

**HOMES FIRST**

# Homes First Domestic Abuse Policy

Draft for consultation: June 2023

DRAFT

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# Homes First Domestic Abuse Policy

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| <b>Version</b> (e.g. first draft, final report):                                | Seventh Draft – 16/02/2023   |
| <b>Authorities covered:</b>   | Lewes District Council and Eastbourne Borough Council  |
| <b>Applies to:</b>  | It applies to all tenants and leaseholders living in general needs and retirement accommodation managed by Homes First on behalf of Eastbourne Borough and Lewes District Councils. It also applies to customers accessing housing via the housing waiting list and customers accessing support from our Housing Needs team.   |
| <b>Responsible:</b><br>(Executive Lead)   | Gary Hall, Head of Homes First   |
| <b>Accountable:</b><br>(Operational Lead)                                       | Liz Martin, Neighbourhood Housing Lead   |
| <b>Consultation:</b>  | <p>Tenants and residents have been involved in the formulation of this policy through <i>an online questionnaire and a combination of telephone and paper surveys within Retirement Housing. The draft policy was also taken to the resident groups in LDC and EBC.</i></p> <p>Consultation has involved the Council's Neighbourhood Housing Team, Retirement Housing Team, Leaseholder Team and Housing Needs Team.</p> |
| <b>Final Equality and Fairness Analysis (EaFA) Report approved by and date:</b> | [name, title and date]   |
| <b>Approval date:</b>   | [date]   |
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## 1.0 Policy Statement

- 1.1 Homes First believes that tenants, leaseholders and people living with our tenants and leaseholders should not live-in fear of violence or abuse. Homes First takes all forms of domestic abuse seriously and is committed to providing a sensitive and confidential response to anyone who approaches for assistance in cases of domestic abuse

## 2.0 Scope

- 2.1 This Policy outlines the approach taken by Homes First to assist and support any person experiencing, or threatened with, violence or abuse. It applies to all tenants, leaseholders and people living with our tenants and leaseholders. It also applies to customers accessing housing via the housing waiting list and customers accessing support from our Housing Needs team. The policy has been developed in consultation with residents..

## 3.0 Legal and Regulatory Framework

- 3.1 The tenancy agreement and lease of Eastbourne Borough Council (EBC) or Lewes District Council (LDC) clearly sets out the standard of behaviour expected from our tenants and leaseholders. It is a condition of the tenancy agreement or lease agreement that a tenant or leaseholder must not threaten or use abuse and/or violence against another person, whether that person lives at the property or somewhere else.
- 3.2 In addition Homes First recognises its legal duties and obligations to all residents under the following legislation:

- [Domestic Abuse Act 2021](#)
- [Housing Act 1996](#)
- [Family Law Act 1996](#)
- [Children's Act 1989](#)
- [Domestic Violence, Crime and Victims Act 2004](#)
- [Civil Partnership Act 2004](#)
- [Protection from Harassment Act 1997](#)
- [Homelessness Act 2002](#)
- [UK GDPR and Data Protection Act 2018](#)
- [Crime and Disorder Act 1998](#)
- [Public Order Act 1986](#)
- [Criminal Justice Act 2003](#)
- [The Anti-Social Behaviour, Crime & Policing Act 2014](#)
- [Homelessness \(Priority Need for Accommodation\) \(England\) Order 2002](#)

## 4.0 Definitions

- 4.1 Where we use "you" or "your" we mean Homes First tenants or leaseholders, or people living with our tenants or leaseholders. The terms 'we', 'our' and 'us' means Homes First.
- 4.2 Under Domestic Abuse Act 2021, section 1(2) the definition is:  
"Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if -
- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive"
- as per s1(5) Domestic Abuse Act 2021 "A's behaviour may be behaviour 'towards' B despite the fact that it consists of conduct directed at another person (for example, B's child)."
- 4.3 This definition includes modern day slavery, coercive control and all nuances of domestic abuse for example 'honour based' abuse (HBA), forced marriage (FM) and female genital mutilation (FGM) as well as Violence Against Women and Girls (VAWG). The term VAWG refers to the range of serious crime types which are predominantly, but not exclusively, experienced by women and girls.
- 4.4 Domestic abuse can have a devastating impact on children exposed to it in their own home. Under the statutory definition of domestic abuse in the [Domestic Abuse Act 2021](#), a child who sees or hears, or experiences the effects of abuse and who is related to the person being abused or the perpetrator, is also to be regarded as a victim/survivor of domestic abuse.
- 4.5 It does not matter whether the behaviour consists of a single incident or part of an ongoing pattern of behaviour. For a more detailed description of types of Domestic Abuse please see **Appendix B**.
- 4.6 For the definition and policy to apply, both people must be aged 16 or over and personally connected. Personally, connected is defined in the act as people who:
- are married to each other or have been.
  - are civil partners of each other or have been.
  - have agreed to marry one another (whether the relationship has ended)
  - have entered into a civil partnership agreement (whether the relationship has ended)
  - are, or have been, in an intimate personal relationship with each other.
  - are, or have been, parents or have/had parental responsibility of the same child or children
  - are relatives.
  - Please note that this is a much wider definition than 'member of the family' at s.113 Housing Act 1985.

## **5.0 Introduction**

- 5.1 As social housing providers through Homes First, EBC and LDC have a key role in reducing incidents of domestic abuse and supporting victims/survivors of domestic abuse. We recognise domestic abuse is unacceptable and we take domestic abuse seriously. We are committed to providing a sensitive and confidential response to anyone approaching us for help in cases of domestic abuse.
- 5.2 Every case of domestic abuse should and will be taken seriously, and all victim/survivors should be able to access appropriate support. Anyone can experience incidents of domestic abuse. Women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. They are also more likely to have experienced sustained physical, psychological or emotional abuse, or violence which results in injury or death.
- 5.3 Homes First recognises domestic abuse can happen to anyone, and may be experienced differently due to, and compounded by, social background, disability, age, gender, religion, culture, class, mental health, sexuality, or ethnicity. Domestic Abuse can happen to anyone regardless of gender or sexuality.
- 5.3.1 We understand that individuals with characteristics mentioned in 5.3 may face multiple forms of discrimination. We will consider the individual needs of each victim/survivor when tailoring our approach.
- 5.4 Abuse can be perpetrated by partners, ex-partners and family members, including children under the age of 18, adult children or siblings.
- 5.5 Homes First is committed to supporting all victims/survivors of domestic abuse and Violence Against Women and Girls (VAWG).
- 5.6 Through this policy we will aim to ensure our tenants, leaseholders and people living with our tenants and leaseholders who experience, or who are being threatened with, domestic abuse have guidance and assistance. We also recognise we cannot deal with instances of domestic abuse on our own and we will work with specialist partners to support victims as domestic abuse cases need a multi-agency approach.

## **6.0 Our Responsibilities**

- 6.1 Homes First has a policy of zero tolerance to all forms of violence and abuse towards or by any tenant, leaseholder, people living with our tenants and leaseholders, any person occupying the property with the tenant/leaseholder's permission or any visitor to the tenant/leaseholder's home. Any form of domestic abuse is unacceptable and should not be tolerated
- 6.2 Homes First is committed to identifying and tackling domestic abuse in all forms, playing a key role in reducing the incidents of domestic abuse and

supporting victims/survivors. There are a range of responses and actions available which we will consider using in appropriate circumstances including:

- Providing the victim/survivor with options for support and housing, including signposting and referring into services on the survivor's behalf if they wish.
- We will believe you if you disclose that you are experiencing, suffering or have suffered domestic abuse and will not insist on you providing evidence before providing support, guidance and working with partner agencies
- We understand the important role we can play in supporting you if you are experiencing DA and have trained staff to support you effectively.
- Developing a consistent and fair approach to domestic abuse.
- Providing training to staff members who deal with victims of domestic abuse, including training for those who visit our tenants/leaseholders and residents in their homes, considering current published best practice guidance and always taking a '*survivor led trauma informed*' response to our practice.
- Ensuring the need for confidentiality in the interest of safeguarding victim/survivors and their families, especially children who may also be victim/survivors. Homes First will signpost or refer to appropriate agencies with the agreement of the victim/survivor. It may be necessary to do this without consent should there be concerns around the risks posed to the victim/survivor and their children.
- Offering advice regarding possible legal remedies.
- Prioritising repairs which compromise the safety of the victim/survivor and other residents at risk of domestic violence.
- Considering any work under Sanctuary Schemes to secure a victim/survivor's property. Sanctuary Schemes centre around the needs of victim/survivors of domestic abuse, other physical violence or hate crimes, and enables them to remain in their homes and feel safe.
- Supporting victim/survivors to rebuild their lives by working in partnership with them and other support agencies.
- Holding perpetrators accountable for their actions, and appropriately signpost perpetrators to programmes or take action against their tenancy if they have one.

- Ensuring that where children and young people are affected by domestic abuse they too have access to services as early as possible.
- Following the relevant child protection procedures where a child is at risk due to an abusive relationship. Referring cases involving child protection or vulnerable adults to the relevant authority.
- Where appropriate share information with MARAC.
- Where appropriate and within our control ensure that a victim/survivor who leaves their home due to abuse does not lose their security of tenure.
- Enabling the reporting of domestic abuse in different ways, including in person, in writing, by telephone, online or via a third party. By ensuring survivors are given advice so that they can access appropriate services as early as possible and make choices about what to do next.

6.3 When a report of a domestic abuse incident is received by housing services, we will ensure that we:

- Offer options on how to report incidents of domestic abuse such as in person or safely via the telephone.
- Agree how we will keep in contact with the victim/survivor or the agency representing them and the frequency of this in case they need any further help.
- Carry out, where appropriate, a risk assessment ([using the Domestic Abuse, Stalking and 'Honour'-based Violence \(DASH\) Risk Identification checklist](#)) and safety planning to provide support for the survivor and their children where present.
- When requested make an employee of the same sex available to speak with the victim/survivor about their case.
- Inform the victim/survivor of their legal rights in respect of any tenancy they may hold.
- Establish if there are any special needs that should be considered. Such as, the need for an interpreter or sign language translator.

- Conduct interviews in private and in a place of safety.

## **7.0 Local Authorities' duty to assess housing need**

7.1 As a local authority we will work in partnership to provide accommodation-based support for victims of domestic abuse in our areas.

7.2 Accommodation based support means support in housing provided by:

- Voluntary organisations which provide domestic abuse support
- It can also mean support provided in various types of temporary or emergency accommodation set out in the legislation, including refuge accommodation and designated emergency accommodation placements.

7.3 Accommodation based support may include the following:

- advocacy support
- domestic abuse prevention advice
- specialist support for victim/survivors
- support designed for victim/survivors with additional and complex needs
- housing related support
- advice services
- counselling and therapy
- work with our Property Services Team and contractors to ensure any necessary safety measures are made to the property (e.g work under Sanctuary Schemes).

## **8.0 Priority need for people homeless because of domestic abuse**

8.1 From 5 July 2021, a person who is homeless as a result of that person being a victim of domestic abuse automatically has a [Priority Need](#). The abuse must meet the definition in the Domestic Abuse Act 2021.

8.2 Homelessness Applications: A person who leaves their home because of domestic abuse can apply for homelessness assistance from the Housing Services and cannot be treated as intentionally homeless. EBC and LDC have a duty to accommodate a person if they meet certain basic requirements. These include that they are:

- Homeless
- Eligible for assistance
- In priority need
- Not intentionally homeless

8.3 In addition to the above, in cases where the report of domestic abuse is made by a tenant within the council's HRA stock, officers will also:

- Make a referral to our welfare benefit advice team for support around financial issues, where necessary.
- Work with our Property Services Team and contractors to ensure any necessary safety measures are made to the property (e.g. work under Sanctuary Scheme).
- Where a perpetrator of ASB (anti-social behaviour) subsequently reports to be a victim/survivor of domestic abuse, we will consider all circumstances. Our priority is to ensure the safety of all residents.

## 9.0 Legal Options

9.1 We will explore with you your legal options, considering the needs of each individual case. We will advise about possible courses of action, both to respond to the immediate situation and to deal with it longer term. We will not pressure you to take legal action but will offer guidance if it is something you wish to pursue. This may include helping you by getting information about a non-molestation order, demotion of tenancy or possession proceedings.

9.2 We will consider arranging and paying for additional security at the property in order that you feel safe to return. This may include items such as lock changes or additional door or window locks. These may also be available under Sanctuary Schemes security measures.

9.3 In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out in line with the relevant policy. If the damage has compromised the safety of the victim/survivor, the highest priority will be given to those repairs.

9.4 Injunctions against the perpetrator can be sought where appropriate, via the [National Centre for Domestic Violence](#) or [FLOWS - Finding Legal Options for Women Survivors](#) either by or on behalf of the victim/survivor. An injunction would normally involve restrictions on the perpetrator, including not to be in the locality of the victim's home.

## 10. Confidentiality and Data Sharing

10.1 Homes First recognises that incidents of domestic abuse are extremely sensitive, private incidents for victim/survivors to report and will ensure total confidentiality on any cases that are reported.

10.2 Homes First may however share relevant information with local agencies such as the Police, to deal with cases more effectively by either gathering extra

evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the victim/survivors and/or their dependants to provide better or more effective support. Or where there are serious concerns about immediate risk.

- 10.3 Any complaint about failure to follow this policy or about the way the customer has been treated will be dealt with through EBC/LDC's [Complaint Procedure](#). Any issue related to data protection will be referred to the Information Governance Manager.
- 10.4 The council will ensure it complies with the requirements of the [UK GDPR and Data Protection Act 2018](#) and its own [Data Protection Policy](#) when managing information, it holds about its tenants.

## **12. Equalities and Fairness.**

- 12.1 The Homes First management team will oversee the consistent and fair implementation of this policy and will consult with colleagues (e.g. Compliance, Health and Safety, Equality and Diversity) to ensure timely and accurate updates of the policy. Performance information will be provided on request to Residence's Voice, Tenants of Lewes District (TOLD) and the Eastbourne Homes Limited (EHL) Board.
- 12.2 An Equality and Fairness Analysis has been completed for the policy with the collaboration of the Council's Equalities Lead.

## **13. Monitoring and Review**

- 13.1 We will carry out a fundamental review of this policy every three years or sooner, subject to legal, regulatory changes or if internal changes necessitate.
- 13.2 We monitor domestic violence/abuse cases across our stock and those that approach the housing service for assistance, to allow us to identify persistent perpetrators, monitor the success of our actions, and the satisfaction levels of victims and witnesses. This can also help us assist victims by prioritising areas or individuals affected by repeated antisocial behaviour. As well as responding to issues affecting diverse communities.

## **14. Related Policies**

- Homes First Anti-Social Behaviour Policy
- Lewes District Council Allocation Policy
- Eastbourne Borough Council Allocation Policy
- Eastbourne Borough Council and Lewes District Council Equality and Fairness Policy
- Eastbourne Borough Council and Lewes District Council Safeguarding Policy

## Appendix A – Support Organisations

| Organisation                         | Description   | Website   | Contact   |
|--------------------------------------|---|---|---|
| Change, Grow, Live East Sussex (CGL) | CGL offer support to anyone aged 16+ who has been affected by domestic abuse and violence.  | <a href="https://www.changegrowlive.org/domestic-abuse-service-east-sussex/info">https://www.changegrowlive.org/domestic-abuse-service-east-sussex/info</a>   | 0300 323 9985<br><br>:01323 417 598 – EB Office<br><br><a href="mailto:ESDomesticAbuse.Info@cgl.org.uk">ESDomesticAbuse.Info@cgl.org.uk</a>   |
| Refuge from Domestic Abuse           | Clarion Housing Association provides safe refuge accommodation for women and children fleeing domestic violence across East Sussex.   | <a href="https://www.myclarionhousing.com/help-and-guidance/personal-wellbeing/domestic-abuse-or-violence">https://www.myclarionhousing.com/help-and-guidance/personal-wellbeing/domestic-abuse-or-violence</a> | <a href="mailto:referrals.eastsussex@clarionhg.com">referrals.eastsussex@clarionhg.com</a><br><br>0808 2000 247   |
| Safe Space Sussex                    | Provides an online directory of local victim and witness specialist support services. It also has information about what happens at each stage of the criminal justice system | <a href="https://www.safespacesussex.org.uk/">https://www.safespacesussex.org.uk/</a>   |   |
| Survivors Network                    | The Survivors Network provide the specialist rape and sexual violence abuse service for Sussex  | <a href="https://survivorsnetwork.org.uk/">https://survivorsnetwork.org.uk/</a>   | 01273 203 380   |
| Veritas Justice                      | Specialist stalking advocacy services for Sussex  | <a href="https://veritas-justice.co.uk/">https://veritas-justice.co.uk/</a>   | 01273 234 773   |
| The Suzy Lamplugh Trust              | The Suzy Lamplugh Trust is the UK's pioneering personal safety charity and leading stalking authority   | <a href="#">The Suzy Lamplugh Trust</a>   | 0808 802 0300 (National Stalking Helpline)<br><br><a href="https://www.suzylamplugh.org/forms/national-stalking-helpline-enquiry-form">https://www.suzylamplugh.org/forms/national-stalking-helpline-enquiry-form</a> |
| The Alice Ruggles Trust              | The Alice Ruggles Trust exists to raise awareness of stalking (including coercive control)  | <a href="#">The Alice Ruggles Trust</a>   | <a href="https://alicerugglestrust.org/contact">https://alicerugglestrust.org/contact</a>   |
| The Hollie Gazzard Trust             | The aim of the Hollie Gazzard Trust is to work to save lives by building individual and community resilience to domestic abuse.   | <a href="#">The Hollie Gazzard Trust</a>  | <a href="https://holliegazzard.org/contact-us/">https://holliegazzard.org/contact-us/</a><br><br>07538 575229   |

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| Paladin: National Stalking Advocacy Service | Assisting high risk victims of stalking in England and Wales.   | <a href="https://www.paladinservice.co.uk/">https://www.paladinservice.co.uk/</a>   | +440203 8664107  |
| Hestia                                      | Hestia provides domestic abuse support services in London and the south east, including domestic abuse refuges and community-based support.                                 | <a href="#">Hestia</a>  | +44 (0) 20 7378 3100<br><a href="mailto:info@hestia.org.cjsm.net">info@hestia.org.cjsm.net</a>       |
| Forced Marriage Unit                        | Information on how to protect, advise and support victims of forced marriage, including information and practice guidelines for professionals                               | <a href="http://www.gov.uk/guidance/forced-marriage">www.gov.uk/guidance/forced-marriage</a>                                      | 020 7008 0151  |
| Galop [LGBTQ+]                              | Galop has decades of experience in supporting LGBT+ people who are victims of domestic abuse.   | <a href="http://www.galop.org.uk">www.galop.org.uk</a>  | 0300 999 5428  |
| Switchboard Brighton [LGBTQ+]               | Domestic Abuse service is for LGBTQ people affected by domestic abuse. Switchboard provides support to survivors through its Independent Domestic Violence Advisors (IDVAs) | <a href="https://www.switchboard.org.uk/what-we-do/domestic-abuse/">https://www.switchboard.org.uk/what-we-do/domestic-abuse/</a> | 01273 359042<br><a href="mailto:helpline@switchboard.org.uk">helpline@switchboard.org.uk</a>         |
| Friends, Families and Travellers            | Supporting individuals and families with the issues and addressing inequalities faced by Gypsy, Roma and Traveller people.  | <a href="https://www.gypsy-traveller.org/">https://www.gypsy-traveller.org/</a>   | 01273 234 777<br><a href="mailto:fft@gypsy-traveller.org">fft@gypsy-traveller.org</a>                |
| Hersana                                     | Working with Black femmes affected by or at risk of experiencing gender-based violence across England and Wales   | <a href="https://www.hersana.org/about-us">https://www.hersana.org/about-us</a>   | 0333 016 9610<br><a href="https://www.hersana.org/contact-us">https://www.hersana.org/contact-us</a> |
| Karma Nirvana                               | Working to end Honour Based Abuse in the UK   | <a href="http://www.karmanirvana.org.uk">www.karmanirvana.org.uk</a>  | 0800 5999 247  |
| Respect: Men's Advice Line                  | The Helpline for male victims of domestic abuse   | <a href="http://www.mensadviceline.org.uk">www.mensadviceline.org.uk</a>  | 0808 801 0327<br><a href="mailto:info@mensadviceline.org.uk">info@mensadviceline.org.uk</a>          |
| Respect: Perpetrator Interventions          | Interventions to support perpetrators in the early stages of abuse, and those using high harm behaviours.   | <a href="https://www.respect.uk.net/">https://www.respect.uk.net/</a>   |  |

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| Men's Aid Charity | Help to provide practical advice and support to men who have been abused   | <a href="https://www.mensaid.co.uk/">https://www.mensaid.co.uk/</a>       | 0333 567 0556   |
| Rape Crisis       | Provides specialist information and support to all those affected by rape, sexual assault, sexual harassment and all other forms of sexual violence and abuse in England and Wales | <a href="http://www.rapecrisis.org.uk">www.rapecrisis.org.uk</a>          | 0808 500 2222<br><a href="mailto:rcewinfo@rapecrisis.org.uk">rcewinfo@rapecrisis.org.uk</a> |
| Samaritans        | Whatever you're going through, a Samaritan will face it with you. Available for contact 24 hours a day, 365 days a year  | <a href="http://www.samaritans.org">www.samaritans.org</a>                | 116123<br>jo@samaritans.org   |
| Shelter           | Advice and support services offer one-to-one, personalised help with housing issues and homelessness   | <a href="http://www.shelter.org.uk">www.shelter.org.uk</a>                | 0808 800 4444   |
| Crime Stoppers    | Give crime information anonymously   | <a href="https://crimestoppers-uk.org/">https://crimestoppers-uk.org/</a> | 0800 555 111  |

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