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## Domestic Abuse

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## 1. Introduction

1.1 Dacorum Borough Council has a corporate commitment to treat all known and suspected cases of domestic abuse seriously. The Council recognises that domestic abuse is both harmful and damaging to the individuals involved and the wider community. As a key local partner to many service providers the Council recognises that it has an integral role to play in supporting work to reduce the incidence of domestic abuse and provide support to victims, as both an employer and a direct provider of services.

1.2 The Council has a long-standing commitment to tackling domestic abuse and making its communities safer. This commitment is clearly set out in Dacorum's Corporate Plan 2015-2020 – *Building strong and vibrant communities*, and the Homelessness Strategy 2016-2020

1.3 Through its inter-agency partnerships, the Council will contribute to wide and far reaching strategies to tackle domestic abuse.

1.4 The Council believes that:

- Domestic abuse is unacceptable and should not be tolerated;
- Those who abuse should be held accountable for their behaviour;
- Domestic abuse affects not only children and families but also the whole community; and
- The safety and empowerment of those experiencing domestic abuse should always be the priority in any response.

1.5 The Council is committed to:

- Preventing domestic abuse from happening in the first place by challenging the attitudes and behaviours which foster it, and intervening early to prevent it from continuing, recurring or escalating.
- Reducing the risk to victims ensuring that perpetrators are held to account and supporting them to change their behaviour.
- Working in partnership to provide adequate levels of support where abuse occurs.

(Hertfordshire Domestic Abuse Strategy 2016-2020 – Breaking the Cycle)

1.6 In achieving the above the Council will:

- Adopt a strong partnership approach with agencies working within this field;
- Support both local and national agencies and the police to co-ordinate responses at strategic and operational levels;

- Make available to both service users and employees relevant information from appropriate agencies;
- Ensure a sensitive, consistent, confidential and prompt response in service delivery;
- Ensure that staff are trained to the appropriate level, and that this training is refreshed every 3 years or when Legislation changes.
- Ensure Council Officers receive support and training to enable them to take appropriate action, including referral and signposting;
- Ensure all employees understand the important role they can play in addressing the effects of domestic abuse and develop a consistent approach across the Council;
- Provide a range of services to assist people to live in safety and security;
- Ensure that services are accessible to all and that any barriers to access, such as language and disability, are addressed;
- Offer support and understanding in the workplace to those experiencing domestic abuse, prioritising confidentiality and workplace safety;
- Support the police and other local partners to challenge perpetrators and make use of legal remedies where appropriate; and
- Be clear to employees and Members that any conviction of a domestic abuse-related crime could bring the Council into disrepute, and that such a conviction would trigger disciplinary or other conduct procedures.

1.7 Dacorum Borough Council recognises that it operates within a legislative framework, including:

- Forced Marriage (Civil Protection) Act 2007
- Children Act 1989 and 2004
- The Family Law Act 1996
- Housing Act 1996
- Protection of Harassment Act 1997
- Freedom of Information Act 2000
- Crime and Victims Act 2004
- Human Rights Act 1998
- Housing Act 1985 and 1996
- The Homelessness Act 2002
- Civil partnership Act 2004
- The Localism Act 2011
- The Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004
- Protection of Freedoms Act 2012
- Anti-Social Behaviour and Policing Act 2014
- Serious Crime Act 2015

## **2. Definition**

2.1 For the purpose of this policy the following cross-government definition is used:

Domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, 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. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- 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 assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

2.2 This 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 (Home Office 2009). It also takes into account elder abuse, male victims and same sex relationships.

2.3 It is recognised that domestic abuse is not restricted to a specific age group, race, religion or socio-economic standing, but cuts across all sections of society and its effects can be debilitating on both the individual concerned and society as a whole.

## **3. The facts**

- Each year nearly 2 million people in the UK suffer some form of domestic abuse - 1.3 million female victims (8.2% of the population) and 600,000 male victims (4%)
- Each year more than 100,000 people in the UK are at high and imminent risk of being murdered or seriously injured as a result of domestic abuse
- Women are much more likely than men to be the victims of high risk or severe domestic abuse: 95% of those going to MARAC or accessing an IDVA service are women
- In 2013-14 the police recorded 887,000 domestic abuse incidents in England and Wales

- Seven women a month are killed by a current or former partner in England and Wales
- 130,000 children live in homes where there is high-risk domestic abuse
- 62% of children living with domestic abuse are directly harmed by the perpetrator of the abuse, in addition to the harm caused by witnessing the abuse of others
- On average high-risk victims live with domestic abuse for 2.3 years before getting help
- 85% of victims sought help five times on average from professionals in the year before they got effective help to stop the abuse

#### **4. Partnership**

4.1 The Council adopts a strong partnership approach to domestic abuse, working with the following local agencies:

- Community Safety Partnership
- The Police
- 'True Love' preventative programme to target teen abuse
- Sunflower Project
- MARAC (Multi Agency Risk Assessment Conferences)
- Domestic Violence Forum
- Domestic Violence support providers
- Local refuge
- Safer Places
- Herts Young Homeless
- Perpetrator support
- Homicide reviews
- Hertfordshire Safeguarding Children Board
- Hertfordshire Safeguarding Adults Board
- Hertfordshire Domestic Abuse Partnership Board
- Clinical Commissioning Groups
- Public Health.
- I am Cherished Programme
- Dacorum Homeless Forum
- Hertfordshire Domestic Abuse Helpline

This list is not exhaustive.

4.2 The Council is committed to playing an active role and ensuring that it is represented at multi-agency forums and meetings led by its partners.

4.3 The Council will work towards a proactive multi-agency approach with all relevant statutory and voluntary agencies working together to facilitate effective case management.

- 4.4 The Council will ensure that a multi-agency approach is taken by making use of referrals and signposting to local agencies, charities and other service providers within the partnership. The Council will however only involve other agencies where it has received consent from the person to do so, unless required to do so by law.
- 4.5 Where children are affected particular care will be taken to ensure that their interests are taken into account and that where appropriate the police and support agencies are involved, provided that parental rights and wishes are followed, unless the Council is required by law to share information.

## **5. Lead Officer Responsibility**

- 5.1 The Council has a Safeguarding Lead Officer who is supported by Domestic Abuse champions.
- 5.2 This Lead Officer provides:
- An overview of service provision;
  - Advice and training; and
  - Up-to-date knowledge of good practice and legislation.
- 5.3 Relevant service areas have the responsibility for their own case management and will have staff trained in this regard.
- 5.4 The Lead Officer will work with Domestic Abuse Champions for each departmental service area and quarterly meetings will be used to share learning from recent cases, MARAC, and homicide reviews. This is in line with the Council's structure for safeguarding.
- 5.4 The Lead Officer will also be able to provide support to Human Resources where an employee may be experiencing domestic abuse, particularly where the employee may be at threat within the work place.

## **6. Service Delivery**

### **6.1 Service standards**

- 6.1.1 If someone is experiencing domestic abuse they can expect the following:
- To have their situation dealt with sympathetically and in a non-judgemental manner;
  - To be interviewed immediately or within 24 hours if more appropriate and to be fully involved in all decisions;
  - To be offered the choice of an interview with a same-sex investigator;
  - To have arrangements made to have an interpreter available if English is not their first language;
  - To be provided with details of other agencies that may be able to offer support and counselling;

- To have a referral made with their consent to a specialist service provider and where appropriate the Dacorum Domestic Abuse Outreach worker
- To have the level of risk assessed to inform interventions and support available.
- To experience high levels of confidentiality. Any information given to staff will remain confidential and will only be given to other agencies with the consent of the person unless there is a statutory duty to do so (e.g. under section 47 of the Children's Act 1989);
- To be contacted safely and securely, contact should consider appropriate methods and using measures such as a code word if necessary.
- To not have staff contact the person responsible for the abuse unless express permission is given to staff to do so. The sole exception is where there is a clear reason to believe that there is an attempt to defraud the Council. Any decision to contact the person responsible will be approved by a Senior Officer;
- To be provided with emergency temporary accommodation as a result of experiencing domestic abuse;
- To have eligibility for permanent accommodation determined in accordance with the relevant homelessness legislation;
- To have arrangements made to ensure that the service is accessible and that appropriate advice and support is provided where there are barriers to communication or mobility, a learning disability, or if the abuser is relied on for care;
- To have safeguards put in place to maintain their safety, especially in relation to the Council making contact with them by phone, letters or visits; and
- To talk to staff who are culturally aware and who have received relevant training.

## 6.2 The Service

6.2.1 A person or household experiencing domestic abuse will have their case dealt with by the team appropriate given their housing situation:

- In the case that a person or household is homeless they will be dealt with in the first instance by the Homeless Prevention & Assessment Team;
- In the case that a person or household is a current tenant or leaseholder of the Council's Landlord service they will be dealt with in the first instance by the Housing Landlord team; and
- In the case that a person or household is a private tenant or homeowner they will be dealt with in the first instance by the Anti-Social Behaviour team who will refer them to the Homeless Prevention and Assessment Team to have their housing situation appropriately assessed.

6.2.2 The Council will provide suitable accommodation where the Council accepts that it is unreasonable for a person or household to return to their home in line with the requirements of the Housing Act 1996 as amended by the



Homelessness Act 2002 and the Homeless Reduction Act 2017. Each case will be assessed on its own merits and will be viewed against statutory legislation.

- 6.2.3 Where action is to be taken against the perpetrator, the Council will signpost or refer residents affected by domestic abuse to agencies able to support them in making use of legal remedies available, including non-molestation orders, occupation orders, and property transfer orders.
- 6.2.4 The Council will facilitate and provide information on a range of housing options and services that provide support and counselling to residents affected by domestic abuse.
- 6.2.5 The Council will look to further develop partnerships with support providers to co-ordinate services to residents affected by domestic abuse.
- 6.2.6 Where a Council or Housing Association tenant or a member of their household is experiencing domestic abuse the Council will work with and support other partnership agencies to secure out-of-area arrangements for accommodation in cases where there would be a continuing risk to the household by remaining in the Borough. This decision would be subject to a MARAC decision
- 6.2.7 Where appropriate Council tenants will be considered in terms of their suitability for additional security measures to be made to their property, which would allow them to remain more safely in their own homes.
- 6.2.8 In the case that Council tenants have a joint tenancy, and one or both tenants are seeking to end the tenancy, the Council will take a victim-centred approach considering the best course of action to support the needs of the victim and support the future of their household. The Council may choose to grant a further tenancy, however victims will not be rehoused within the Borough where this could place them at risk from further abuse.
- 6.2.9 In the case that Council tenants have a joint tenancy and the victim has fled with no intention to return, enforcement action will be taken against the remaining tenant using the statutory Ground 2A for possession (Housing Act 1996). The Council will where appropriate also support the victim to access secure accommodation.
- 6.2.10 In the case that Council tenants have a joint tenancy and the tenants pursue legal remedies through the courts the Council is obliged to abide by any court orders and will support tenants accordingly.

### 6.3 Case management

- 6.3.1 All cases involving domestic abuse will be kept open with regular reviews, until the person considers that their situation has been resolved satisfactorily in accordance with this policy.

- 6.3.2 All cases should be risk assessed by a trained member of staff using the DASH risk assessment tool.
- 6.3.3 All cases will be referred to the Dacorum Domestic Abuse caseworker
- 6.3.4 All cases assessed as high risk will be referred to MARAC
- 6.3.5 Where a person is not in receipt of support services or declines support and DBC are still involved in the case it should be remembered that any risk assessment is dynamic and that changes in circumstances such as pregnancy should lead to the case being re-assessed as the risk may have altered.
- 6.3.6 Where a person is dissatisfied with the investigation or a decision, they may pursue an appeal through the Council's complaints procedure.
- 6.3.7 Any review of eviction cases by the Housing Panel should also consider Domestic Abuse and safeguarding issues.
- 6.3.8 Information on available support networks should be given to all victims of Domestic Abuse to include specific cultural organisations.
- 6.3.9 Case records should be maintained at all stages of the process

An easy to follow guide can be found at Appendix 1

#### 6.4 Record keeping, monitoring and review

- 6.4.1 The Council's teams will keep confidential records in locked storage for the cases they are dealing with. In this way the Council will prevent any unnecessary travel of paperwork that could either identify the parties involved or in any way breach data protection laws. Record will be retained and destroyed in accordance with GDPR guidelines.
- 6.4.2 The Council will make use of a central monitoring system to record the number of known cases of domestic abuse, which will be done anonymously so that this record does not identify any of the parties involved.

### **7. Dacorum Borough Council as an employer**

#### 7.1 Managing the impact

- 7.1.1 The Council is committed to the welfare of staff and where risks are identified precautions will be made to ensure protection for staff from situations that could make them potentially vulnerable.
- 7.1.2 The impact of domestic abuse experienced in the home has both direct and indirect impacts in the workplace, which include:
  - Decreased productivity;
  - Absenteeism;
  - Errors; and
  - Increased employee turnover.
- 7.1.3 The Council will provide all staff, in particular managers and HR staff with awareness of the main issues involved in domestic abuse, to recognise

potential victims and perpetrators, and to provide a supportive structure in which to deal effectively with cases.

- 7.1.4 Those with line management responsibility should take a proactive stance in increasing awareness.
- 7.1.5 All employees and their family members may access independent free advice and support through the Council's Employee Assistance Programme.

## 7.2 Training

- 7.2.1 All new staff will need to sign a statement to say that they have read and understood the Domestic Abuse Policy.
- 7.2.2 All staff will undertake training in safeguarding and domestic abuse awareness as part of the Council's mandatory training programme. This is to be managed through the Council's online HR Employee Information System and line managers are expected to make sure employees attend where required.
- 7.2.3 Where appropriate the Council will consider policy and mandatory training requirements when procuring contracts for services that could bring contracted staff into contact with the public.
- 7.2.4 For front line teams coming into contact with cases of domestic abuse on a more regular basis specialist training will be appropriate. Line managers are expected to make sure employees attend where required in line with County guidelines.

## 7.3 Service standards

- 7.3.1 Employees who have identified that they are experiencing domestic abuse will be treated without judgement, both personally and professionally, and provided with a sympathetic, supportive response.
- 7.3.2 Where risks in the work environment are identified managers and HR will support employees to put in place safety precautions to prevent exposure through work to situations that could make any employee vulnerable.
- 7.3.3 The Council will support employees in making positive changes and in providing a safe and positive working environment.
- 7.3.4 In considering formal action relating to issues of performance or attendance managers should take the impact of domestic abuse into account as far as is reasonable.
- 7.3.5 Discussions between a manager and an employee who is experiencing domestic abuse will be treated in confidence. In some circumstances this confidence may need to be broken in order to protect children or vulnerable adults.

7.3.6 Managers will ensure that reasonable additional measures are taken to protect personal information regarding those who are known to be experiencing, or who have experienced, domestic abuse.

#### 7.4 Perpetrators

7.4.1 An employee who is cautioned or convicted of a criminal offence could be subject to disciplinary procedures. The Council reserves the right to use disciplinary procedures should an employee's activities outside of work have an impact on their ability to perform the role for which they are employed, or be considered to bring the Council into disrepute.

#### 7.5 Employee case management

7.5.1 Where an employee is dissatisfied with any actions or decisions made in relation to their situation, they may pursue this informally with their line manager or HR, or formally by making use of review procedures outlined in the relevant HR policy/procedure, or if appropriate through the Council's grievance procedure.

### 8. **Equality**

8.1 We will ensure that this policy is applied fairly and consistently to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, age, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity policy.

When applying this policy we will act sensitively towards the diverse needs of individuals and communities.

When applying this policy we will take the necessary positive action to reduce discrimination and harassment in local communities.

### 9. **Review**

9.1 The policy will be reviewed three yearly or in response to changes in relevant legislation or guidance.

Further guidance is available from:-

Safeguarding Lead Officer 01442 228450

Anti-Social behaviour Team Leader 01442 228377

Domestic Abuse Outreach worker 07484 934518

Other useful resources and contacts

[Hertfordshire Sunflower Service](#)

[Safer Places - Domestic Abuse services](#)

[i am cherished](#)

[Hertfordshire Domestic Abuse Helpline](#)

## Domestic Abuse Reporting

