

**CONTROLLED DOCUMENT**

N.B. Employees should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

**DOMESTIC ABUSE POLICY**

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| <b>CATEGORY:</b>  | Policy  |
| <b>CLASSIFICATION:</b>                                  | Housing and Property  |
| <b>PURPOSE:</b>   | To document Brunelcare's approach to Domestic Abuse. This includes investigation, prevention and enforcement (where appropriate). |
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| <b>Essential Reading for:</b>                           | All staff   |
| <b>Information for:</b>                                 |   |

**Document Consultation and Review Process**

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| <b>Groups/Individuals who have overseen the development of this Policy:</b> | Housing team<br>ECH team |
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**For the Use of the Corporate Governance Team only:**

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### 1. POLICY STATEMENT

- 1.1 Brunelcare is committed to addressing all forms of violence and abuse, sharing information and working in partnership with other agencies with greater experience of domestic abuse in order to reduce the risk of harm to all parties involved.
- 1.2 Brunelcare recognises that its employees and residents will be amongst those affected by domestic violence and abuse, either as victims or survivors, or perpetrators of domestic violence and abuse. All cases and reports of domestic violence and abuse, experienced by employees and residents, will be taken seriously.
- 1.3 Brunelcare is committed to providing safe homes and safe workplaces to safeguard the health and well-being of employees and residents. As such, Brunelcare is committed to developing a culture that recognises that domestic abuse and violence is unacceptable behaviour and that everyone has a right to live free from fear and abuse.
- 1.4 Brunelcare recognises that domestic abuse and violence can affect everyone, regardless of gender, social class, race, disability or sexuality, and it can be across generations; for example grown up children abusing their parents. Brunelcare understands that domestic abuse can cause disability,

mental health problems and death. Non-physical forms of abuse can be equally if not more damaging than physical violence because of the effects on the victim's mental health and the constant fear the person feels from the implied threats.

- 1.5 Brunelcare will encourage all employees to be perceptive and aware of situations where a person may be suffering from domestic abuse and help by working sensitively and providing appropriate advice about other agencies that can give support, as well as practical housing advice that may result in an urgent move to temporary accommodation or legal action.
- 1.6 Brunelcare will seek to work with other agencies regarding individual cases of domestic abuse, and in multi-agency groups to reduce incidents of domestic abuse and repeat victimisation.
- 1.7 Brunelcare seeks to take a prompt but flexible approach in responding to incidents to take account of the varying circumstances of domestic abuse. To support this, Brunelcare is committed to taking appropriate action, including the eviction of the perpetrators of domestic abuse, where there is evidence and where this would not make a situation worse for the victim.



Deborah Evans  
Chair of the Board



Oona Goldsworthy  
Chief Executive Officer

## 2. AIM OF THE POLICY AND RELATED LEGISLATION

- 2.1 The aim of this policy is to ensure a consistent approach to domestic abuse across Brunelcare so that when a colleague comes into contact with a resident or colleague suffering domestic abuse, they can give the victim an opportunity to make informed choices, so they are better able to protect themselves and others that may be at risk. All employees are expected to support Brunelcare's commitment to dealing with domestic abuse and violence.
- 2.2 This policy ensures that we take appropriate action to reduce the risk of abuse where we think it might happen and to keep victims of abuse safe by working proactively with them and identifying the risk of further abuse.
- 2.3 This policy sets out how we will liaise with the lead statutory agency and other relevant local bodies, including charities, to reduce risk. Supporting the lead statutory agency in taking action against perpetrators of abuse. This includes taking tenancy enforcement action against perpetrators where it is appropriate.
- 2.4 This policy sets out how Brunelcare will respond to domestic abuse because Brunelcare believes that everyone has the right to feel safe in their home or at work and we are committed to offering assistance to any of our residents and colleagues who are suffering from domestic abuse and violence.
- 2.5 This policy allows residents and colleagues to make their own decisions about the course of action at every stage and their decisions will be respected.

### Relevant Legislation and Guidance

[Anti-Social Behaviour, Crime and Policing Act 2014](#)

[Equalities Act 2010](#)

[Housing Act 1985](#)

[Housing Act 1988](#)

[Housing Act 1996](#)

[Anti-Social Behaviour Act 2003](#)

[Human Rights Act 1998](#)

[Police and Justice Act 2006](#)

[CQC Health and Social Care Act 2008 Regulations 2014: Regulation 13](#)

[Data Protection Act 2018 \(as amended\)](#)

[Children Act 1989 & 2004](#)

[Family Law Act 1996](#)

[Domestic Violence Disclosure Scheme \(Clare's Law\)](#)

[Domestic Violence Crime and Victims Act 2004 \(s.9 implemented in 2011\)](#)

[The Care Act 2014](#)

[Modern Slavery Act 2015](#)

[Serious Crime Act 2015 \(Part 5, Section 76\)](#)  
[Domestic Abuse Bill 2019](#)  
[Protection from Harassment Act 1997](#)  
[Police and Justice Act 2006](#)  
[Protection of Freedoms Act 2012](#)  
[Sexual Offences Act 2003](#)

### 3. SCOPE OF THE POLICY

- 3.1 This policy applies to all employees, including agency employees, volunteers and trustees.
- 3.2 This policy applies to all residents, tenants, clients and customers (including members of their family and visitors) across the whole of Brunelcare who may be subject to domestic abuse and violence.
- 3.3 This policy applies to all incidents, or suspected incidents, of domestic abuse across the whole of Brunelcare's services.
- 3.4 This policy follows the principle of the Charity's Safeguarding Policy in ensuring that the relevant safeguarding teams and CQC for our regulated Extra Care Housing sites are informed of domestic abuse and violence.

### 4. DEFINITIONS

- 4.1 *Domestic abuse* - The Government definition of domestic abuse at the first reading of the Domestic Abuse Bill is summarised as follows: *'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse: psychological, physical, sexual, financial or emotional. Controlling behaviour is 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 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 definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

## 5. KEY PRINCIPLES AND REQUIREMENTS

- 5.1 When a report of a domestic abuse incident is received to the Housing Team/the Extra Care Housing Team, Brunelcare will:
- 5.1.1 Work in a confidential, sensitive and non-judgemental manner to provide information, advice and support. This will include offering options on how to report incidents of domestic abuse, such as in person or at a mutually agreed location. Interviews will be conducted in private and in a place of safety.
  - 5.1.2 Agree how contact will be maintained with the victim or the agency representing them and the frequency of this.
  - 5.1.3 Establish if there are any special needs that should be taken into account such as the need for an interpreter or sign language translator.
  - 5.1.4 Enable victims of abuse to remain in their own homes through the provision of advice, support and security measures (for example, panic alarms and mobile phones where necessary), where this is safe and appropriate.
  - 5.1.5 Support those who are, and have been, exposed to domestic abuse and violence. Where appropriate this will include referring the victim to a specialist organisation to provide additional support or advice or guidance.
  - 5.1.6 Carry out a risk assessment and safety planning to provide support.
  - 5.1.7 Work with relevant authorities or partner agencies to ensure co-ordinated services to prioritise the victim's and any children's safety. This will include supporting multi-agency and partnership working such as attending Multi Agency Risk Assessment Conferences (MARAC).
  - 5.1.8 Discuss all options available to the resident and inform the victim of their legal rights in respect of the tenancy. Using ground 14A of Schedule 2 of the Housing Act 1988 or applying for an injunction may be considered to exclude the perpetrator under the Anti-Social Behaviour Crime and Policing Act 2014.
  - 5.1.9 Support witnesses throughout the investigation.
  - 5.1.10 Report incidents to the Police on behalf of victims (with their permission) where they feel too intimidated to report themselves or support victims to report incidents themselves.

5.1.11 Seek to signpost perpetrators of abuse to the relevant support.

5.2 Victims may have complex needs and may use coping strategies, including alcohol and substance misuse. In these cases and/or where the victims are vulnerable or have mental health issues, a referral will be made to other appropriate agencies for additional support.

### **Disclosures**

5.3 It will be ensured that disclosures of domestic abuse are treated in confidence. Any information divulged will only be passed to a relevant agency if the person gives permission, or if it is necessary due to the belief that a child or vulnerable adult is at risk. However, where there are safeguarding concerns or a crime has been committed Brunelcare will follow its duties with regard to sharing this information with the relevant authorities. Where possible we will seek to obtain data sharing protocols with relevant external agencies to help in managing domestic abuse cases.

5.4 Similarly, any disclosure made by a colleague will again be treated with the strictest confidence, and measures taken to help that person manage their duties as an employee. Brunelcare will maintain the confidentiality of a colleague's disclosure regarding violence to the extent allowed by law and unless to do so would result in significant risk of harm to any person and/or jeopardise safety within the workplace.

### **Data Protection, Record Storage and Retention**

5.5 Personal and sensitive data will be processed in line with Brunelcare's Data Protection Policy and Data Protection Act 2018. All records will be held on a secure management system.

5.6 Any information regarding alleged domestic abuse will be stored on the relevant management system, even if the person reporting does not wish to do more at this stage, as this evidence may be needed in a future court case. It is recognised that dealing with domestic abuse will involve sensitive data and therefore particular thought and care will be taken when processing data relating to this policy.

5.7 Notes of any physical injuries will be made: type, location, how they were caused and if there were any witnesses. The victim will be encouraged to seek medical advice and/or report to the police if they feel safe too.

5.8 A Multi Agency Risk Assessment Conference (MARAC) referral will be completed if appropriate. Those who are at risk of significant harm from domestic abuse will be referred for a MARAC assessment. MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection,



housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other forums to safeguard children and manage the behaviour of the perpetrator. Referrals to Bristol MARAC should be sent to: [dymaracbristol@avonandsomerset.pnn.police.uk](mailto:dymaracbristol@avonandsomerset.pnn.police.uk), or 01278 649313 can be contacted for further guidance.

- 5.9 A record will be kept of the decisions made by the victim (if any) and urgent action will be taken to help the victim and deal with the situation appropriately in all cases.
- 5.10 Brunelcare will not disclose if a victim has been in contact or made an appointment should a perpetrator request information or was to contact Brunelcare. Brunelcare will give no information without the consent of the victim, including to a solicitor, the Police, or to people claiming to be a friend or family.
- 5.11 Brunelcare colleagues will not act as a go-between and will not deal with issues over the collection of possessions.
- 5.12 The retention and disposal of information relating to cases of Domestic abuse and violence will be in line with Brunelcare's Data Retention policy

### **Monitoring of Domestic Abuse**

- 5.13 Where appropriate, victims of domestic abuse will be flagged as vulnerable on the Charity's housing management system, and the monitoring information will be evaluated regularly by the Tenancy Services Manager/Housing Team Managers. The monitoring information will also contain details of outcomes such as: removing the perpetrator, rehousing the victim and any repeat behaviour. Action against the perpetrator will consider the available legal action or remedies (both civil and criminal) available to Brunelcare to deal with perpetrators of domestic abuse.
- 5.14 Brunelcare will monitor and seek to understand what action is being taken by the statutory agencies in this respect to ensure that joint working is maintained. In circumstances where it is appropriate to do so, Brunelcare may signpost perpetrators to domestic abuse perpetrator programmes. Any breaches of tenancy agreements will be managed, to ensure that perpetrators are held accountable for their behaviour and actions.

## 6. ROLES AND RESPONSIBILITIES

### The Board of Brunelcare (Employer and Landlord)

- 6.1 The Board has overall accountability for the activities of the organisation, which includes ensuring arrangements for addressing and reporting domestic abuse are in place. The Board will ensure that it receives appropriate assurance that the requirements set out in this policy are being met.
- 6.2 The Board discharges its responsibilities for addressing and reporting domestic abuse through the Chief Executive Officer. It will be reported back to residents or their family representatives on how Brunelcare manages and assures the quality and safety of its domestic abuse arrangements.

### Chief Executive

- 6.3 The Chief Executive Officer has overall accountability for the provision of efficient and effective domestic abuse arrangements.
- 6.4 The Chief Executive Officer discharges the day to day operational responsibility for domestic abuse through the Operations Director/Director of Housing Services.

### Operations Director/Director of Housing Services

- 6.5 The Director of Housing Services is responsible for the operational delivery of this Policy and the associated procedures.
- 6.6 The Operations Director/Director of Housing Services will put clear mechanisms in place:
- to monitor and measure compliance with the policy, setting a performance framework that includes key Performance Indicators (KPIs);
  - provide regular performance reports to the Board; and
  - ensure performance against key performance indicators is regularly reported to Brunelcare's customers.
- 6.7 Everyone has a professional, individual and collective responsibility to implement this policy with guidance and advice from the Tenancy Services Manager (where it relates to a tenant) as necessary.
- 6.8 Overall responsibility for the effective management of each individual case (where it relates to a tenant) lies with the relevant Housing Team, Customer Service Team or the Extra Care Housing Team.

6.9 If a report of domestic abuse relates to an employee, the HR team has overall responsibility.

## **7. EQUALITY AND DATA PROTECTION**

### **Equality and Diversity**

7.1 Brunelcare seeks to embed an environment where all clients, visitors and employees are treated as individuals, fairly and in a consistent way. We work within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise. This policy will be applied in a way that is consistent with these principles.

7.2 This policy is available on request in other formats (for example in an alternative language, in Braille, on tape, in large type).

### **Data Protection**

7.3 Brunelcare is committed to ensuring protection of all personal information that we hold, and to provide and protect all such data.

7.4 Brunelcare is dedicated to safeguarding the personal information under our control and in maintaining a system that meets our obligations under the Data Protection Act 2018. Our Practice is set out in our Data Protection Policy.

7.5 It is recognised that dealing with domestic abuse will involve sensitive data, particularly from victims and third party agencies, and therefore particular thought and care will be taken when processing data relating to this policy.

7.6 Any evidence used in court cases is likely to have any rights of privacy removed once it is heard in open court.

## **8. IMPLEMENTATION AND TRAINING**

8.1 Colleagues involved in housing management will receive training on domestic abuse and safeguarding so they are aware of this issue and how to give appropriate advice and/or support. This will include training on asking questions and creating a safe space for disclosure with victims of abuse.

8.2 It is recognised that dealing with victims of domestic abuse can be difficult and distressing. Staff working in this area will be given time to talk through these issues and their concerns, and made aware of where their responsibilities end. Counselling will be offered to staff where appropriate.

## **9. MONITORING AND REVIEW**

- 9.1 Brunelcare will continually improve our response to domestic abuse by learning from survivor feedback and the feedback from a range of other agencies.
- 9.2 The Operations Manager/Director of Housing Services is responsible for operations and will regularly monitor cases of domestic abuse which involve a tenant(s), provide appropriate advice and support to individual case officers, ensure they receive appropriate training, and ensure that all cases are appropriately recorded.
- 9.3 This policy will be reviewed every three years or sooner should the author or legal/regulatory requirements deem it to be required.
- 9.4 The effectiveness of this policy will constantly be monitored and used to inform any reviews alongside.