing

**Next review date:** March 2030

**1.0 Introduction**

- 1.1 Everyone has the right to live free from violence and abuse. This policy sets out how East Lothian Housing Association views domestic abuse, and how we will respond to and seek to deal with any reports of such abuse affecting our tenants and members of their households.
- 1.2 We know that domestic abuse presents one of the highest risks to personal safety and is unacceptable. We will therefore take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.
- 1.3 Research shows that Police Scotland recorded a total of 63,867 incidents of domestic abuse during 2023-24, an increase of 3% on the previous year. 81% of such cases were experienced by women and perpetrated by a man. Despite this high percentage we recognise that domestic abuse can also be experienced by men, lesbian, gay, bisexual, transgender people and gender nonbinary people (LGBTQ+). Domestic abuse is also often witnessed by children who may themselves experience mental, physical and sexual abuse.
- 1.5 We also recognise that many people experience no physical abuse, but are subjected to sustained psychological, economic and emotional abuse which can be as debilitating as physical abuse. As a result, many people may not act on any information/advice offered in the first instance or on subsequent occasions.
- 1.6 No matter how many times a person approaches us for support we will continue to believe them and continue to provide a service where they can talk freely and without judgement.

## 2.0 Definition

- 2.1 There is no universally accepted definition of domestic abuse however the Scottish Government defines it as follows:

*“Domestic abuse (as gender based abuse) can be perpetrated by partners, ex-partners and can involve 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 and friends”*

## 3.0 Legal and Regulatory Framework

- 3.1 This policy complies with the following legislation and best practice:

- Domestic Abuse (Scotland) Act 2018
- The National Strategy to Address Domestic Abuse 2000
- Equally Safe, Scotland's Strategy for preventing and eradicating violence against women and girls 2018
- Domestic Abuse: a good practice guide for social landlords
- Data Protection Act 2018 & General Data Protection Regulations

- 3.2 The Domestic Abuse (Scotland) Act 2021 received Royal Assent on 5 May 2021 introducing a number of important measures. However, that which relates to social landlords being able to terminate an abuser's interest in a Scottish Secure Tenancy to allow the victim to remain in the family home is not in force at the time of this policy review.

- 3.3 We will also comply with the Scottish Housing Regulator's Social Housing Charter Indicators which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

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| Equalities | <p>Social landlords perform all aspects of their housing services so that:</p> <p>They support the right to adequate housing, and every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services</p> |
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| Communication   | Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides                   |
| Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes | Tenants and other customers live in well-maintained neighbourhoods where they feel safe   |
| Tenancy Sustainment   | Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations |

#### 4.0 Equalities and Human Rights

- 4.1 We will not discriminate unreasonably in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity; race, religion or belief, sex, or sexual orientation. We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010.
- 4.2 We understand that it is important to recognise differences between all protected characteristics when dealing with domestic abuse. It follows that different approaches and resources are needed when addressing domestic abuse with different groups.
- 4.3 Domestic abuse violates Human Rights under international law because it denies victims their rights including:
- The right not to be treated in an inhuman and degrading way
  - The right to respect for private and family life (including the right to physical and psychological integrity)
  - The right to life

#### 5.0 Policy Aims

- 5.1 The main aim of this policy is to ensure that victims of domestic abuse are supported and given advice to make informed choices about their accommodation options. This includes sustaining their current accommodation where possible and preventing the need to present as homeless.

- 5.2 It is hoped that an early intervention approach will enable victims to avoid the potential trauma of emergency accommodation, living in an unfamiliar area (away from existing support networks) and reducing the likelihood of financial hardship associated with homelessness.

## **6.0 Our Principles**

- 6.1 We will try to prevent and reduce harm caused domestic abuse by:

- Referring to the relevant clauses of the tenancy agreement when signing up a new tenant
- Attempting to identify victims at the earliest stages of a tenancy (if a history is disclosed, additional security measures will be considered)
- Enabling residents to report domestic abuse to us in different ways, including in person, in writing, by telephone, online or via a third party such as Police Scotland or Women's Aid
- By publicising our Domestic Abuse Policy
- By promoting relevant information and services in our newsletters and on elha.com
- Fitting extra security measures to the property at no expense to the tenant
- Providing information and contact details / facilitating contact with other support agencies
- Not taking rent arrears or other tenancy debt into account when considering a transfer (or if an applicant is nominated to us), giving priority to move to alternative accommodation or providing management transfers where appropriate

- 6.2 We will take a supportive, non-judgemental and positive approach to all persons who approach us for help and advice on domestic abuse.

- 6.3 If we become aware of or suspect domestic abuse as a result of noise complaints, police callouts, broken locks and or damage to property, we will respond in a way that ensures the victim is not put at further risk or blamed for the perpetrators behaviour. We recognise that domestic abuse is distinct to antisocial behaviour therefore we will not treat such reports under our Antisocial Behaviour Policy.

- 6.4 We recognise that confidentiality is crucial to the safety of the victim and will treat complaints seriously, sensitively and in confidence whilst also recognising our responsibilities relating to child protection and vulnerable adults. (See Section 10.0, Confidentiality) We will not ask for evidence of violence or abuse but if the victim offers any information or documents which could help with investigating the complaint, then we will accept these.

**6.5 We will deal with domestic abuse by:**

- Supporting and offering effective help to the victim ensuring that they know they can meet staff, in confidence, at our offices or at an agreed choice of safe venue
- Minimising disruption to the victim and their children so they can maintain family and community connections, employment, education
- Taking appropriate action against the perpetrator where possible
- Making sure that the confidentiality of both the victim and perpetrator is respected
- Monitoring all reported domestic abuse incidents and taking action as appropriate
- Follow the relevant child protection procedures if we believe a child is at risk due to an abusive relationship
- Working in partnership with the police, social work and other organisations as appropriate

**6.6 We will support victims of domestic abuse by:**

- Encouraging them to seek help from specialist counselling and support agencies
- Ensuring that where children and young people are affected by domestic abuse, they too have access to services as early as possible
- Making sure that their home has appropriate security precautions, such as adequate door and window locks or any other measures recommended to us
- Treating any repairs required to make safe the property as emergency repairs
- Discussing their housing options and tenancy rights, assisting them to obtain temporary housing or alternative suitable, permanent accommodation as appropriate
- Ensuring the perpetrator is adequately housed where possible, to keep the victim safe

**7.0 Scope of the Policy**

**7.1 This policy applies to all of our tenants, their partners and other members of the household.**

## **8.0 Our Approach to a Report of Domestic Abuse**

- 8.1 When we receive a report of domestic abuse directly from a victim, our first priority will be to try to make sure that they are safe. This may mean helping them to find safe accommodation overnight. If the victim decides to stay in the home, then we will repair any damage relating to the security of the property as an emergency. The victim will not be charged for these repairs, but the perpetrator may be.
- 8.2 We will aim to carry out an interview immediately, but if this is not possible, we will arrange it within 3 working days of the first contact provided the victim agrees to this.
- 8.3 Interviews will be carried out in a sensitive and supportive manner. We will give victims the choice of being interviewed by someone of the same sex, wherever possible, in our offices or at an agreed choice of safe venue. If there are hearing or language difficulties, then we will arrange for an appropriate service to assist, such as Language Line or a suitably qualified signer. Where requested by the victim, interviews can be carried out over the telephone.
- 8.4 At the initial meeting we will aim to discuss the following:
- Immediate housing options and tenancy rights (we will support victims to stay in their home but if they express the wish to move, temporarily or permanently, then staff will offer appropriate advice and assistance to help them obtain alternative accommodation)
  - Contact with the police and medical services
  - Support that is available such as Women's Aid or the Citizens Advice Bureau

We appreciate that this is a very difficult time for the person and that it may take more than one meeting to cover all of these points, therefore we will go at the victim's pace.

- 8.5 It is essential that we reassure the victim that any information provided to us will not be divulged to any third party without their express agreement. This includes people who may have a legitimate concern in the case, such as social workers or other housing providers. However, exceptions may have to be made in cases involving a risk of harm to a person or where there are child protection issues, or where information sharing protocols are in place. (See section 10.0 - Confidentiality)
- 8.6 At the end of the meeting, we will agree with the victim what action will be taken. We will write to the victim (or contact by other preferred means) within two days with the agreed Action Plan.
- 8.7 Wherever possible, we will not take any action without the express consent and support of the victim.

8.8 Where a report of domestic abuse is received via a third party, e.g. a police officer, we will seek to establish from the third party what details have been taken from the victim, what support is in place and what is required from us. Where required, we will then contact the victim directly and speak with them as described above at 6.2 – 6.6.

8.9 Staff will ensure that contact is maintained with the victim until the victim feels that support is no longer necessary. Further contact may be needed to discuss issues such as:

- Contacting the police if not already done so
- Longer term housing options
- Advice on welfare benefits
- Referral to Women's Aid

## **9.0 Action Against Perpetrators**

9.1 As domestic abuse is a form of harassment, we will consider taking legal action for a breach of tenancy conditions against any alleged perpetrator who is a tenant of ours.

9.2 It is not practical for us to take legal action against perpetrators of domestic abuse who are not tenants of ours, but we will support, wherever possible, any action taken against these perpetrators by the victim, police or other agencies.

9.3 We will keep victims informed at each stage of our investigation into their report of domestic abuse. We will also advise victims of action taken by us, in particular, the dates and outcomes of any court hearings.

## **10.0 Confidentiality**

10.1 We will encourage victims to allow us to share information with other agencies, including the Police and local authority departments, to ensure that the full range of civil and criminal action can be pursued and appropriate assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent. The exceptions to this will be:

- Where we consider a child is at risk in any situation
- If there is a high risk of serious harm to anyone involved
- If we are obliged by law to disclose information

- 10.2 The Housing Manager or Director of Housing must approve any disclosure that does not have the victim's consent.

### **11.0 Complaints and Appeals**

- 11.1 If a victim is unhappy with the way we deal with their report of domestic abuse, they should refer to our Complaints Handling Procedure and contact the Housing Manager who will try to resolve the problem immediately. If the Housing Manager cannot deal with this immediately, they will tell the victim how long it will take to investigate and resolve.
- 11.2 Victims can also appeal against any decision we make about their report of domestic abuse, and should make their appeal to the Housing Manager in the first instance. If someone requires support to make an appeal they can be signposted to advocacy services such as the Scottish Independent Advocacy Alliance : <https://www.siaa.org.uk/>

### **12.0 Training**

- 12.1 All frontline staff will receive training to ensure they have the tools and confidence to provide support and practical help, and to be able to apply this policy appropriately.

### **13.0 Partnership Working**

- 13.1 We are committed to collaborative working across services and with partners and will develop referral arrangements with other agencies and landlords.

### **14.0 Policy Review**

- 14.1 The Director of Housing is responsible for making sure that this policy is reviewed every five years, and that any significant amendments required are submitted to the ELHA Board for approval.