



## **Tonbridge & Malling Borough Council**

### **Resident Domestic Abuse Policy**

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## **1. Introduction**

- 1.1 Tonbridge & Malling Borough Council (TMBC) does not tolerate violence and abuse. We are dedicated to tackling domestic abuse (DA) and ensuring our borough is safe for all residents. This policy outlines how the council will respond to victim/survivors of domestic abuse who present as homeless.
- 1.2 This policy supports the Domestic Abuse Housing Alliance (DAHA) framework which aims to improve the housing sector's response to domestic abuse. TMBC will prioritise the DAHA values and endeavour to uphold them in all areas of work.
- 1.3 TMBC recognises that women and girls are disproportionately impacted by domestic abuse and other forms of VAWG (Violence Against Women and Girls). We understand that this is due to gender inequality and misogyny which is still prevalent in society. Staff are committed to disrupting this when possible.
- 1.4 However, we know that domestic abuse can affect anyone – male or female and we are committed to providing an excellent service to anyone who needs our help.
- 1.5 TMBC acknowledges the complex barriers that may prevent someone from disclosing domestic abuse. We commit to believing survivors when they chose to make a disclosure and will use a survivor-led approach throughout the housing process, responding in a non-judgemental manner and supporting victims/survivors to exert agency in the decision-making process.
- 1.6 The Domestic Abuse Policy will be supported by the Domestic Abuse Procedure which will provide practical support and guidance on how staff will respond to cases of domestic abuse.

## **2. The Domestic Abuse Act 2021**

- 2.1 The Domestic Abuse Act 2021 defines DA as the behaviour of a person towards another person if both are each aged 16 or over and are personally connected to each other; and if the behaviour is abusive.
- 2.2 Definition of being personally connected:
  - 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 the agreement has been terminated).

- They have entered into a civil partnership agreement (whether 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.
- A person has a parental relationship in relation to a child if the person is a parent of the child or the person has parental responsibility for the child.

2.3 Behaviour is Abusive if it consists of any of the following:

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

2.4 It is important to note that women experiencing domestic abuse may also be experiencing other forms of VAWG such as forced marriage, female genital mutilation and honour-based violence.

2.5 The Domestic Abuse Act 2021 also recognises that children who have witnessed domestic abuse are now considered victims in their own right.

### 3. Context

3.1 This policy has been drafted to sit within the following national, regional and local context. This policy outlines TMBC's legal and statutory duty to respond to cases of domestic abuse.

#### 3.2 National context

- [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [Housing Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [Homelessness Reduction Act 2017](https://www.legislation.gov.uk)
- [Anti-social Behaviour, Crime and Policing Act 2014](https://www.legislation.gov.uk)
- [Equality Act 2010](https://www.legislation.gov.uk)
- [Human Rights Act 1998](https://www.legislation.gov.uk)
- [Data Protection Act 2018](https://www.legislation.gov.uk)
- [Tackling violence against women and girls strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

#### 3.3 Regional context

- [Domestic Abuse Strategy - Kent County Council](https://www.kent.gov.uk)

#### 3.4 Local context

- [Corporate strategy 2023 to 2027](#)
- [Housing Strategy and Policy](#)
- [Housing Allocation Policy](#)
- [Corporate Privacy Notice](#)
- [Safeguarding Policy.pdf](#)
- [Data Quality Policy TMBC.pdf](#)
- [Anti-social Behaviour Policy](#)
- [Anti-social Behaviour Procedure](#)
- [Corporate Debt Recovery Policy](#)

#### **4. Policy Aims and Intent**

- 4.1 TMBC believe that no resident should live in fear of domestic abuse. Those experiencing domestic abuse will always be met with empathy, support and a non-judgemental approach from staff. A victim/survivor's disclosure is enough for us to provide emergency assistance.
- 4.2 This policy aims to outline how staff will respond to people approaching TMBC Housing for reasons of domestic abuse. It will also apply to those living in interim or temporary accommodation provided by the council.
- 4.3 The service will aim to:
- Identify early signs of abuse and prevent further abuse by offering advice and support.
  - Provide victims/survivors with a consistent and survivor-led service which is sensitive to the households needs.
  - Ensure staff are fully trained and have the right skills to respond to DA with a focus on safety-led case management. Staff will also have a clear understanding of the Domestic Abuse Policy.
  - Work collaboratively with partners towards the prevention of DA.
  - To meet the requirements of the DAHA accreditation.

#### **5. Domestic Abuse Housing Options**

- 5.1 Housing staff will be alert to domestic abuse and will understand that it could come to their attention through direct disclosure, a homelessness application or other factors such as anti-social behaviour complaints or frequent repairs.
- 5.2 TMBC recognises that victim/survivors are experts of their own experience. We recognise that victim/survivors require different levels of intervention, and we will never pressure them to accept pathways they are not comfortable with.

5.3 TMBC is committed to a survivor-centred approach:

- This could include supporting victims/survivors to remain in their homes. Housing officers will provide guidance on legal options and can also make referrals to the Kent County Council SAFER Scheme. This target hardening scheme installs safety measures allowing victims/survivors to remain in their homes.
- Where possible TMBC Housing will endeavour to provide appointments with an officer of the same sex if requested.
- TMBC will arrange for interpreting services if a victim/survivor does not have English as a first language.
- The victim/survivor can request to meet an officer in a safe location to make a disclosure or discuss housing options.
- The victim/survivor can choose a safe contact method for officers to make contact.

5.4 Housing staff can also provide the following advice or options including:

- Support victim/survivors to access refuge options through signposting to the National Domestic Abuse Helpline.
- Refer or signpost victim/survivors to local DA services such as DAVSS, Look Ahead or the West Kent Domestic Abuse One-Stop Shop or other support services for benefits and legal advice.
- Housing officers can also refer to the internal Housing IDVA (Independent Domestic Violence Advisor), who is trained in completing DASH risk assessments and will also refer high-risk cases to MARAC.
- Refer or signposting victim/survivors to national organisations that provide specialist support to victim/survivors from the global majority, the LGBT+ community or those with specific vulnerabilities.

5.5 Presenting as homeless due to domestic abuse

- Victim/survivors fleeing domestic abuse can approach any local authority for housing assistance, they do not need a local connection.
- Adhering to the Domestic Abuse Act 2021, all victim/survivors who are assessed as homeless due to domestic abuse and are eligible for assistance, will be granted automatic Priority Need and will be eligible for safe temporary accommodation.
- Housing staff will work collaboratively with the victim/survivor to create a Personal Housing Plan (PHP) which reflects their needs.

## 6. Holding perpetrators to account

6.1 TMBC believe that perpetrators are responsible for their abusive behaviour and will be held accountable. We understand that housing can often be used by perpetrators as a method of control. Council staff will aim to disrupt this

abusive behaviour by providing victims/survivors with support around their housing options and utilising enforcement options against perpetrators if necessary.

- 6.2 Housing staff will not contact the perpetrator without explicit consent from the victim/survivor. Housing staff will not disclose any information relating to domestic abuse to the perpetrator.
- 6.3 In cases where property damage has been caused by the perpetrator, TMBC will not hold the victim/survivor liable for charges.
- 6.4 Victim/survivors will be provided with information and guidance on how to pursue legal options and protections from the perpetrator.
- 6.5 If a perpetrator recognises their behaviour as abusive and requests support, staff can signpost to local perpetrator services.

## **7. Training**

- 7.1 TMBC recognises the importance of equipping staff with the knowledge and skills to respond to DA cases and providing a consistent standard across the housing service.
- 7.2 TMBC will provide training on domestic abuse awareness to all staff. Staff should have a competent understanding of Children and Adult Safeguarding and an awareness of other forms of VAWG such as female genital mutilation and honour-based violence.
- 7.3 Subject to funding TMBC will employ a specialist Housing IDVA role, who will be based in the TMBC Housing service. The Housing IDVA will provide specialist DA advice and complete DASH risk assessments and safety planning. TMBC will also employ a Domestic Abuse Co-ordinator role who will provide operational and strategic direction (subject to funding).
- 7.4 Housing staff will be well informed on referral pathways to local DA services, MARAC and have understand the DASH risk assessment.
- 7.5 TMBC will ensure that staff feel confident responding in an emergency or where immediate risk is identified.

## **8. Equality and Diversity**

- 8.1 Adherence to the Equalities and Diversity Act 2010 will be essential in the implementation of this policy and TMBC are committed to considering victim/survivors additional vulnerabilities.
- 8.2 TMBC are committed to meeting the needs of people from diverse backgrounds and have due regard to gender, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage or civil partnership and pregnancy or maternity when dealing with those who approach the service.
- 8.3 TMBC will recognise the cultural implications and barriers of reporting DA and ensure that anyone who is experiencing DA can access our services.
- 8.4 TMBC understands that victim/survivors from the global majority may face additional challenges in reporting DA to statutory services such as police, social services or housing due to fears of institutional racism. This will be reflected in safety planning and support plans.
- 8.5 TMBC recognise that disabled women are twice as likely to experience domestic and are less likely to access support as the perpetrator can often be their carer. Furthermore, elderly victim/survivors face additional challenges in accessing support due to reduced mobility and social isolation.
- 8.6 There may be occasions where a victim/survivor has No Recourse to Public Funds or has insecure immigration status. In this case, housing officers will signpost to specialist services and legal advice.

## **9. Data Protection**

- 9.1 TMBC understands the challenges victim/survivors face when making a disclosure, this information will be kept confidential, and we will strive to build trust in our services.
- 9.2 TMBC staff will inform the victim/survivor of their right to confidentiality and will not share any information without explicit consent of the victim/survivor.
- 9.3 TMBC recognises that there will be instances where confidentiality will need to be breached lawfully in accordance with the GDPR and Data Protection Act 2018.
- 9.4 Where there is a significant safeguarding concern for the victim/survivor or related persons, staff can share information with appropriate services to fulfil

safeguarding obligations. This could include referrals to the relevant safeguarding team or to MARAC.

- 9.5 It is best practice for staff to inform the victim/survivor when information needs to be shared without their consent. Information sharing should be conducted with sensitivity and consider whether this increases risk to the victim/survivor.
- 9.6 Records on domestic abuse cases will be kept up to date on TMBC case management system. All records should show a clear outcome of the case and flag referrals.

## **10. Compliance, monitoring and review**

10.1 TMBC will review this policy every three years, or sooner if there are any significant changes in national policy before this time.

10.2 TMBC will review this policy in response to any Domestic Homicide Reviews, Safeguarding Adult Reviews or any Serious Case Reviews.