

## Domestic Abuse Policy

Policy Number: HM13

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## 1. Introduction

- 1.1 At Clyde Valley Group (CVG), we consider domestic abuse to be an extremely serious crime that can have devastating consequences for the victim and leave a long-lasting impact. CVG will therefore treat all cases of domestic abuse with the highest priority and take the strongest action possible against the perpetrator, where we have the consent of the victim and legal power to do so.
- 1.2 Equally Safe: Scotland's Strategy to eradicate violence against women, highlights that violence against women and girls has no place in the Scottish Government's vision for a safe, strong and successful Scotland. This policy has therefore been created to provide a coordinated response to the accommodation and support needs of women and children experiencing domestic abuse.
- 1.3 CVG recognises that anyone can be a victim of domestic abuse regardless of gender, race, religion or background and this policy can therefore be applied on an individual basis, with all victims given access to the support they need.
- 1.4 However, CVG believes it is necessary to consider domestic abuse through a gendered lens perspective, since it is predominantly carried out by men against women. Although men may also experience abuse, women are more likely to have experienced sustained physical, psychological, or emotional abuse, or violence which results in injury or death. We acknowledge that men will present as victims and in each of these cases, specialist support will be sought.
- 1.5 Domestic abuse can be perpetrated by partners or ex partners and can take various forms. This includes but is not limited to:
- Coercive Control (Intimidation, degradation, isolation, and control, with the use or threat of physical or sexual violence)
  - Emotional or psychological
  - Physical
  - Sexual
  - Financial
  - Harassment and stalking
  - Online or digital abuse

Further explanations of each of these types of Domestic Abuse can be found on Scottish Womens Aid's website:

[What is domestic abuse? | Scottish Women's Aid \(womensaid.scot\)](https://www.womensaid.scot/)

## 2. Definition of Domestic Abuse

- 2.1 CVHA uses the Scottish governments definition of domestic abuse as a form of gender-based violence, which is:

“Domestic Abuse, as gendered based violence, can be perpetrated by partners or ex partners and can include 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, with-holding money and other types of

controlling behaviour such as isolation from family and friends. It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.”

- 2.2 Despite recognising the gendered nature of domestic abuse, it is important to note that this policy equally applies to **all** victims, including men, lesbian, gay, bisexual, transgender people, and gender non-binary people (LGBT+).
- 2.3 It is also necessary to recognise that children living with domestic abuse are also considered to be affected by it.
- 2.4 For the purposes of this policy, it is assumed that the abuse is being perpetrated by a partner or ex-partner (intimate partner). However, it is understood that in some black and ethnic minority communities’ wider family members can participate in the abuse as Honor Based Violence (HBV). Should such an instance arise, we will seek specialist support and guidance. Where necessary we will manage cases through CVG’s Anti-Social Behaviour Policy.

### **3. Aims and Objectives**

- 3.1 The main aim of this policy is to prevent domestic abuse and, in instances where tenants have experienced domestic abuse, provide a service where victims are adequately supported to ensure the best possible outcome. We are committed to responding to incidents of domestic abuse in a responsive, victim centred and supportive manner.

Our objectives are to:

- 3.2 Work collaboratively with colleagues, partners and wider stakeholders to identify ways in which we can take earlier, effective intervention and improve our responses to tackling domestic abuse.
- Ensure all staff understand the seriousness of domestic abuse and the adverse impact it has on victims to improve their overall safety and wellbeing.
  - Help promote awareness and understanding of this issue amongst residents and employees.
  - Ensure our approach for recording and monitoring cases of domestic abuse is consistent.
  - Ensure all staff are adequately equipped with the knowledge and understanding of domestic abuse to provide housing support which is effective and of a high standard.
  - Encourage and support tenants and employees to report domestic abuse.
  - Help empower victims by ensuring they are made fully aware of their housing options and the support available to them.
  - Utilise external enforcement, support and advocacy agencies when necessary to improve the overall response to victims.
  - Hold perpetrators to account by taking the strongest action available against them, where we are legally entitled to do so and have full consent of the victim.
  - Ensure all reports of domestic abuse are responded to within a quick timeframe and dealt with as a matter of urgency.
  - Support victims to transfer tenancies into their names.

## 4. Our Approach

- 4.1 At CVHA, we recognise that every case of domestic abuse is different, and we will therefore adapt our approach to suit the needs and circumstances of the individual(s) involved.
- 4.2 We encourage all tenants and household members to report domestic abuse, whether they are victims of, or witnesses to, such incidents.
- 4.3 All reports of domestic abuse will be dealt with in an extremely sensitive and non-judgemental manner. Victims will not be required to have sought legal action or to have contacted the police before we will consider acting, and instead a victim centred approach will be adopted. We recognise that, for some victims, encouraging them to contact police or report can raise risk and is very much dependant on the nature of abuse disclosed. Specialist advice and support will be sought with the victims permission.
- 4.4 We will provide a sensitive response in our customer service delivery to ensure that the privacy and confidentiality of victims reduce the risk of any further harm.
- 4.5 A summary of our approach is provided below:
- Ensuring that the tenancy agreement states that domestic abuse will be treated as a breach of tenancy that could lead to eviction.
  - Including information in tenancy handbooks, newsletters, websites on the action we will take against perpetrators.
  - Plan for the victim's immediate personal safety within our remit.
  - Review and improve the safety and security of their existing accommodation where required, to enable them to remain there safely.
  - Work collaboratively with our partners to ensure a coordinated community response and to help them access support from local Women's' Aid or relevant support service.
  - Report incidents to the Police, only where the victim gives full consent, which may result in criminal action against the perpetrator.
  - Taking a victim-centred approach to support any legal or other action necessary to transfer a tenancy to the victim and rehouse a perpetrator.
  - Ensuring that our response to a perpetrator does not place a victim at increased risk or blame the victim for a perpetrator's behaviour.
- 4.6 CVG will always seek to avoid homelessness where possible however, in instances where victims have no choice but to leave their accommodation, we will provide them with a clear homeless pathway to inform them of the process and any rights and restrictions which may be relevant within it.

Specific actions may include:

- Providing a range of housing options to meet the individual needs of women and children, victims-survivors of domestic abuse.
- Ensuring that a homeless assessment process is sensitive to the needs of women who have experienced domestic abuse and does not require women to repeat their experience.

## 5. Options for Action

- 5.1 When a tenant or household member reports domestic abuse all available options will be discussed and considered with them. CVG will ensure an effective response to a perpetrator which does not leave the victim(s) vulnerable to further abuse and/or perpetrator homelessness.
- 5.2 We recognise that to keep victims safe, you need to ensure that perpetrators are adequately housed. This does not mean rewarding the perpetrator for the abuse but recognising that an ineffective sanction increases the risk to the victim and is a service-generated risk which she is left to have to deal with if it results in an angry perpetrator looking for vengeance.

## 6. Remaining in the Property

- 6.1 CVG will offer advice and inform victims who wish to remain in their property of any local 'sanctuary schemes' in the area that may be able to provide additional security in their home.
- 6.2 Should the victim wish to have their locks changed following an incident of domestic abuse, CVG will carry this out free of charge, as well as any damages or repairs that are required because of an incident of domestic abuse.

## 7. Emergency Rehousing

- 7.1 Should a victim require to be rehoused immediately, CVG will work in collaboration with the local council and women's aid to find suitable refuge.

## 8. Permanent Rehousing

- 8.1 Should a victim wish to be rehoused permanently, they will be required to present to their local council as homeless, with the possibility of certain 'points' being awarded in their application for domestic abuse. However, it is important to note that this does not guarantee being rehoused within any given timeframe.
- 8.2 CVG recognises that domestic abuse is the main cause of homelessness for women in Scotland and the unfair reality of the victim typically having to be forced to flee their home as opposed the perpetrator.
- 8.3 The **Domestic Abuse (Protection) (Scotland) Act 2021**, which provides additional protection to people in social housing who experience domestic abuse, is therefore a welcome development. It enables landlords to apply to the court to end the tenancy rights of someone who has been abusive to their partner or ex-partner.
- 8.4 At present, no guidance or provisions have been published by the government as to how social landlords are able to enact these new powers. CVG is therefore unable to evict a perpetrator of domestic abuse should they be a joint tenant on the tenancy. However, this will be reviewed when the new guidance is released, and, in the interim, CVG will help support women to seek legal advice to prevent the perpetrator from remaining in the family home and will explore other avenues through which the perpetrator can be rehoused.

## 9. Responsibilities

9.1 CVHA recognises the importance of having a workforce that understand their individual responsibilities in cases of domestic abuse and what their specific role requires of them in relation to this.

- Management Board
  - To ensure that CVHA has approved and implemented a domestic abuse policy that meets current legislation and regulatory requirements.
- Management
  - **Director:** to ensure that all staff are fully informed about the policy and what responsibilities they hold under this.
  - **Senior Management Team:** to arrange any necessary training for employees to enable them to recognise and respond to incidents of domestic abuse.
  - **Senior Officers:** to ensure that all relevant employees understand their responsibilities under the policy, especially regarding the importance of reporting incidents or notifying of any abusive patterns they become alert to.
- Employees
  - All employees should ensure they are aware of their individual responsibilities under the policy and that these are implemented along with the necessary procedures where appropriate.

## 10. Legislative and Regulatory Requirements

10.1 This policy has been developed in line with the relevant legislation and regulations governing Registered Social Landlords (RSLs). This includes:

- Housing (Scotland) Act 1987/2001/2010/2014
- Human Rights Act 1998
- Data Protection Act 1998 and 2018
- Domestic Abuse (Scotland) Act 2018
- General Data Protection Regulations 2016 (GDPR)
- The Scottish Social Housing Charter
- Matrimonial Homes Act 1983
- Equality Act 2010
- Children (Scotland) Act 1995
- The Domestic Abuse (Protection) (Scotland) Act 2021

10.2 CVG's domestic abuse policy is also linked to our following policies:

- Gender based violence policy
- Allocation Policy
- Anti-Social Behaviour Policy
- Complaints Policy
- Equality, Diversity and Inclusion Policy
- GDPR Privacy Policy

10.3 The findings and recommendations from the Change, Justice and Fairness research (2015), as well as the priorities set out in Equally safe: Scotland's strategy for prevent-

ing and eradicating violence against women and girls' Scotland, have been key influencers in creating this policy.

- 10.4 This policy was also developed in line with the guidance set out in the 2019 publication, [Domestic abuse: a good practice guide for social landlords](#), which is a joint publication of the Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women's Aid. The findings and recommendations from the recent report published by the Chartered Institute of Housing (CIH) and Women's Aid, [Policies Not Promises: A review of Scottish social landlord's domestic abuse policies \(2023\)](#) was also considered upon the publication of this policy.
- 10.5 In addition, CVG signed up to the [Make a Stand pledge](#) in 2020, developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It was created to encourage housing organisations to make a commitment to support people experiencing domestic abuse. As part of CVG's commitment to the pledge, all employees of CVG are required to undertake mandatory online domestic abuse training.

## 11. Equalities, Diversity and Inclusion

- 11.1 Our Domestic Abuse Policy complies with CVG's Equality, Diversity and Inclusion Policy to ensure equality of treatment for all tenants without discrimination or prejudice.
- 11.2 The Association aims to promote equality and diversity and operate equal opportunities policies across all areas of the business. A sign or language interpreter can be made available. Tenants can have a family member, friend or other representative with them at all times, if they so wish.
- 11.3 The Association adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. We will not treat anyone differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:
- Age,
  - Disability,
  - Gender reassignment,
  - Marriage and civil partnership,
  - Pregnancy and maternity,
  - Race,
  - Religion or belief,
  - Sex,
  - Sexual orientation
  - or because of any other condition or characteristic which could place someone at a disadvantage were it to be considered unless this can be objectively justified in terms of the legislation.
- 11.4 To support our commitment to equality of opportunity an equality impact assessment has been carried out on this policy.



## **12. Confidentiality**

12.1 Victims will be encouraged to give us permission to share information with other agencies such as the police and local authority departments. This is to allow for civil and criminal proceedings to be pursued in instances where the victim has consented to this. However, all information will be treated with the upmost confidence and will only be passed to other agencies where the victim has given their full consent.

The following exceptions are in place:

- Where we believe a child to be at possible risk or danger in any situation, or
- if there is a high risk of serious harm to anyone involved, or
- if we have an obligation by law to disclose the information, we have been made aware of.

12.2 Information will only be shared with work colleagues if necessary and all current data protection requirements will be adhered to.

## **13. Policy Review**

13.1 This policy will be reviewed on a three-yearly basis or sooner if required by statutory, regulatory, or best practice requirements. The purpose of the review is to assess the policy's effectiveness in adhering to current legislation and good practice and identify any changes which may be required.

## **APPENDIX 1 - Support Agencies to Refer to**

Aura Domestic Abuse Support (North Lanarkshire): 01698 757667  
Monklands Women's Aid (Airdrie & Coatbridge): 01236 432061  
Motherwell Women's Aid (Motherwell, Bellshill, Wishaw): 01698 321000  
Cumbernauld Womens Aid (Cumbernauld & Kilsyth): 01236 730992  
Women's Aid South Lanarkshire & East Renfrewshire: 01355 249897  
Fear Free Scotland (nationwide – includes men's support): 0131 624 7270  
Police Scotland - <https://www.scotland.police.uk/advice-and-information/domestic-abuse/>

## Policy Change History

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