

# ISLINGTON & SHOREDITCH HOUSING ASSOCIATION

## DOMESTIC ABUSE POLICY

### 1. INTRODUCTION

- 1.1 This policy sets out ISHA's response to domestic abuse experienced by ISHA residents or perpetrated by ISHA residents, or any person receiving a service from ISHA.
- 1.2 A separate policy details our response to ISHA staff who disclose that they and/or members of their household are affected by domestic abuse.
- 1.3 ISHA uses a gender-neutral definition of domestic abuse as we want to ensure that all victims and all types of domestic abuse are sufficiently captured, and no victim is excluded from protection or access to services.
- 1.4 ISHA recognises that domestic abuse disproportionately affects women and girls. In the year ending March 2020, an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse - 1.6 million women and 757,000 men (Domestic Abuse Act 2021)

Seven women a month are killed by a current or former partner in England and Wales (Women's Aid 2022)

### 2 AIMS

- 2.1 The policy is a guide for staff on the principles of dealing with cases of domestic abuse.
- 2.2 The policy aims to ensure that victims of abuse are dealt with sensitively, fairly and appropriately, according to their needs.
- 2.3 It recognises the need to share information and work in partnership with other agencies with greater experience of domestic abuse to reduce the risk of harm to survivors.

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### 3 KEY TERMS & DEFINITIONS

3.1 ISHA adopts the statutory definition of Domestic Abuse (DA) as defined in the Domestic Abuse Act 2021.

‘Abusive behaviour’ is defined in the act as any of the following:

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour
- economic abuse
- psychological, emotional or other abuse

For the definition to apply, both parties must be aged 16 or over and ‘personally connected, defined in the act as parties who:

- are married to each other
- are civil partners of each other
- have agreed to marry one another or have entered into a civil partnership agreement (whether or not either agreement has been terminated)
- are or have been in an intimate personal relationship with each other
- have, or there has been a time when they each have had, a parental relationship in relation to the same child
- are relatives

3.2 ISHA uses the term **Victim/Survivor** for a person experiencing domestic abuse and the term **Perpetrator** for a person perpetrating domestic abuse.

3.3 ISHA recognises that children experience the devastating effects of domestic abuse, however, we will be led by statutory children’s services and ISHA’s safeguarding policy to not blur the lines between domestic abuse and child abuse.

3.4 The term ‘**Violence against women and girls’ (VAWG)** refers to acts of violence or abuse that we know disproportionately affect women and girls. Crimes and behaviours covered by this term include rape and other sexual offences, domestic abuse, stalking, ‘honour’-based abuse, as well as many others, including offences committed online.

3.5 ISHA recognises **economic abuse** is a distinct type of abuse. Examples of economic abuse include:

- having sole control of the family income;
- preventing a victim from claiming welfare benefits;
- interfering with a victim’s education, training, or employment;
- not allowing or controlling a victim’s access to mobile phone/transport/utilities/food;
- damage to a victim’s property

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**3.6 Multi Agency Risk Assessment Conference (MARAC)** refers to regular local meetings which take place in most councils across the country to discuss the highest risk domestic abuse cases in the area.

**3.7 Domestic Abuse, Stalking and Honour Based Violence Risk Identification Checklist (DASH)** is a risk assessment used by professionals working with victims of domestic abuse to identify and categorise abuse experienced by victims. To refer a case to MARAC, a DASH must be completed. The minimum score for a 'visible high risk' referral to MARAC is 14 and the maximum overall score is 24.

#### **4 STATUTORY AND REGULATORY FRAMEWORK**

**4.1** The policy takes into account the following legislation, which should be referred to by staff if required:

Domestic Abuse Act 2021  
 Domestic Violence Disclosure Scheme (Clare's Law)  
 Data Protection Act 2018  
 Modern Slavery Act 2015  
 Serious Crime Act 2015  
 Anti-Social Behaviour Crime and Policing Act 2014  
 Protection of Freedoms Act 2014  
 Equality Act 2010  
 Child Safeguarding legislation including Children Act 2004  
 The Children Act 2004  
 Human Rights Act 1998  
 Protection from Harassment Act 1997  
 The Care Act 1996  
 Housing Act 1996  
 Family Law Act 1996

#### **5 DETAILS – HOW ISHA WILL DEAL WITH REPORTS OF DA FROM A VICTIM/SURVIVOR**

**5.1** Domestic abuse is a Category 1 anti social behaviour report and a safeguarding report. All reports to ISHA of domestic abuse must be investigated within 1 working day. We will accept reports of domestic abuse from any channel. Suspected cases may be brought to our attention by repeat repairs, repeated reports of loud noises, banging or shouting or a member of staff noticing a change in behaviour of a resident.

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- 5.2 Any staff member who receives a report of DA or suspects a case of DA should refer this to the area Tenancy Officer. If the staff member suspects that there is an immediate risk of harm, they should call the police and then refer to the Tenancy Officer.
- 5.3 Staff will contact the survivor taking safety into consideration so that telling us doesn't put them at further risk. We will also agree how ongoing contact will be maintained. We will always accept the survivor's account as a true reflection of events. The investigating Tenancy officer can be of the same sex as the Victim/Survivor if the Victim/Survivor prefers.
- 5.4 We will complete a DASH with all victims who report domestic abuse. We will complete an action plan with the victim and provide ongoing support where required. We will maintain regular contact, agreeing the frequency and method of contact with them.
- 5.5 We will refer a case to MARAC immediately if the victim scores 14 or more on a DASH. Where a victim does not score enough on the DASH to be classed as 'visible high risk', staff will use their professional judgement and may still refer to MARAC if they believe the abuse is high risk, escalating, or that the victim may be minimising the abuse.
- 5.6 Where a case does not meet the threshold for a MARAC referral, ISHA will refer victims to external agencies for support, with their consent, and will encourage them to seek legal advice through agencies who provide support with legal remedies for victims.
- 5.7 Where children are present, we may make a referral to children's social services. Children living in households where domestic abuse occurs are recognised as victims of that abuse in their own right. We will inform statutory services where we believe that a child is harmed or at risk due to domestic violence. We will also make appropriate safeguarding referrals in respect of any vulnerable adult who may also be impacted by the abuse. This will be in line with ISHA's Safeguarding policy and Vulnerability policy.
- 5.8 Where the victim/survivor experiencing the abuse is unable to remain in their home, we will ensure they are aware of their housing options. If temporary or emergency accommodation is required, ISHA will liaise with the relevant local authority.
- 5.9 Where appropriate, we will support tenants experiencing domestic abuse to move, either through internal transfer, reciprocal agreements, or providing advice on approaching local authorities for rehousing. Where possible we will collaborate with other registered providers as part of the Pan London Housing Reciprocal agreement.
- 5.10 We recognise that leaving or ending a relationship with an abusive partner can take a long time, and some survivors will leave or ask their abusive partner to leave on several occasions, before

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they make a final break. ISHA will take a non-judgmental approach where a survivor returns to an abusive relationship, and we will support them if the need arises.

5.11 If permanent rehousing is a proposed solution a management transfer application will be prepared by the Tenancy officer for approval by the Head of Housing, in line with the Allocations and Transfer policy. If approved, then the Victim/survivor joins the internal transfer list.

5.12 Where the victim is not an ISHA tenant e.g. a leaseholder or household member of an ISHA tenant we will provide advice and signposting to agencies.

5.13 In conjunction with partner agencies, ISHA will provide extra security to homes of victims ie . The Sanctuary Scheme.

5.14 Where the victim/survivor is an ISHA tenant, we will carry out repairs to properties damaged by perpetrators during any domestic abuse incident.

5.15 Where ISHA have concerns about a potential victim of modern slavery or human trafficking, or we suspect that a situation is potentially exploitative we will seek advice from the Modern Slavery helpline on 0800 012 1700. If we suspect that a person trafficked is in immediate danger then this will be reported to the Police.

## **6 DETAILS – HOW ISHA WILL DEAL WITH PERPETRATORS OF DA**

6.1 The Domestic Abuse Act 2021 specifies that we must hold perpetrators of domestic abuse to account. We will take action against perpetrators of domestic abuse where there is evidence of abuse. We will only do so if this does not compromise the safety of the victim. If a tenant of ISHA is convicted of a domestic violence offence, we may seek possession of the property.

6.2 We may also initiate ASB proceedings against the perpetrator of domestic abuse with the agreement of the Victim/Survivor. Any action will be in line with ISHA's ASB policy and procedure.

6.3 Where the victim/survivor and the perpetrator have a joint tenancy, we cannot intervene to decide which party should occupy the property. In these circumstances we will refer the victim to obtain independent legal advice on their options, which include:

- Seeking an occupation order
- A court order to transfer the tenancy to their sole name
- The victim serving Notice to Quit to end an assured tenancy

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6.4 ISHA may rehouse a resident as a direct result of domestic abuse and serve a NTQ to end a joint tenancy. If the perpetrator fails to move out when the tenancy has ended, ISHA will take possession proceedings to remove them from the property.

6.5 We provide general housing advice to perpetrators when requested. Where the perpetrator is willing to confront their abusive behaviour, we refer them to appropriate support services.

## **7 HEALTH AND SAFETY**

7.1 Where staff may have direct contact with perpetrators and alleged perpetrators, staff will use lone working devices. Visits should be conducted by two members of staff where high-risk perpetrators are identified and/or joint visits arranged with the police.

## **8 EQUALITY AND DIVERSITY**

8.1 ISHA will ensure that this policy is applied fairly and consistently to all residents. We understand that people have different experiences of disadvantage and discrimination depending on their characteristics, identity and background. In keeping our approach person centred, we will aim to acknowledge and understand the individual needs of survivors and offer services and approaches that take account of their identity as a whole. This includes considering specific and intersecting needs based on race, gender, sexuality, religion and culture.

8.2 On request, ISHA will provide translations of all its documents, policies and procedures in various languages and other accessible formats.

8.3 We will provide translation services for Victim/Survivors.

8.4 We will provide a case officer of the same sex if required by victims of domestic abuse.

## **9 DATA PROTECTION**

9.1 Information shared with ISHA relating to domestic abuse is extremely sensitive and private. Personal or sensitive data will be processed in line with the Data Protection Act 2018.

9.2 Where possible, we will seek to establish information sharing protocols with relevant external agencies to help in managing domestic abuse cases.

9.3 Staff will ensure that they comply with ISHA's Data Protection Policy and our Privacy Policy, and only share information with the consent of the Victim/Survivor, unless:

- information sharing is necessary for the protection of children or a vulnerable person.
- Information sharing is required for the prevention or detection of crime.
- ISHA is required by law to share the information.

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## 10 TRAINING

10.1 All Housing & Neighbourhood staff will receive appropriate training for dealing with reports of domestic abuse.

10.2 Front-line colleagues in specific roles will receive ongoing specialist training on Domestic Abuse.

10.3 Staff who visit customers in their homes will receive additional training on spotting the signs of domestic abuse.

10.4 We will work with our contractors to ensure that staff are aware of the signs of domestic abuse and how to report them.

## 11 MONITORING

11.1 ISHA will maintain a register of cases to monitor cases of domestic violence.

11.2 Cases will be individually reviewed on a monthly basis by the Housing Manager.

## 12 REVIEW

12.1 This policy will be reviewed every three years to ensure that the policy continues to meet its objectives and takes account of best practice, unless there are changes in legislation which require the policy to be reviewed at an earlier date.

## 13 ASSOCIATED DOCUMENTS

- Anti-Social Behaviour Policy and Procedure
- Safeguarding Policy
- Vulnerability Policy
- Data Protection Policy
- Customer Privacy Statement
- Allocations
- Transfer Policy

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