

DOMESTIC ABUSE POLICY



Kingsbridge
Cleddans

HOUSING ASSOCIATION LIMITED

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| Approved | 28 March 2023 |
| Date of next Review | March 2026 |

1 Courtesy of Glasgow' Woman's Aid https://glasgowomensaid.org.uk/?page_id=198

2 Solace. 2016. The price of safety: how the housing system is failing women and children fleeing domestic abuse

<https://www.solacewomensaid.org/get-informed/professional-resources/price-safety-how-housing-system-failing-women-and-children>

1.0 INTRODUCTION

Domestic abuse is persistent and controlling behaviour by a partner or ex-partner which causes physical, sexual and/or emotional harm. This often gets worse over time. Domestic abuse is overwhelmingly experienced by women and perpetrated by men however, domestic abuse can be experienced in many different types of relationships. It doesn't matter how old someone is, what race, religion, or ethnicity they are, what class they are, whether they are disabled, or whether they have children – anyone can be a victim of abuse¹ It can be life threatening.

1.1 DOMESTIC ABUSE: SUPPORT – [STAYING SAFE](#)

2.0 LEGAL CONTEXT

There are a number of laws dealing with domestic abuse;-

- Protection from Abuse (Scotland) Act 2001
- Sexual Offences (Scotland) Act 2010
- Criminal Justice & Licensing (Scotland) Act 2010
- Domestic Abuse (Scotland) Act 2011
- Forced Marriage (Scotland) Act 2011
- Human Trafficking and Exploitation (Scotland) Act 2015
- Domestic Abuse (Scotland) Act 2018
- Domestic Abuse (Protection) (Scotland) Act 2018

2.1 The Domestic Abuse (Scotland) Act 2018 (the Act) makes it an offence punishable by a custodial sentence of up to 12 months and/or fine under summary cause or up to 14 years and/or fine on indictment. The Act came into force on 1 April 2019.

2.2 The Act defines a criminal offence where;-

- behaviour causes physical or psychological harm
- behaviour is violent, threatening or intimidating
- behaviour resulting in;-
- making a partner dependant or subordinate
- isolating a partner from friends, relatives, or other sources of support
- controlling, regulating, or monitoring a partner's day to day activities
- depriving a partner of, or restricting, freedom of action
- frightening, humiliating, degrading or punishing a partner

Commonly referred to as **Coercive control** an offence may be further aggravated if any of the behaviour is directed towards a child or witnessed by them

3.0 STATISTICS

3.1 In 2020/21 Police Scotland recorded around 65,000 reports of domestic abuse. 91% of all domestic abuse incidents occurred in the home, approximately 39% occurred in the victim's home and 15% in a joint home with the perpetrator.

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- 3.2 A 2016 report from Solace found that while 22% of women came into refuge with a secure tenancy, only 13% managed to hold onto it.²
- 3.3 The latest Femicide Census found that 55% of women killed by their ex-partner or ex-spouse were killed within the first month of separation and 19 (87%) in the first year.

4.0 GOOD PRACTICE GUIDE

[Domestic Abuse: A Good Practice Guide for Social Landlords](#) (the Guide) was produced in August 2019 jointly by ALACHO (Association of Local Authority Chief Officers), CIH (Chartered Institute of Housing), SFHA (Scottish Federation of Housing Associations), Shelter Scotland and Scottish Woman's Aid.

- 4.1 The Guide notes a human rights imperative with clear links to the Human Rights Act with specific reference to Article 2 'The right to life', Article 3 'Freedom from torture or degrading treatment' and Article 8 'Respect for private and family life...'
- 4.2 It is also noted that as well as being a human rights issue it is also a housing issue as all too often the victim may suffer further from entering into homelessness often with children and the additional trauma that can occur as a result.
- 4.3 The Guide notes the key element of human rights as 'Human rights are about treating people with dignity and respect: a basic standard for any social housing provider. By following this guidance, you can be assured that you are promoting and protecting women and children's human rights to a home and to protection from abuse;
- 4.4 The Guide references the duty under the Public Sector Equality Duty to eliminate discrimination for both victim and perpetrator. *The Guide* 'takes an equalities and human rights approach and is consistent with the Public Sector Equality Duty to eliminate discrimination, advance equality and foster good relations. Following it will allow you to fulfil your obligations to meet human rights and equalities obligations.'
- 4.5 The duty applies to housing associations as they are public bodies, they are bound by the anti-discrimination provisions of the Equality Act, 2010.
- 4.6 This guidance takes an equalities and human rights approach and is consistent with the Public Sector Equality Duty to eliminate discrimination, advance equality and foster good relations. Following it will allow you to fulfil your obligations to meet human rights and equalities obligations.
- 4.7 Preserving the human rights of all, including the perpetrator, is important for ensuring compliance with ECHR. To date, the human rights of women and children experiencing domestic abuse, particularly rights to a private and family life (Article 8), have taken second place to those of perpetrators;

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evidenced by the high incidence of women and children's homelessness because of domestic abuse and the loss of their right to remain in the family home.

- 4.8 The Guide sets out to address domestic abuse within the context of housing and is intended to support social landlords to develop an informed response that:-
- Prevents woman's and children's homelessness
 - Supports victims of domestic abuse effectively
 - Holds perpetrators to account
- 4.9 The Guide can be read in full [here](#) or a hard copy can be made available on request.

5.0 POLICY AIM

The aim of the policy is to inform and direct awareness of the effects of domestic abuse on the victim, their safety and wellbeing. To understand further the approaches which can be taken by the Association in dealing sensitively with the victims of domestic abuse.

- 5.1 The Association has a duty of care to our tenants, residents, staff and committee members and none more so than anyone affected by domestic abuse.

6.0 OUR APPROACH

Kingsridge Cleddans Housing Association takes a Zero Tolerance approach to domestic abuse in any form. We will provide advice and assistance to any tenant who is subjected to abuse by a current or ex-partner and will assist the victim of abuse in any way we can, including legal action where that is available to us.

- 6.1 We will act sensitively to any reported incidence of domestic abuse and will take a victim led approach and support any victim to remain within their home where possible.
- 6.2 We will aim to reduce any further trauma to the victim by reducing the prospect of entering into the homeless system by enabling the victim to sustain their tenancy, including that of seeking to have the tenancy transferred from an offender to the victim.
- 6.3 We will work with other agencies such as [Glasgow Women's Aid](#) in supporting the victim through their journey.
- 6.4 In some instances, regrettably the victim may want or need to move to alternative accommodation therefore we have recognised domestic abuse as priority within our allocation policy to enable any victim to be re-housed where that is deemed the best outcome by and for the victim.

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- 6.5 If a victim has to move out with our immediate housing stock, we will seek assistance from either another RSL or the local authority in assisting the victim should be required.
- 6.6 Whatever decision is made, it must be led by the victim.

7.0 TENANCY

- 7.1 If the victim is the tenant of the property and wishes to remain, we will assist, in practical terms we could change the locks at no charge to the tenant. Assistance will be sought from other agencies e.g. [Police Scotland](#), [Women's Aid](#), etc.
- 7.2 Any damage to the property as a result of domestic abuse will be repaired at no cost to the victim.
- 7.3 We will advise and assist the victim providing practical support such as [Hollie Guard](#) or where available, assist with other personal safety tools which may be available.
- 7.4 If the victim does not wish to remain in the property, we will assist the victim to secure alternative secure accommodation as in *6.4 above*.
- 7.5 If the perpetrator of the abuse is the tenant, but the victim wishes to remain in the tenancy, we will work with both parties initially in seeking the assignment of the tenancy from the tenant (abuser) to the victim by agreement of the perpetrator.
- 7.6 If the tenancy is assigned by the perpetrator, the Association may seek to relocate the perpetrator, subject to any legal action.
- 7.7 Where the tenant/abuser is not minded to assign the tenancy over to the victim, and the victim wishes to remain, we will seek appropriate legal advice regarding an order from the court to transfer the tenancy to the victim.
- 7.8 In the event that an order is granted as at 7.6, we may offer alternative accommodation to the perpetrator, where this is practical and subject to any legal restrictions.

8.0 EMERGENCY/ TEMPORARY ACCOMMODATION

- 8.1 Where a victim requires immediate emergency accommodation, we will contact the appropriate agency, e.g. [Glasgow City Council](#).
- 8.2 We will provide all assistance to the agency on behalf of the victim.

9.0 MONITORING AND REVIEWING

- 9.1 This policy will be subject to ongoing monitoring and will be reviewed on a

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triennial basis, subject to legislative or guidance changes, from the date of first approval.

9.2 The policy review will be the responsibility of the Director.

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