

# Domestic abuse: a good practice guide for social landlords

**ALACHO**  
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# Checklist for good practice in responding to domestic abuse

**'It is vital that those in housing services coming into contact with those who have experienced GBV can offer an appropriate, safe and consistent response.'**<sup>1</sup>

## Policy

- Develop a domestic abuse housing policy for tenants which:
  - Prevents homelessness and addresses the housing needs of women and children who experience domestic abuse
  - Intervenes effectively with tenants who perpetrate domestic abuse
  - Promotes a proactive approach to domestic abuse with all tenants and housing partners
  - Uses the Scottish Government definition of domestic abuse, recognising domestic abuse as a form of gender-based violence (GBV)<sup>2</sup>
  - Includes actions which:
    - o Strengthen women's and children's rights to remain in the home, for example, by supporting women to transfer tenancies into their names; and by making effective use of management transfers so women can make planned moves and avoid homelessness
    - o Support a tenant who is experiencing domestic abuse to remain in her own home, or to move to another home, including providing security measures, specialist support and details of the action you will take against the perpetrator
    - o Ensure an effective response to a perpetrator which does not leave the victim(s) vulnerable to further abuse and/or a perpetrator homeless
    - o Avoid service-generated risks including confusing domestic abuse with anti-social behaviour, offering mediation or joint interviews, not providing independent interpreting services, unsafe data protection
    - o Are included in the tenancy agreement and tenant's handbook and are promoted online and in hard copy

## Service

- Provide a sensitive service to ensure the privacy and confidentiality of victims and reduce the risk of further harm by:
  - Developing customer service systems that do not require women to disclose or discuss the reason for their visit in public areas
  - Promoting private interview rooms
  - Offering the option of seeing a female or male member of staff
  - Displaying posters and leaflets (for the helpline below) in waiting areas (and stickers on the back of toilet doors)

<sup>1</sup><https://www.gov.scot/publications/equally-safe-delivery-plan-scotlands-strategy-prevent-violence-against-women/>

<sup>2</sup>Abuse perpetrated against women and girls because they are female.

- ✓ Provide support and advice to tenants experiencing domestic abuse with appropriate referral to specialist support services. This includes giving the details of Scotland's Domestic Abuse and Forced Marriage Helpline (24 hours): <https://sdafmh.org.uk/> and 0800 027 1234

## Training and competence

- ✓ Understand the dynamics of domestic abuse and coercive control. This includes:
  - Understanding that domestic abuse does not end if a woman ends a relationship with the perpetrator. Indeed, this is a lethal time for her and any children
  - Re-framing frustrations that may arise from assumptions like 'she won't leave' or 'she's taken him back' to understand that power and control mean that 'he will not let her go'
- ✓ Ensure that staff have clear procedures to follow; know what action to take; and that they follow agreed assessment and referral processes
- ✓ Ensure that staff know about domestic abuse and are trained to respond as appropriate to their role and level of responsibility. This training should be commissioned from specialist trainers and updated as necessary

## People and partnerships

- ✓ Have specialist domestic abuse housing officer posts or generic housing officers who are specifically trained to provide this service
- ✓ Develop collaborative work with local partners in order to provide advice and support to meet the needs of tenants experiencing domestic abuse. This should go beyond signposting and should support women to engage

## Inclusion

- ✓ Ensure that your service is culturally competent and responds effectively to the needs of BME victims of domestic abuse by providing accredited interpreting services and specialist support
- ✓ Develop an employee policy for domestic abuse to support employees who experience domestic abuse or intervene effectively with employees who perpetrate domestic abuse

## Action

- ✓ Develop an action plan to implement the above, using the direct experience of women who have experienced domestic abuse
- ✓ Develop a methodology for evaluating the extent to which this work is improving your response to domestic abuse
- ✓ Seek the support of specialist providers, such as Scottish Women's Aid for advice and support with any and all of the above

## Good practice example: Fife Council holistic approach through WHIR

'A lot of staff felt that dealing with domestic abuse was difficult as they felt they didn't have enough training and weren't sure about signposting, safety planning and legal issues. Housing providers always just advised people who may be in a joint tenancy to go down the Matrimonial Homes Act. The (WHIR) 'improving the way we work project'<sup>3</sup> has taken on board these issues and put the following practices in place:

- All frontline staff and housing staff have completed mandatory 'introduction to violence' training with a refresher every two years. This is also written into the induction programme
- Several members of staff from various jobs are involved in tasking groups to help develop the plan. Pathway days allow staff to feedback on case studies and help develop the perfect pathway for people experiencing domestic or sexual abuse
- Shelter Scotland training has been developed for staff who deal with enhanced housing options interviews (EHOIs) with more insight into the law and legal matters. This training is e-learning and face-to-face
- All staff who have completed the Shelter Scotland training have access to the resource hub that gives them information on legislation, referrals and resources, perfect pathways and reflective exercise. Having this tool gives staff the opportunity to keep their knowledge up to date
- Staff did not feel comfortable with the law when it comes to removing a perpetrator from a joint tenancy, sole tenancy or transfer of tenancy. This is something that the project is working on with test cases. This involves small multi-agency meetings to benefit a victim of domestic abuse to maintain their tenancy, if that is what they want, or to move with support'

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<sup>3</sup>WHIR (Women's Health Improvement Research project) was facilitated by Scottish Women's Aid. The research report Change, justice, fairness: why should we have to move everywhere and everything because of him <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf> was published in 2015. This resulted in Fife Council developing the 'Improving the way we work' project.

# Context for guidance

## Supporting the social housing response to domestic abuse

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 have developed this guidance. It has arisen from our joint work across the housing sector, and our shared concerns that housing policy and practice continue to fail victims of domestic abuse. While Scotland has developed some of the most progressive policy in the world to respond to domestic abuse and to homelessness, work on their intersection has lagged.

Many social landlords have told us that they want to do the right thing, but that they need support to make sure that they're offering a consistently good response to those affected by domestic abuse. Few social landlords have formal policies on domestic abuse to help them respond effectively to tenants who experience or perpetrate domestic abuse; or, indeed, their own employees. This means that, across the social housing sector generally, improvements are needed.

So, this guidance is intended to support social landlords to develop an informed response that:

- Prevents women's and children's homelessness
- Supports victims of domestic abuse effectively
- Holds perpetrators to account

## Who the guidance is for

The guidance is for social housing professionals who are involved in developing policy in housing and homeless services and in providing housing management and housing support services.

## Barriers to an effective response

In preparing this guidance, we asked social landlords about barriers to an effective response. Typical barriers include:

- Simplistic thinking about options: default response of pushing victims into homelessness (and further trauma) rather than keeping victims safe; and of ignoring perpetrators rather than taking action to move and rehouse them
- Lack of specific guidance and clear pathways to allow staff to implement policy and practice consistently and confidently
- Concern about making matters worse
- Staff not wanting to get involved
- Staff hesitant about making decisions about domestic abuse in case they have judged the situation incorrectly
- Staff not sure how to support victims correctly and what role their department as well as other services should play
- Staff not sure how to respond to perpetrators correctly and what role their department as well as other services should play



- Not recognising women's homelessness nor that domestic abuse is a cause of this
- Lack of knowledge about domestic abuse, particularly coercive control
- Believing myths about domestic abuse and its dynamics
- Not believing what women say
- Feeling frustrated by victims based on not fully understanding domestic abuse; how women protect themselves and their children; and how coercive control works
- Lack of knowledge about the law
- Lack of training in how to respond: particularly, safety, risk, rights, legal action
- Risk-averse: some staff over mindful about the rights of the perpetrator rather than those of the victim/survivor

This guidance aims to address these issues.

## The human rights imperative

Domestic abuse violates human rights under international law because it denies women their rights including the right not to be treated in an inhuman and degrading way; the right to respect for private and family life (including the right to physical and psychological integrity); and the right to life. Domestic abuse and associated forms of violence against women such as rape and sexual violence and forced marriage deny these basic rights in themselves. But human rights are further denied if public services do not respond to such abuse; if laws do not protect women from it; and if policies do not prevent it.

As well as being a human rights issue, domestic abuse is a housing issue: it's a major cause of homeless in women and children, and is associated with youth homelessness:

- The short-term and long-term negative effects on women children and young people of living with domestic abuse are well documented<sup>4</sup>
- Witnessing domestic abuse is child abuse<sup>5</sup>
- Living with domestic abuse compromises children and young people's (CYP) safety and long-term outcomes
- Domestic abuse has an adverse impact on individuals, families and communities
- It is a crime

Social landlords have a duty of care to those experiencing domestic abuse, and to protect tenants' and children's right to a home life, including the peaceful and safe occupation of their home.

Applying a human rights approach to domestic abuse means that social landlords listen to the experiences of victims and support their right to remain in their home. As housing professionals, social landlords have privileged access to tenants and their homes, and can make a significant difference in the context of the community response to domestic abuse.

Responding effectively to domestic abuse is directly linked to many priorities facing social landlords: preventing homelessness, child protection, tenant safety, educational attainment, poverty and inequalities. Unless victims have secure homes and feel safe, these priorities will not be met.

<sup>4</sup><https://womensaid.scot/wp-content/uploads/2017/09/HealthDomesticAbuse.pdf>

<sup>5</sup>NSPCC (2019) 'What is domestic abuse' <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/>

Many social landlords are making considerable progress and examples of good practice feature in this guidance. However, there are ongoing barriers, including some lack of understanding about the nature of domestic abuse and how best to respond safely. So, this guidance is a source of reference and information for those who want to ensure that their response is as effective as possible.

## Changing the discourse

Many myths about domestic abuse prevail generally, and within the housing sector: such as that women will be safer if they leave, when in most cases, the opposite is the case. The language of domestic abuse still focuses on physical violence, although the Domestic Abuse (Scotland) Act 2018 is changing that, recognising that coercive control (a pattern of behaviour) is what characterises abuse within intimate relationships.

Current housing policy and practice responses are based on expecting women and children experiencing domestic abuse, rather than perpetrators, to leave their homes. This means that domestic abuse is the main cause of women's homelessness in Scotland, with a high incidence of repeat homelessness on the same grounds.

For many women looking for support, this can mean that they are made homeless by the very services that are meant to help them: forced to leave the family home and then move multiple times. Over and above the trauma of abuse, each move can add to their isolation and loneliness, and the financial hardship of building a new life. This is also detrimental to their children in the short- and long-term: moving schools; impeding attainment; disrupting friendships; likelihood of poverty.

Some perpetrators of abuse retain entitlement to the family home, and continue to abuse ex-partners and their children long after separation.

*'I just thought, "No, why should we have to move everywhere and everything because of him," and I knew back then that he'd find us. He would just never stop. He would never stop. So I was like, "No, if he doesn't like it and can't cope with the fact that I am no longer willing to be abused and the kids are no wanting it, then he could move".'<sup>6</sup>*

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<sup>6</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

## Purpose of guidance

The purpose of this guidance is to help you:

- Respond effectively to tenants and prospective tenants who are experiencing or perpetrating domestic abuse
- Support tenants who are victims of domestic abuse
- Minimise disruption to such tenants and their children so they can maintain family and community connections, employment, education and so on
- Hold tenants who perpetrate domestic abuse to account
- Prevent domestic abuse from occurring/re-occurring

*'Well I actually lost my house and accommodation due to my ex-partner, which I didn't think anything like that, would ever happen. He was really controlling with everything. He'd moved into my house so me and my daughter already stayed there and what had happened was I was self-employed with my own business and things. He was working so set up a joint bank account as you do when you're with somebody. Set up direct debit for like housing benefit, council tax, all the usual things. Eventually before I lost my house, I found out that he'd cancelled the direct debits so because the house was in my name and he was on the tenancy, it was me at fault for everything. So I was in thousands upon thousands of pounds in debt which I knew nothing about. I eventually went and spoke to them and tried to get it sorted out and things, but there was no way I was ever going to be able to pay it off. So they said the only solution they can think of is that I give my house up because obviously more and more debt was getting added on. So that's how I eventually lost my house. I don't know why they didn't do something round about the fact that I was accommodated already. I was going through, basically it was, a debt management programme so everything was getting sorted out. So why did I still have to leave?'*<sup>7</sup>

### Good practice example: Almond Housing Association: domestic abuse policy

'Almond Housing Association believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. We will deal with all reports of domestic abuse as an emergency and respond to them within 24 hours. Applying a 'survivor' centred approach we will assist the survivor to reach a decision which they feel best secures their safety by reviewing their accommodation, enabling the level of support they want and taking action against the perpetrator they feel is most appropriate. Almond Housing Association will take the strongest action possible against perpetrators of domestic abuse where it has the power to do so and the consent of the survivor. Almond Housing Association encourages its residents to report domestic abuse, whether they are survivors of, or witnesses to, such incidents. We will deal with all reports of domestic abuse with sensitivity.'

<sup>7</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

# Definition of domestic abuse and link to national strategy

This guidance:

1. Is based on the Scottish Government's definition of domestic abuse as a form of gender-based violence (GBV) (such abuse is perpetrated against women and girls because they are female)

GBV encompasses: 'actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence'<sup>8</sup>

The nationally agreed definition of domestic abuse is:

'Domestic abuse (as gender-based abuse), 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, withholding money and other types of controlling behaviour such as isolation from family or friends)'<sup>9</sup>

2. Follows an equalities and human rights approach, consistent with Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls<sup>10</sup>
3. Refers to those experiencing domestic abuse as women and children, and those perpetrating it as men. This is based on prevalence and the context of domestic abuse, and the Scottish Government's definition of domestic abuse as a form of violence against women and girls. There is information about prevalence and context in Equally Safe

For the purposes of this guidance, it is assumed that the domestic abuse is being perpetrated by a partner or ex-partner (that is an intimate partner). However, in some communities, wider family members become involved in the abuse.<sup>11</sup>

Children who live with domestic abuse are, themselves, experiencing abuse.

The guidance applies for responding to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+). Domestic abuse within LGBT+ relationships is experienced in very similar ways to heterosexual relationships. In LGBT+ relationships, a perpetrator may use their partner's sexual orientation or gender identity against them, including 'outing' them or preventing them from expressing their sexual orientation or gender identity or isolating them from family, friends and their community. This can make it difficult for a victim to ask for help or talk about their experiences.

More on gender and violence against women: <https://www2.gov.scot/resource/doc/925/0063070.pdf>

The Improvement Service, elected member briefing note: why adopt a gendered analysis of violence and abuse: [http://www.improvementservice.org.uk/documents/em\\_briefing\\_notes/em-briefing-gendered-analysis-vawg.pdf](http://www.improvementservice.org.uk/documents/em_briefing_notes/em-briefing-gendered-analysis-vawg.pdf)

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<sup>8</sup>Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls, Edinburgh, April 2018 (revised). <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

<sup>9</sup>National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000. <https://www2.gov.scot/resource/doc/158940/0043185.pdf>

<sup>10</sup>As footnote 8

<sup>11</sup><https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/impact-on-children-and-young-people/>

## About domestic abuse and coercive control

- Domestic abuse is a crime in Scotland
- The Domestic Abuse (Scotland) Act, 2018 recognises coercive control as a criminal offence
- Domestic abuse is persistent and controlling behaviour by a partner or ex-partner which causes physical, sexual and/or emotional harm
- It is common but often concealed
- Mostly, it is experienced by women and perpetrated by men. For example, where gender information was recorded, 81% of all incidents of domestic abuse reported to the police in Scotland in 2017-18 had a female victim and a male perpetrator<sup>12</sup>
- It is hard to estimate the scale of domestic abuse in Scotland because so few women report it to the police or any other agency. However, on just one day in 2018, 1,181 women, children and young people contacted Women's Aid in Scotland, 90 of them for the first time<sup>13</sup>
- According to the latest Scottish Government statistics (2017-18),<sup>14</sup> there were 59,541 incidents of domestic abuse recorded by the police in Scotland. An officer attends a report of domestic abuse in Scotland every nine minutes, 365 days a year<sup>15</sup>
- Statistics about 'incidents' are a small part of the picture because domestic abuse is not 'a fight' or a one-off act.<sup>16</sup> It is a pattern of abuse. You can understand what this means by thinking about pattern not punches; impact, not incidents; abusive behaviour rather than abusive 'relationship'
- Most women who ask for help have been 'subjected to a pattern of domination that includes tactics to isolate, degrade, exploit and control them...'<sup>17</sup> This is known as 'coercive control': a pattern or course of behaviour
- Domestic abuse is one form of gender-based violence (GBV). There are other forms, including rape and sexual assault, forced marriage and childhood sexual abuse. Because of prevalence over the life course, a tenant who is experiencing domestic abuse may have experienced domestic abuse from a previous partner, and/or other forms of GBV. This adds to the trauma of domestic abuse and its long-term impact on health and wellbeing

Here's how one woman described coercive control and how it can be misinterpreted by others/services:

*'He tracked me on social media. He put up long ranting posts about me. I'd put some pictures on Instagram of my son with some Lego he'd saved up for and, there was a great pic of him giving the thumbs up in the shop. I thought that only my own followers would see that but somehow my ex-partner got access and then posted it up as his profile picture.'*

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<sup>12</sup>Scottish Government Statistical Bulletin (Crime & Justice Series) 2016/17 <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2017-18/>

<sup>13</sup>Scottish Women's Aid Census Day, 2018. <https://womensaid.scot/wp-content/uploads/2019/04/SWA-Census-Leaflet-2018.pdf>

<sup>14</sup>Scottish Government Statistical Bulletin (Crime & Justice Series) 2016/17 <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2017-18/>

<sup>15</sup>Scottish Police Authority, 2015.

<sup>16</sup>Johnson, M. P. (2008). A typology of domestic violence: intimate terrorism, violent resistance, and situational couple violence. Northeastern University Press.

<sup>17</sup>Stark, E. (2007). How men entrap women in personal life. Oxford University Press.

*'He would turn up on the doorstep at all times of the day, or hide in the bushes near the house watching me. I got a new dustbin and I came home one day to find that he'd scratched his signature on it. He was basically saying that I'd have to look at his name, touch something he had touched, every single time I put something in the bin.'*

*She reported what was going on to the police: she said they laughed about the bin. 'They said it was just a joke but it wasn't a joke to me. He'd leave flowers for me: but I was terrified. They said that he "was carrying a torch for me". But I knew he wanted to torch me. I was pregnant when he deliberately drove the car into me in front of the children, and I lost the baby. I nearly died.'* (SWA, case study, 2019)

This is the perspective of a young person:

*'[Dad] never played with us and would get annoyed with us about nothing. He'd spank us and smack us on the back of the head for watching cartoons which he said were "stupid". While mum was at work he made us, aged eight and five, do chores like cooking and ironing, and made me look after my wee sister. He'd say to me "I know everything that you are doing" and I believed him. He said his friends were watching us and would tell him what we were doing and if we were doing anything wrong. It made me shy and cautious, and want to keep to myself. Trust is still a grey area for me. It was like being in jail. My dad was the warden and we were stuck.'* (SWA, case study, 2018)

- Coercive control is the best predictor of women's deaths associated with domestic abuse - not because of the severity of the abuse but because of its frequency. A history of physical abuse is a poor predictor of women's deaths (although a pretty good predictor of further abuse). However, coercive control is present in around 90% of partner murders (male perpetrator/female victim) with stalking/monitoring behaviour being one of the most common manifestations<sup>18</sup>
- Coercive control is not a 'warning sign' of abuse - it IS abuse and it's the most dangerous sort. Coercive control plus a 'trigger event' (such as the woman leaving) can and does lead to murder/culpable homicide even without a history of physical abuse (hence news reports quoting neighbours about the perpetrator being such a nice man and no-one - even the woman's friends/family - thinking that he was abusing her)
- The control can be psychological and/or physical, actual or threatened. For victims, the result is confusion; isolation; fear; walking on eggshells; losing the sense of self; and limiting their ability and freedom to participate in the world. For perpetrators, the result is being able to direct a partner/ex-partner's life, with or without using physical violence. Indeed, he may be able to control her with just a look or by lifting his eyebrow. She will know what he means or intends by that. That is why it is so important for frontline workers not to use any form of mediation, conduct joint interviews, or use friends/family members as interpreters
- Sexual orientation and gender identity may be used by perpetrators in same-sex and trans intimate relationships as a means of exerting control. You can find out more about that here: [www.lgbtyouth.org.uk/news/2019/new-domestic-abuse-law-in-scotland-why-does-it-matter-for-lgbt-people/](http://www.lgbtyouth.org.uk/news/2019/new-domestic-abuse-law-in-scotland-why-does-it-matter-for-lgbt-people/)

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<sup>18</sup>Monckton-Smith, J., Szymanska, K and Haile, S. (2017). Exploring the relationship between stalking and homicide. Suzy Lamplugh Trust.

- Coercive control can be as devastating for CYP as physically violent domestic abuse. In one study, children in families in which physical violence was not a regular part of perpetrators' abuse of mothers, experienced the same negative effects (for example emotional and behavioural issues, mental health problems) as those who had lived with frequent and sometimes severe physical violence.<sup>19</sup> The study found that the harmful impacts of coercive control on CYP can include:
  - o Control of time, movement and activities within the home: children and young people can be affected by the control of their mother's activities in the home, with children and mothers being restricted in spending time together and being able to enjoy each other's company. This can undermine the mother-child relationship, depriving children of feeling stable, protected and nurtured
  - o Restricted space to act: children's freedom to say and do things may be restricted by the perpetrator's controlling behaviour; for example, not being able to play, or being made to keep quiet
  - o Isolation from sources of support: control of the mother's movements outside the home also negatively impacts on children, who may not be allowed to see friends and other family members (such as grandparents), or take part in extra-curricular activities. This deprives children of the resilience-building influence of positive relationships outside the family home
- Coercive control can continue after separation from an abusive partner, with child contact and accompanying legal proceedings sometimes being used as a way for the abusive ex-partner to be involved in a woman's life and to continue exerting control over her and her children
- A physical incident model is inadequate when it comes to exploring CYP's experiences of domestic abuse. Services such as social landlords need to recognise the impact of coercive control on CYP's everyday lives, and tailor their responses appropriately

### Good practice example: Fife Council

'In order to get the wider workforce to identify domestic abuse, we have developed toolbox talks training for our building services operatives. This is to train them to recognise the signs of domestic abuse and to encourage them to pass any concerns on to their line manager who can raise this with the housing officer for the area. We have also worked with benefits and revenues staff, and they have taken part in multi-agency training. We are expanding the toolbox talks to our safer communities' officers as well.'

### Domestic abuse and anti-social behaviour

Social landlords should have a policy for responding to domestic abuse distinct from an anti-social behaviour policy. They are different.

Some social landlords treat domestic abuse as anti-social behaviour. This indicates a limited understanding of domestic abuse as a pattern of coercive control in an intimate relationship and compromises an effective response to domestic abuse. It risks blaming the victim; inadvertently colluding with the perpetrator; and prevents women from looking for support.

<sup>19</sup>Katz, E. (2016). 'Beyond the physical incident model: how children living with domestic violence are harmed by and resist regimes of coercive control'. *Child Abuse Review* 25:1, 46-59.

Threatening women that they will lose their homes because of noise complaints, rechargeable repairs or rent arrears and isolating women from neighbours are all tactics of coercive control. Perpetrators use such threats to prevent women from leaving and increase compliance. Social landlords should know about and be able to recognise these sorts of tactics for what they are, and actively offer victims confidential support and information.

Social landlords may become aware of domestic abuse as a result of noise complaints, police callouts, broken locks and/or damage to property. They should respond in a way that ensures the victim is not put at further risk or blamed for the perpetrator's behaviour.

Housing staff should not try to resolve tenancy issues or complaints relating to domestic abuse through mediation. This is because domestic abuse is a crime of control and the power imbalance between victims and perpetrators carries risks which makes mediation dangerous rather than helpful.

## **Domestic abuse and financial abuse**

Financial abuse is major tactic of coercive control and features heavily in many women's experiences of domestic abuse. It involves a perpetrator using or misusing money thus limiting and controlling their partner. This could include using credit cards without permission, putting contractual obligations in their partner's name, and gambling with family assets. This can leave a woman without money for food and other essentials; without access to her own bank account; and with debts in her name including rent arrears, which she may not know about. Linked to this, a perpetrator might deny his partner the means to improve her economic status (for example, through employment, education or training), which may make her dependent on him and, therefore, make it more difficult to end the relationship. The financial abuse can continue after the relationship ends. It may continue because of ongoing debt which the victim has to repay (possibly for many years); the perpetrator withholding money payable for child support or refusing to transfer the child benefit claim; and because of the consequences of exclusion from the labour market, and disruption to promotion and other opportunities.

Social landlords may become aware of domestic abuse because of rent arrears, which perpetrators often use to prevent women from leaving them and being rehoused. Families which experience domestic abuse are four times more likely to lose their homes because of arrears than the general population of tenants.<sup>20</sup>

## **Domestic abuse and women with no recourse to public funds (NRPF) and EEA nationals**

Because domestic abuse is about power, perpetrators can use many ways to control their partner. Women who have moved to Scotland from another country experience domestic abuse in the same ways as women born here, but there are some differences in how abusive partners try to gain control depending on how they see their victim as being vulnerable. This could include:

- Stopping her from learning English or communicating with friends and family at home
- Threatening to have her deported if she does anything about the violence or abuse
- Destroying or hiding her passport and legal documents
- Insisting on accompanying her to appointments so she is never alone
- Telling her that she can't call the police because she is in the country illegally

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<sup>20</sup>[www.cih.org/resources/PDF/Wales%20Policy/Domestic%20abuse%20and%20housing%20in%20Wales%20factsheet.pdf](http://www.cih.org/resources/PDF/Wales%20Policy/Domestic%20abuse%20and%20housing%20in%20Wales%20factsheet.pdf)



Some women may have restrictions placed on their eligibility for housing and social security because of their immigration status. This is a complex area. Scottish Government and COSLA guidance sets out the legal framework and good practice to assist local authorities in meeting their statutory duties and providing an effective social work response when working with people with NRPF and with EEA nationals. This is at: [www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance](http://www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance)

## What about the men?

This is a common question. There are many misconceptions about domestic abuse and men, often stemming from a desire for 'equality' or 'gender symmetry'. This misses the point about the nature of coercive control, which is a crime of liberty as opposed to violence.<sup>2122</sup> While some men do experience domestic abuse, this is predominantly perpetrated by other men. Research consistently shows that where men are involved in domestic abuse, it is as perpetrators rather than as victims. When women are perpetrators, this is most likely because they are responding in self-defence or to protect their children. When men do present as victims of domestic abuse, frontline staff should be aware that there are resources to help them distinguish whether that is indeed the case: <http://respect.uk.net/>

The Men's Advice Line is a confidential helpline for men experiencing domestic abuse from a partner or ex-partner. It provides information and support for heterosexual, gay and bisexual male victims of domestic abuse: [www.mensadviceline.org.uk/](http://www.mensadviceline.org.uk/)

## More information:

Amira's story: [https://womensaid.scot/wp-content/uploads/2019/04/SWA\\_Amira's%20Story.mp4](https://womensaid.scot/wp-content/uploads/2019/04/SWA_Amira's%20Story.mp4)

Shona's story: [https://womensaid.scot/wp-content/uploads/2019/04/SWA\\_Shona's%20Story.mp4](https://womensaid.scot/wp-content/uploads/2019/04/SWA_Shona's%20Story.mp4)

Domestic abuse: <https://womensaid.scot/information-support/what-is-domestic-abuse/>

Impact of coercive control on children at: <https://womensaid.scot/wp-content/uploads/2017/09/CYP-coercivecontrol.pdf>

Domestic abuse/GBV and health: NHS Health Scotland: <http://www.healthscotland.scot/>

Domestic abuse: what health workers need to know: <https://bit.ly/2K5dQzB>

Rape and sexual assault: what health workers need to know: <https://bit.ly/2YeVrss>

LGBT+, disabled, BME and men victims of domestic abuse at: <https://womensaid.scot/who-is-affected/> and <https://lgbtdomesticabuse.org.uk/>

Men as perpetrators and victims of domestic abuse: <http://respect.uk.net/>

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<sup>21</sup>Stark, E. (2007). How men entrap women in personal life. Oxford University Press.

<sup>22</sup>Johnson, M. P. (2008). A typology of domestic violence: intimate terrorism, violent resistance, and situational couple violence. Northeastern University Press.

# What gender has to do with the housing response to domestic abuse

## The relevance of gender to the service response to tenants

The response of social landlords to domestic abuse can only be effective if it recognises that the degree, frequency and impact of domestic abuse is not the same for women and men. This is vital for the short-term response to victims and perpetrators, and longer-term prevention for public benefit.

## The equalities dimension

If housing and homelessness policy and interventions are to be effective, they need to be informed by the realities of people's lives and the ways in which society and its institutions work.

Social, economic and political structures affect women and men differently. Recognising, and doing something about, the differential impact of gender is enshrined within the UN Convention on Human Rights, the Equalities Act, 2010, and its associated Public Sector Equality Duty.

Domestic abuse is an everyday manifestation of gender inequality and abuse of power. Perpetrators of domestic abuse violate the human rights of victims. This violation re-occurs when institutions do not respond effectively to victims or perpetrators.

Domestic abuse is linked to other forms of violence against women such as forced marriage, rape and sexual assault, and sexual abuse. These forms of violence are perpetrated against women, **because they are women**. Being female is the primary risk factor for such abuse. This principle is embedded in international human rights treaties including the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2014): the Istanbul Convention which the UK Government has signed (but not yet ratified).

## The meaning of an equalities approach

The Equality Duty is about taking an equalities approach. It does not mean treating everyone the same: it means recognising difference and redressing disadvantage. If a social landlord takes a gender-neutral approach (assumes there is no difference), it means that the different experiences of women and of men are disregarded, and it reinforces existing inequalities.

## The gender analysis

So, a focus on gender ('gender analysis') does not mean ignoring men. It means the opposite: holding them to account for domestic abuse. It means understanding how gender contributes to domestic abuse whether it's perpetrated by men on women or on other men; and by women on men and on other women. GBV, including domestic abuse, is always a means of controlling others and an abuse of power.

The gender analysis includes abuse perpetrated by women against men and abuse in same-sex relationships, and these also require a 'gender-informed' response. The Respect standards are a useful source of more information about this.<sup>23</sup>

<sup>23</sup><http://respect.uk.net/wp-content/uploads/2017/02/Respect-Standard-15.11.17.pdf>

The intersection of gender with other protected characteristics such as age, disability, race, sexual orientation, pregnancy, gender reassignment, religion and/or belief also affect individual experiences of domestic abuse.

## What this means for social housing

- Women are the main carers of children and others<sup>24</sup>, and this affects the housing they need and their lifetime earnings<sup>25</sup>
- Women are more likely than men to be single parents (92% of all lone parents)<sup>26</sup>
- So, women are more likely than men to be in part-time, low-paid and insecure work<sup>27</sup>
- Women earn less than men (gender pay gap) on the basis of the types of jobs and working conditions which fit with caring responsibilities, and attitudes as to what is considered 'women's work'<sup>28</sup>
- Women are, therefore, disproportionately dependent on the social housing sector and also on social security<sup>29</sup>
- Across a lifetime, compared to men, women have much less disposable income, spend a higher proportion of earnings on rent, have more difficulty saving for a deposit and much less financial security<sup>30</sup>

## Women's housing situation differs from men's:

- Women are over-represented amongst social renters, largely because they are over-represented amongst those in housing need and amongst homeless families<sup>31</sup>
- Women are the 'household reference person' in 56.6% of social tenancies but only 39% of private tenancies, 42% of those owning outright, and 31% of those buying with a mortgage. Nearly 63% of adults in households claiming housing benefit are women reflecting women's lower incomes<sup>32</sup>
- Housing is the main source of wealth for individuals and households, and of wealth inequality. In 2016, mean net wealth amongst women was £176,000, 29% lower than for men (£248,000). This partly reflects home-ownership rates<sup>33</sup>

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<sup>24</sup>[www.carersuk.org/news-and-campaigns/features/10-facts-about-women-and-caring-in-the-uk-on-international-women-s-day](http://www.carersuk.org/news-and-campaigns/features/10-facts-about-women-and-caring-in-the-uk-on-international-women-s-day)

<sup>25</sup>[www.gov.uk/government/news/uk-gender-pay-gap](http://www.gov.uk/government/news/uk-gender-pay-gap)

<sup>26</sup>[www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2017](http://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2017)

<sup>27</sup>[www.opfs.org.uk/single-parents-are-under-pressure/](http://www.opfs.org.uk/single-parents-are-under-pressure/)

<sup>28</sup><https://digitalpublications.parliament.scot/ResearchBriefings/Report/2019/2/4/The-gender-pay-gap--facts-and-figures---2018>

<sup>29</sup>Scottish Household Survey (2010) (<http://www.gov.scot/Publications/2011/08/17093111/0>) as cited in Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

<sup>30</sup><https://www.theguardian.com/housing-network/2017/mar/06/housing-womens-issue-international-womens-day>

<sup>31</sup>Housing and gender: briefing from the Women's Budget Group. November 2017. <https://wbg.org.uk/wp-content/uploads/2017/11/housing-pre-budget-nov-2017-final.pdf>

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

## Women's homelessness differs from men's

- Women who are homeless, compared to men, experience higher rates of drug use, mental health problems and conditions such as depression.<sup>34</sup> The smaller number of women recorded as homeless means that many homelessness services default to the needs of homeless men and can be intimidating and unsafe for women.<sup>35</sup> They are more likely to be 'hidden homeless', staying with friends or relatives rather than 'rough sleeping' or in homeless accommodation
- Domestic abuse (experienced predominantly by women) is a major cause of homelessness in Scotland. In 2017/18 dispute within the household/relationship breakdown was one of the main causes of homelessness applications (30% of all applications); dispute within the household (violent or abusive) was given as the reason for homelessness by 4,395 (13%) homeless applicants<sup>36</sup>
- 78% of applications in this category were made by women, and more than half had children on their application<sup>37</sup>

## Domestic abuse, housing, homelessness and women

Research by Scottish Women's Aid<sup>38</sup> concluded that housing was one of the main challenges which women face when ending a relationship with an abusive partner. Ending the relationship often results in their homelessness and the additional emotional and financial impact of this. Becoming homeless as a result of domestic abuse comes at an enormous cost to women and their children, and does not result in women feeling safer or free from further abuse and harassment. If the housing response does not recognise the inequalities which women experience, and indeed reinforces these inequalities, this marginalises and minimises their experience.

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. Given the lack of social housing, if women lose a secure tenancy, they may never get this back again. This means women may be forced into the private rented sector which is uncertain and expensive. Solace found that 'many perpetrators of domestic abuse remain in the family home while survivors and their children are forced to move frequently between temporary and often unsuitable housing resulting in increased financial cost and poor recovery from the original trauma which women and children experienced in the family home. The impact of such numerous moves can be far reaching: children moving school many times; women unable to establish new friendships and networks, find work or continue with training and education; financial instability and forced reliance on welfare benefits.'<sup>39</sup>

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<sup>34</sup>Scottish Women's Aid (2010). The impact of domestic abuse on women's health. Information Briefing No. 2 (<https://womensaid.scot/wp-content/uploads/2017/09/HealthDomesticAbuse.pdf>) as cited in Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

<sup>35</sup><https://womensaid.scot/wp-content/uploads/2017/11/SWA-evidence-to-Scottish-Parliament-Local-Government-and-Communities-Committee-Homelessness.pdf>

<sup>36</sup>Scottish Government. Homelessness in Scotland 2017 to 2018. <https://www.gov.scot/publications/homelessness-scotland-2017-18/pages/1/>

<sup>37</sup>Scottish Government Homeless Statistics 2017/18 disaggregated by gender [accessed 5/11/18].

<sup>38</sup>Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

<sup>39</sup>Solace. 2016. The price of safety: how the housing system is failing women and children fleeing domestic abuse [www.solacewomensaid.org/get-informed/professional-resourcesprice-safety-how-housing-system-failing-women-and-children](http://www.solacewomensaid.org/get-informed/professional-resourcesprice-safety-how-housing-system-failing-women-and-children)

A 2010 Scottish Government review found:

'...women's housing options are limited in the face of domestic abuse. In most cases the likely route to independent living is via a local authority tenancy. Due to income restraints, these tenancies are most likely to be in the social rented sector. Women whose moves are unplanned and occur as a response to a crisis are at a further disadvantage, whether owner-occupiers or previous tenants. They are far more likely to need emergency accommodation or to stay with family and friends. In the longer-term, women who are owner-occupiers may be able to become home owners in their own right after a period of temporary accommodation or as tenant. Women who were tenants face the same constraints as those former tenants whose move was planned in terms of accessing quality rented accommodation but may find the process of obtaining this accommodation more problematic because of the uncontrolled manner of leaving the perpetrator.'

'The prevention or cessation of domestic abuse in a family context will almost always require the woman to leave that home. For a significant number of women, the experience of that abuse results in the loss of their home. Leaving domestic abuse in a partner/cohabitee context means ending a relationship and the evidence has clearly demonstrated that for this reason, many women will leave a relationship a number of times before a final break. The process of leaving a relationship in which a woman experiences domestic abuse may often mean that she has experience of living in a range of situations including family and friends or emergency accommodation on several occasions before she actually achieves a tenancy or permanent accommodation.'<sup>40</sup>

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<sup>40</sup>Scottish Government. 2010. Domestic abuse, housing and homelessness in Scotland: an evidence review [www.gov.scot/publications/domestic-abuse-housing-homelessness-scotland-evidence-review/pages/1/](http://www.gov.scot/publications/domestic-abuse-housing-homelessness-scotland-evidence-review/pages/1/)

# Focus on equalities and human rights

## Equalities

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.

The duty applies to local authorities but the application is slightly more complicated for housing associations as they are not public bodies. But because housing associations receive public funding and provide public functions, they are bound by the anti-discrimination provisions of the Equality Act, 2010. In any case, this is good practice.

See more on equalities in section 5 above.

## Human rights

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.

As noted above, domestic abuse violates women and children's human rights. This includes the right to respect for private and family life enshrined under Article 8 of the European Convention of Human Rights (ECHR) and Article 9 of the UN Convention on the Rights of the Child (UNCRC). It is also relevant to other rights including Article 2 (right to life) and Article 3 (freedom from torture and inhuman or degrading treatment).

The Scottish Government has committed to incorporating UNCRC before 2021. A good practice response to domestic abuse upholds the best interests of children; helps them to be safe and secure at home; and recognises the impact of domestic abuse on other rights in particular education (Articles 28 and 29), and health (Article 24).

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; 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.

If you take a victim-centred approach to domestic abuse, this will help to secure women's and children's rights under Articles 2 and 3. Providing alternative accommodation for perpetrators, and collaborating with specialist services, the police and other agencies will ensure human rights are at the centre of your response.

A good practice approach to equalities and human rights involves:

- Designing policies and services to meet the different and intersecting needs of people with protected characteristics under the Equality Act, 2010
- Linking to the Scottish Government Equally Safe national strategy and delivery plan
- Conducting Equality and Impact Assessments (EQIA) and human rights impact assessments when developing policies and services to ensure that differential needs are assessed and met, and that policies and services are relevant

Implementing this guidance will assist you to meet the standards and outcomes of the Scottish Social Housing Charter. Particularly:

#### Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that: every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.<sup>41</sup>

More information:

The Scottish Human Rights Commission (SHRC) and Equality and Human Rights Commission (EHRC) have developed good practice on developing a combined Equality and Human Rights Impact Assessment <http://eqhria.scottishhumanrights.com/eqhriagoodpractice.html>

Human rights at home: guidance for social landlords: [www.equalityhumanrights.com/sites/default/files/human\\_rights\\_at\\_home.pdf](http://www.equalityhumanrights.com/sites/default/files/human_rights_at_home.pdf)

Housing Associations and ALMOs: a practical guide to the public sector equality duty: [www.housingdiversitynetwork.co.uk/wp-content/uploads/HREC-Briefing-a-Practical-Guide-to-the-public-sector-equality-duty1.pdf](http://www.housingdiversitynetwork.co.uk/wp-content/uploads/HREC-Briefing-a-Practical-Guide-to-the-public-sector-equality-duty1.pdf)

The Scottish Government task force on human rights, [www.gov.scot/news/new-national-taskforce-to-lead-on-human-rights-in-scotland/](http://www.gov.scot/news/new-national-taskforce-to-lead-on-human-rights-in-scotland/) will progress recommendations made by the First Minister's Advisory Group on Human Rights Leadership <https://humanrightsleadership.scot/wp-content/uploads/2018/12/First-Ministers-Advisory-Group-on-Human-Rights-Leadership-Final-report-for-publication.pdf>

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<sup>41</sup>[www.gov.scot/publications/scottish-social-housing-charter-april-2017/](http://www.gov.scot/publications/scottish-social-housing-charter-april-2017/)

# Guidance for a good practice approach

This section sets out the main areas of a good practice approach and gives examples:

- Partnership
- Prevention
- Domestic abuse policy
- Implementing the policy
- Supportive first point of contact
- Housing options: a specific domestic abuse approach
- Action that will be taken against perpetrators
- Homelessness
- Confidentiality
- Support
- Consistency
- Training
- Collaboration
- Information and advice
- Risk management
- Responsibilities
- Employee policy

## Case study: WHIR Project (Fife Council)

'K had experienced coercive control and domestic abuse from her partner for nine years. They had four children together aged two to seven. They lived in a housing association tenancy which was in the perpetrator's name. K asked to stay in the tenancy if possible and for the perpetrator to be removed. The case was brought to the attention of the WHIR Project (Fife) by Fife Council children and families social work. The WHIR project officer contacted the housing association to discuss the tenancy situation. The housing officer had spoken to K and was happy for her to stay in the house with the children. The housing officer had contacted the perpetrator by phone as he refused to come to face-to-face meetings. The project officer set up a meeting with all parties involved to look at the best way forward for K, the children and the perpetrator. The perpetrator had no respect for court orders/rules; was being taken to court for breaching his orders; constantly went into the house; and was making K feel very unsafe. The group agreed that the perpetrator would be contacted by the public protection team to discuss his housing situation as he was sofa-surfing with family and friends. He would be encouraged to terminate his tenancy and would be supported to be rehoused. The housing association's tenancy agreement was looked at to see if there were any clauses that could be used to remove the perpetrator's name from the tenancy (there were two relevant clauses). The housing officer agreed to take this to the legal department. The eventual housing solution was to remove the perpetrator by rehousing him; to change the tenancy into K's name as sole tenant; and to ensure she had a safety plan with ongoing support, and legal assistance from Fife Law Centre, in case of any ongoing harassment and need for further protection.'



## Partnership

The Scottish Government states:

'It is vital that those in housing services coming into contact with those who have experienced GBV can offer an appropriate, safe and consistent response.'<sup>42</sup>

This requirement is underlined by the recommendation from the homelessness and rough sleeping action group (HARSAG) set up by the Scottish Government:

'All social landlords to have clear policies on domestic abuse, and ensuring that experience of abuse or violence does not lead to someone losing their tenancy - for example, arrangements should be put in place so that tenancies can transfer seamlessly to the person who has experienced abuse, and reciprocal arrangements should be put in place to ensure people who experience domestic abuse can move to a safer place and have continuity of tenancy.'<sup>43</sup>

Preventing and addressing domestic abuse requires a coordinated community response. While housing plays a critical role there has to be close collaboration with partners, from the outset. This brings in different sources of expertise; develops a shared understanding of the issues; and leads to better solutions, improved partnership working, and better outcomes for women and children.

*'Edinburgh has benefited from the support of Women's Aid in the development of housing's response to victims of domestic abuse. Edinburgh Women's Aid provided assistance in how we could work together at a local level to develop practical solutions and choices for victims of domestic abuse. Scottish Women's Aid gave invaluable help in the development of the housing domestic abuse policy itself, ensuring that the approach encompassed best practice, based on their expertise in working with victims of domestic abuse. Progressing in this way has allowed us to develop a robust and sensitive approach, reaping the benefits of joint working to get the best outcomes possible. The partnership working has added a real strength to Edinburgh's housing response to domestic abuse. I would strongly urge other areas to take advantage of any assistance offered by Women's Aid.'*

Karen Allan, access to housing and support services lead officer, City of Edinburgh Council

### Good practice examples: partnership working in Fife and Edinburgh

**Fife Council** established a short life working group comprising members of the local housing partnership, councillors, community safety, the violence against women partnership, customer services and women who had experienced domestic abuse to develop an improvement plan and subsequent policy and protocol framework. As part of its 'Improving the way we work' project (which is a direct response to the short life working group) there is a multi-agency project board and project management group. This includes representatives from social work children and families, criminal justice, Fife Women's Aid, housing, elected members, Police Scotland, Fife Law Centre and Fife Housing Association Alliance. Multi-agency partnership working underpins what is done. There is also a service user group which feeds back on all policy developments.

To review and develop its response to domestic abuse, the **City of Edinburgh Council** set up a domestic abuse housing service redesign working group including housing associations. A domestic abuse housing and homelessness workstream has been developed and one of its tasks is to develop a domestic abuse housing policy.<sup>44</sup> This has led to a partnership between the City of Edinburgh Council, registered

<sup>42</sup> [www.gov.scot/publications/equally-safe-delivery-plan-scotlands-strategy-prevent-violence-against-women/](http://www.gov.scot/publications/equally-safe-delivery-plan-scotlands-strategy-prevent-violence-against-women/)

<sup>43</sup> [www.gov.scot/publications/homelessness-and-rough-sleeping-action-group-final-report/](http://www.gov.scot/publications/homelessness-and-rough-sleeping-action-group-final-report/)

<sup>44</sup> In draft at time of writing.

social landlords, Edinburgh Women's Aid and Police Scotland. Other tasks are to establish a working group with the EdIndex partner housing associations to consider various housing options for victims (including management transfers to other social housing - avoiding the homeless route); potential for housing associations to offer properties for interim accommodation (to assist throughput in Women's Aid refuges); possible nomination rights; and to create a domestic abuse management group (remit and membership to be confirmed) to manage referrals (management transfers, nominations and so on for people in refuge/temporary accommodation).

## Prevention

Social landlords contribute to short- and long-term prevention of domestic abuse. Your response affects:

- Current tenants and their children who are experiencing domestic abuse
- Future partners (by disrupting the behaviour of a tenant who is a perpetrator)
- The message given to other tenants and wider communities about the zero tolerance of domestic abuse and a supportive response to victims

A good practice approach includes primary prevention (engaging in wider awareness raising/challenging attitudes and in actions to promote gender equality) and secondary prevention targeted at perpetrators and victims of domestic abuse. This involves:

- A housing policy which actively addresses domestic abuse; promotes a proactive approach to responding to domestic abuse; strengthens women's rights to remain in their home; and includes the housing needs of the perpetrator
- A statement on domestic abuse within the tenancy agreement section in the tenants handbook
- Setting out your response to victims and perpetrators; and the actions you will take against perpetrators
- Promoting your approach on your website and paper-based materials such as information leaflets and newsletters
- Developing an 'eyes and ears' policy that requires staff, such as maintenance, concierge, support staff, to report concerns to housing officers/managers

## Good practice example: Almond Housing Association domestic abuse policy

'In order to prevent domestic abuse, we will:

- Make all new tenants aware of Almond Housing Association's policies relating to rehousing, relationship breakdown and, where applicable, the implications of joint tenancies
- Publicise Almond Housing Association's domestic abuse policy to all tenants and staff including the consequences for perpetrators and support for survivors
- Provide advice and information within Almond Housing Association offices'

## Domestic abuse policy

You should have a domestic abuse policy that aims to prevent and respond to domestic abuse. The content of the policy should include:

- The Scottish Government definition of domestic abuse
- An equalities and human rights framework
- Collaboration with partners to provide a coordinated response to the accommodation/support/ other needs of women and children experiencing domestic abuse; and the accommodation needs of perpetrators
- Proactive approach to preventing and responding to domestic abuse, and protecting the rights of women and children to remain in their home
- Clarity about your responsibility to provide a confidential, sensitive and responsive service to victims of domestic abuse
- Action you will take with perpetrators of domestic abuse, including rehousing
- Specific housing options pathway to meet the needs of women and children including support to remain in the home and managed transfers
- Responsibilities for implementing and evaluating the policy to ensure it meets objectives and is consistently applied
- Information for tenants and other agencies in a variety of formats

*'Within a domestic abuse policy, I suggest that organisations think about staff training. For me this is one of the best ways to develop a positive organisational culture around domestic abuse.'*

Paul Short, service manager, Fife Council Housing Service

See Scottish Women's Aid sample domestic abuse housing policy (section 11).

### Good practice example: City of Edinburgh Council domestic abuse policy<sup>45</sup>

'Edinburgh supports a zero-tolerance approach to domestic abuse.

The main aim of this policy is to ensure that victims of domestic abuse are supported and given advice to make informed choices about their accommodation options. This includes sustaining their current accommodation, where possible, and preventing the need to present as homeless. It is hoped that this early intervention approach will enable victims to avoid the potential trauma of emergency accommodation, living in an unfamiliar area (away from existing support networks), and reducing the likelihood of financial hardship associated with homelessness.

The research (Change, Justice Fairness)<sup>46</sup> conducted by Scottish Women's Aid in partnership with Fife Domestic and Sexual Abuse Partnership demonstrated that many improvements could be made to the ways in which victims of domestic abuse are treated, in terms of housing. The report concluded with a range of recommendations, which partner agencies in Edinburgh will implement as appropriate. A Domestic Abuse Housing Group (...) will oversee the implementation of this policy on an ongoing basis. The main principles of the policy are outlined below.'

<sup>45</sup>At time of writing, this policy is at pre-committee approval stage.

<sup>46</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

## Implementing the policy

A domestic abuse policy has to be integrated into an organisation's everyday procedures and practice for its culture and response to change. You should set out a concrete action plan to implement the policy, which includes responsibilities and timescales for developing and implementing new procedures, protocols, training and partnership arrangements. The views of women who have experienced domestic abuse should be part of this, and the subsequent evaluation of the policy's effectiveness.

## Supportive first point of contact

For many women, their housing provider is their first point of contact for getting help or information about their housing options. It may be the first time they disclose their experience of domestic abuse. Staff members who come into contact with tenants should be a supportive first point of contact. How women are responded to at this point is crucial to what happens to them in the short-term and in the longer-term; to their children; and in the message, subliminal or otherwise which is given to perpetrators and others.

Tenants need to know that they will be taken seriously if they disclose domestic abuse and that it will not be minimised.

Staff need to know how to identify the features of domestic abuse and to ask the right questions in the right way. Research indicates that victims of domestic abuse will disclose, if they are asked, and that they want to be asked. Asking questions does not make domestic abuse worse or 'open a can of worms'. The responsibility for domestic abuse lies with the perpetrator but services have a responsibility not to introduce service-generated risks.

Staff need to be able to offer a safe and consistent response that keeps women and children safe while also effectively addressing the source of the abuse (the perpetrator) and any sense of entitlement that he might have.

At the very least, staff should give out and publicise (posters available) Scotland's Domestic Abuse and Forced Marriage Helpline. It is open 24 hours. It supports victims (all genders), family members, agencies: <https://sdafmh.org.uk/> and 0800 027 1234.

*'We had a powerful response to our tenant's newsletter article, with one of our occupants calling us. She had read the article and described it as a "lightbulb moment". She had been living on our property and experiencing domestic abuse for the last 37 years. She isn't now. This really epitomised to me why it is so important that we publicise our approach to this subject.'*

Tracey Longworth, housing support manager, Almond Housing Association

## Good practice example: Fife Council housing access pathway

'Fife Council has reviewed its housing access pathway. When a tenant/occupant approaches and mentions domestic abuse they are passed to a housing access officer (HAO). The HAO checks what interview location would suit best for the individual concerned; whether they want to speak to an officer of a particular gender; and if they have any additional communication needs. If the HAO is not available to see the individual immediately, a guaranteed appointment is offered within 24 hours of the initial contact. The HAO acts as case manager until the situation is resolved. This means that the tenant/occupant has continuity through the process.'

## Housing options: a specific domestic abuse approach

A specific housing options approach should meet the needs of women and children experiencing domestic abuse by:

- Preventing homelessness
- Enabling women and children to remain safely in their home (if possible)

If making a homeless application is the preferred option there are measures which you can take to reduce the double impact of homelessness and domestic abuse including:

- Giving clear housing options information and advice to support women to make informed decisions:
  - o Remaining in the home
  - o Management transfer process for victims of domestic abuse
  - o Refuge accommodation
  - o Suitable temporary accommodation
  - o Rights to make a homeless application
  - o How these options can interlink
- Providing additional home security measures
- Referral arrangements with local Women's Aid services for specialist support
- Access to legal advice, including partnerships with local law centres, local solicitors experienced in domestic abuse and legal aid

### Good practice example: Fife Council and Fife Law Centre

'Fife Law Centre is part of Fife Council's 'Improving the way we work' project and offers free legal advice to women experiencing domestic abuse. It covers both civil and criminal proceedings and supports a client in any legal actions their situation requires.'

## Good practice example: Stirling Council and Stirling Women's Aid home safety assessments

'Stirling Women's Aid is authorised by Stirling Council to carry out home safety assessments for women they support in the community. This includes additional safety measures which the local authority and housing associations that are members of the scheme then provide. These include lock changes, fire letterbox covers, video entry, door and window alarms, external lighting as well as reinforced doors and door frames. These are then installed within 24 hours. It works well as the Women's Aid risk assessment takes into account the previous pattern of the perpetrator's behaviour which we are aware of through our support work with the woman and the children. Women also have to deal only with Women's Aid: they don't have a stranger coming into their home. Women's Aid can also arrange to have the address prioritised by the police and refer to the community safety team for neighbourhood checks. It's made a big difference. Women feel safer and more settled. What we didn't expect was the response from children who tell us that it feels so much better now they feel safer. It's also improved multi-agency working. Stirling Women's Aid is trusted to carry out assessments based on their knowledge and expertise and the system works really well.'

## Action that will be taken against perpetrators

You have a role in holding tenants who are perpetrating domestic abuse to account. This includes:

- 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 you will take against perpetrators
- 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 your response to a perpetrator does not place a victim at increased risk, or blame the victim for a perpetrator's behaviour
- Ensuring that staff are appropriately trained and have good working relationships with specialist domestic abuse services and an appropriate level of training
- Supporting police action when appropriate

You should not try to change a perpetrator's behaviour nor suggest that they should do so. Doing so is likely to increase risk to the victim. The Caledonian System is the accredited domestic abuse perpetrator programme in Scotland. It is a court-mandated programme with dispositions made as an alternative to imprisonment through the criminal justice system.<sup>47</sup> More information also at Respect: <http://respect.uk.net/>

## Homelessness

Often, the default position when faced with a tenant experiencing domestic abuse is to direct them to the local homelessness service. This approach is not only simplistic but does not provide a good service or support for tenants. It is inappropriate to add the trauma of homelessness to the trauma of abuse because of the consequential effects on women and on their children. A good practice response is to focus on the victim(s) of abuse and to keep them as safe as possible.

<sup>47</sup>[www.gov.scot/policies/violence-against-women-and-girls/strengthening-the-law/](http://www.gov.scot/policies/violence-against-women-and-girls/strengthening-the-law/)

*'Women were concerned about the impact on their children of having to leave their home, often moving multiple times. The difficulties experienced in moving school and the impact on their children's emotional wellbeing and health, missing education, bullying, loss of friends and support, particularly at a time when they really needed it.'*<sup>48</sup>

This also means treating the perpetrator differently. Switching to a default of 'perpetrator moves' will not make the victim safer if the perpetrator is left to wander the streets with nowhere to go. 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, in itself, a service-generated risk which she is left to have to deal with if it results in an angry perpetrator looking for vengeance.

*'I think if I had known that back then, I wouldn't have moved because my daughter was settled. She was in her school, she had a house, she had all her friends and then I had to move away from the area I was brought up in as well. So it was a big change for me and for the kids and then as I said, she had to start all over again.'*<sup>49</sup>

You can reduce the added impact of homelessness by using measures such as:

- 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 unnecessarily, to different members of staff or supply information not relevant to their application

### **Good practice example: South Lanarkshire Council and Women's Aid South Lanarkshire and East Renfrewshire joint work on homeless applications**

'Women's Aid South Lanarkshire and East Renfrewshire (WASLER) have an agreement with South Lanarkshire Council to carry out the homeless application (HL1) process with women when they come into refuge or as part of a planned move to refuge. The application is then sent to the local area housing team - of the area the woman comes from, unless the risk assessment conducted by Women's Aid shows that it would be unsafe for her to attend that area office. This means that women no longer have to make a homeless presentation - often a long, difficult and distressing experience. Women find it a huge relief, especially those who have been through the homeless system before, as they don't have to explain their circumstances and repeat their stories. It saves time, women get on the housing list more quickly, and it has resulted in really good relationships with housing staff.'

- Removing restrictions on the number of housing offers women can refuse to ensure women are housed safely and according to their needs. Women who have experienced domestic abuse have legitimate concerns about the safety of both the house and location offered. These concerns are often not taken into consideration or are dismissed

*'You get one offer and then taken off the list. No additional support. I was in a private let and if I got help to get another one then I would have been grateful. I'm still at parents living with three kids.'*<sup>50</sup>

<sup>48</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

<sup>49</sup>Ibid.

<sup>50</sup>Ibid.

- Protocols to ensure women are not allocated housing that continues to put them at risk, for example in the same area as the perpetrator or his family (unless women have requested that area for example because they want to keep their children at the same school)
- Providing removal and storage facilities so that women and children can keep their furniture and belongings for their new home
- Providing assistance such as travel vouchers or taxi costs so children can remain at the same school
- Reducing the financial impact/risk of debt:
  - o Not further indebting women by charging rent on two homes when they are moving from temporary to permanent accommodation. Victims are often in debt (incurred by the perpetrator and financial abuse) and leave their home with few or no possessions. Waiting for a Scottish Welfare Fund payment to buy furnishings delays their ability to move and additional rent costs adds to their debt
  - o Not requiring a month's rent in advance as a condition of the tenancy. Section 20 of the Housing (Scotland) Act 1987 provides that no discrimination should take place in allocating housing with reference to the 'income of the applicant and his family'. Charging rent in advance discriminates against women who have experienced domestic abuse, who are highly likely to have experienced financial abuse and been prevented from earning/employment
  - o Ensuring that victims are not charged for the damage which the perpetrator has caused to the property. Policies that detail what repairs will be recharged to the tenant should state that, in certain circumstances, when damage is caused by domestic abuse, the victim will not be charged
  - o A specific budget to cover these costs is essential to support this policy



## Good practice example: City of Edinburgh Council domestic abuse management transfer

'We discussed Ms X at a monthly multi-agency tasking and co-ordinating group meeting because she was at high risk of harm from her ex-partner.

Ms X was a tenant with the City of Edinburgh Council. She had a seven-year-old daughter living with her. She stayed in a two-bedroom flat in a multi-storey block, and had been at this address for almost nine years.

Her ex-partner has a non-harassment order. However, this didn't act as a deterrent and he breached it several times. He had subjected Ms X to significant violence in the past, and he got associates to go to her property and make threats. Many of them lived in the same block, and would come to her door, ringing her buzzer at all hours. Ms X was living in a state of constant alarm (getting only a few hours' sleep at night). She was frightened that he would kill her, but was also scared to move away from her home, as she felt this could increase the risk. Her daughter (who witnessed much of the abuse first-hand) had been missing school because Ms X was too scared to go out, and her daughter felt she had to stay at home to protect her.

We received a report from Ms X's social worker about the abuse she had experienced. This stated that both Ms X and her daughter were at high risk. A request for a management transfer was submitted to the council locality offices and partner registered social landlords (RSLs). This outlined the background circumstances (including confirmation of risk of harm) and identified preferred areas for rehousing (those in which she would be safest).

Two RSLs came back with offers of accommodation almost immediately. Initial checks were undertaken to ensure suitability. One property was ruled out because of the proximity of another known offender. However, the other property seemed to be suitable.

Ms X's social worker took her to see the property. Ms X was absolutely delighted with the property itself and its location. We then made plans to help her move. An officer within the access to housing and support services team contacted the local homelessness services team leader, asking that Ms X be assessed as homeless (although a move-on property had been identified). This allowed Ms X to access removals between properties. The officer also arranged for the 28 days' notice to be waived, when Ms X left her previous home.

Homelessness services negotiated for Ms X's belongings to be held in storage at the removal company's depot for two nights. This meant that if her ex-partner or his associates saw that she was leaving her property, they wouldn't be able to follow the removal lorry to her new home. Ms X and her daughter stayed with her mother for two nights, then moved to their new home two days later, when her belongings were delivered.

Ms X and her daughter have now lived in their new home for around nine months with no further incidents.'

## Confidentiality

The perpetrators of domestic abuse are a serious risk to the safety and wellbeing of women and children. These risks may be elevated if there is any challenge to the perpetrator's authority. This could include, for example, a woman saying she will tell the housing office; separation (threatening to, or actually, leaving him); and/or taking legal advice or action. There may be an elevated risk during pregnancy and around the birth of a child.

Because of the risks, you need secure information-sharing and confidentiality protocols to ensure that there are no service-generated risks within your organisation or in your dealings with external partners.

Your approach should be consistent with your existing child protection and adult support and protection protocols

Any information you store or share must comply with the Data Protection Act 2018 and the General Data Protection Regulation. A good practice approach includes developing/providing:

- A statement about your approach; informing tenants about this
- A protocol for information sharing with partners that sets out the importance of confidentiality, restrictions, rights and what, why and how you will share information
- Sensitive initial point of contact and private interview rooms which you promote to tenants so that all tenants know about this
- Customer service systems which do not require anyone to disclose or discuss the reason for their visit in a public area where they can be overheard by others
- Remembering that there is a difference between confidentiality and anonymity: victims will not feel comfortable even if your service is 'confidential' if they know that they could be seen or identified by the perpetrator, their family or friends (who may work in your service)
- Systems which avoid women having to repeat their stories to different members of staff
- The option to meet with a female or male member of staff according to preference
- Informed staff who understand the nature of domestic abuse and coercive control, and who are supported by informed managers

*'...having to repeat my circumstances over and over again was humiliating and distressing to me. I was also worried about a negative reaction of not being believed every time I had to explain to a new person.'*<sup>51</sup>

*'Trust is a massive thing as well. You don't want to go to the [housing office] and say "Oh hi hen" in the office where everybody can hear you or somebody hears office workers discussing you case when they're not meant to either. Not enough private confidentiality things with that. ... [I was] just standing at the desk, over the desk. A lot of times I whispered and she kind of kept looking at me and I'm thinking to myself, "You've got on your screen that I'm being moved due to domestic abuse and you've just told me that out loud. Why are you advertising it to the whole entire office?" .... I was thinking, "How does she know who I'm getting abuse from? They could be in the queue.'*<sup>52</sup>

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<sup>51</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

<sup>52</sup>Ibid.

## Good practice example: Almond Housing Association domestic abuse policy

'Survivors will be encouraged to allow us to share information with other agencies, including the police and local authority departments, to ensure that the full range of civil and criminal action can be pursued and appropriate support provided. However, all information provided by the survivor will be treated with the utmost confidence and only passed to external agencies with proper consent. The exceptions to this are where we consider a child is at risk in any situation or if there is a high risk of serious harm to anyone involved or we are obliged by law to disclose information. A manager will approve any disclosure without the survivor's consent. Information will be shared with work colleagues on a strictly 'need to know' basis. We will adhere to our data protection policy.'

## Support

No single agency can provide the response required to victims and perpetrators of domestic abuse. A partnership approach is the best way to support victims and intervene with perpetrators. By working with partners, you can ensure that women receive wrap-around support and advice while housing issues are resolved, and long-term support to recover from abuse.

Specialist, long-term, domestic abuse support is needed to ensure that women and children affected have the best chance to live free of domestic abuse and recover from the experience. This will contribute to children's long-term outcomes too. You need to work closely with specialist domestic abuse agencies. These add value to your service and are a valuable contribution to the long-term outcomes of women and children experiencing domestic abuse. There are Women's Aid (WA) groups in every local authority area of Scotland; two specialist WA services for BME women and children; and a national domestic abuse 24-hour helpline run by Scottish Women's Aid which supports survivors and also gives advice to advisers, employers and friends and family.

Refuge accommodation provides emotional and physical safety and space for recovery for women and children who have experienced domestic abuse, and offers temporary supported housing at a time of crisis or as part of a planned move. Providing specialist support and refuge for women and children experiencing domestic abuse is required under international treaty obligations, see Articles 22 and 23 of the Istanbul Convention.<sup>53</sup>

*'You're destroyed. I mean yeah, you eat, you drink, you sleep, you talk but you're dead inside and you can feel it. You feel so down, so low, you wish the floorboards would open up and swallow you. It's so embarrassing. Yeah, you just think, oh gosh, I should have let him kill me because that would have ended it. It's just agony, agony, agony.'*<sup>54</sup>

## Consistency

Your approach needs to be consistent and systematic in order to safeguard victims, respond to perpetrators and minimise service-generated risks. You can achieve this through clear protocols and policies, decision-making and support systems for staff, and staff training. A good practice approach includes:

- Clear procedures so that staff respond effectively and confidently and know what action they should take and why

<sup>53</sup><https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>

<sup>54</sup>Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

- Agreed assessment and referral processes
- Specialist domestic abuse housing officers who can advise and support staff and who have the authority to make decisions about transfers, allocations and tenancy support

## Training

*'Link recently developed a domestic abuse policy to support our customers and staff. This details our commitment to ensuring that our frontline staff have the tools and confidence to provide support and practical help to tenants who may find themselves in this distressing situation. We commissioned Scottish Women's Aid, as experts, to train over 60 frontline staff who are now fully competent in supporting our domestic abuse policy. I recommend that all agencies and organisations committed to ending domestic abuse ensure their staff have specialist training.'*

Janice Conner, head of housing service, Link Housing Association Ltd

All staff should be trained so they understand and can respond to domestic abuse. The training should raise awareness (all staff); and be skills-based geared towards responsibilities, for example (managers, frontline staff). A good practice approach includes multi-level training including:

- Training on domestic abuse and other forms of violence against women, to ensure frontline, customer service, and other housing staff know about domestic abuse, coercive control and other forms of violence against women; can identify women at risk; understand the behaviour and tactics of perpetrators; and respond confidently and appropriately
- Training on the diverse and overlapping needs of women and children according to disability, religion, race, and age, sexual orientation to ensure frontline staff understand the particular barriers different women face when accessing services
- Skills-based training on safety planning, safety protection and risk assessment
- Training for managers that outlines their responsibilities in providing an effective service response and supporting their staff team
- Training for boards and senior management on domestic abuse and other forms of violence against women, that outlines their responsibility to provide public services consistent with human rights and equalities legislation and the Scottish Government's Equally Safe strategy

Scottish Women's Aid and local Women's Aid groups provide training in responding to domestic abuse including within the context of the Domestic Abuse (Scotland) Act 2018 (see resources section).

There are several online sources of domestic abuse training; and also specialist providers (see resources section).

### Good practice example: Fife Council training with Shelter Scotland

'Fife Council has worked with Shelter Scotland to develop an e-learning training package on housing law. This is followed up with face-to-face learning with Shelter Scotland, based on case studies to prompt discussion. 'Pathway days' with staff have developed process pathways. Drop-in sessions are planned to provide a wide range of staff training. Fife Violence Against Women Partnership offers multi-agency training which housing staff attend.'

## Collaboration

You need to work with other agencies to respond effectively to domestic abuse because no single agency or professional has a complete picture of what is happening, but many will have insights that are crucial to women's and children's safety. By working with partners in the housing and other spheres effectively and systematically you can increase safety for victims of domestic abuse and hold perpetrators to account. There may already be an existing network in your area which provides a coordinated community response to domestic abuse. Your local violence against women partnership (VAWP) coordinator should have information about this. VAWP information is in the resources section.

A good practice approach to collaborating with other agencies includes:

- Working arrangements with named individuals from a range of organisations to provide advice and support that meet the needs of women and children
- Clear systems for referring women to relevant agencies that go beyond signposting and which support women to engage with services
- Information for frontline staff about services provided by relevant agencies, contact arrangements and how to engage women with these services
- Multi-agency information-sharing protocol to ensure that victims' information is shared appropriately, and proportionately (with their informed consent), in order to access suitable housing and support
- Signposting for perpetrators of domestic abuse, for example through the Respect helpline: <http://respect.uk.net/>
- Participating in multi-agency training in your area to ensure a consistent approach when working with victims of domestic abuse
- Ensuring that victims are able to access housing options and/or the accommodation and support most suited to their needs (whether that be remaining in their existing tenancy, emergency accommodation or permanent rehousing)

## Information and advice

You should provide clear, accessible information in a range of formats. A good practice approach includes:

- Developing information for women who are experiencing domestic abuse in leaflet and online formats that describes their housing rights and options, sources of support, your provision of interpreting services and private interview rooms and so on
- Providing accessible interpreting and translation services in accordance with national standards and good practice guidelines [www.womenssupportproject.co.uk/userfiles/file/GVAWP%20Good%20Practice%20Guide%202011%20Final%20Nov.pdf](http://www.womenssupportproject.co.uk/userfiles/file/GVAWP%20Good%20Practice%20Guide%202011%20Final%20Nov.pdf)
- Providing information about rights to legal information and advice; sources of these; and support to find legal surgeries/solicitors who are experts in domestic abuse and family law

Sources of information about legal and housing rights include:

- Scotland's Domestic Abuse and Forced Marriage Helpline (SDAFMH): also provides free posters and leaflets, PDF versions and an electronic advert for TV display screens: <https://sdafmh.org.uk/>
- Scottish Women's Aid: <https://womensaid.scot/information-support/>
- Scottish Women's Rights Centre: <https://www.scottishwomensrightscentre.org.uk/i-need-help/>
- Shelter Scotland: [https://scotland.shelter.org.uk/get\\_advice/advice\\_topics/families\\_and\\_households/domestic\\_abuse/taking\\_legal\\_action](https://scotland.shelter.org.uk/get_advice/advice_topics/families_and_households/domestic_abuse/taking_legal_action)

## Risk management

A major barrier to women leaving an abusive partner is that it can be extremely dangerous. Women and children are at most risk of serious harm when separating from an abusive partner. 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.<sup>55</sup>

Domestic abuse does not stop when a woman ends a relationship and/or leaves: abuse, stalking and harassment continue and often escalate. It may seem counter-intuitive, but it is often safer for women to stay in a situation in which abuse occurs but which is more predictable and in which they have some (albeit limited) agency.

Women themselves are often best placed to understand the risk to them and their children. A woman's assessment of her safety balances several factors:

- Her knowledge of the man's behaviour
- His likely reaction
- The law's ability to protect her from that reaction<sup>56</sup>

Housing staff should be trained to identify and assess risk factors relevant to domestic abuse. There should be a system to record and share concerns with a senior or specialist member of staff and get advice about how to proceed with individual cases.

When staff identify risk, a specific domestic abuse housing pathway gives them a process to follow so they can deal with the risk according to the level of risk and the immediacy of the situation.

### Good practice example: Fife Council

'Fife Council has adopted the risk assessment method used by Fife Women's Aid. HAOs have been trained to use this to identify and assess levels of risk.'

All relevant staff must also be trained to work within child protection and adult protection policies/procedures.

Multi-agency risk assessment conferences (MARACs) are confidential, regular, local meetings where information about domestic abuse victims at risk of the most serious levels of harm (including murder) is shared between representatives from local agencies to inform a coordinated action plan to increase

<sup>55</sup><https://www.womensaid.org.uk/femicide-census-of-2017/>

<sup>56</sup><https://womensaid.scot/wp-content/uploads/2017/07/ExclusionOrderReport.pdf>

the safety of the victim and their children, and reduce risk. Local authority housing/homeless services are members of MARACs and provide housing responses/solutions. They liaise with other local housing providers as and when required.

*'Women did not necessarily feel any safer once they had moved out of the family home - not in the long-term. Their ex-partner would know or find out the new address particularly where he had access arrangements with the children. Domestic abuse does not only happen inside the home, so when women moved out they were still concerned about their safety on the street, at the shops, taking their children to school.'*<sup>57</sup>

## Responsibilities

Responsibilities for responding to domestic abuse should be clear to staff at all levels: board; senior management; supervisory staff; frontline staff; ancillary staff.

The most senior staff have a crucial role in making an effective response a priority; and in ensuring and modelling good practice. This is important not only for ensuring that individual victims are supported and perpetrators challenged but also that there is a culture and wider message about not tolerating or minimising domestic abuse.

Senior management have a duty to ensure that guidance such as this is followed and requisite policies are put in place; training provided; responsibilities clarified; and reporting and evaluating established.

## Monitoring and reviewing

Your response to domestic abuse and associated policies and procedures should be monitored, and reviewed to ensure that these are, and remain effective. Monitoring and reviewing should include:

- Feedback from tenants
- Support and supervision of staff
- Feedback from staff in order to reflect lessons from practice
- Reviews of staff training needs, and refresh as required
- Policy and practice reviews by your management team

## Employee policy

Social landlords should develop a separate domestic abuse policy for their employees. This should set out actions to support or sanction employees who experience/perpetrate domestic abuse. Materials to support employers to meet their legal responsibilities and develop good practice in the workplace are at: [www.zerotolerance.org.uk/work-workplace/](http://www.zerotolerance.org.uk/work-workplace/)

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<sup>57</sup>Ibid.

## Legislative context

Domestic Abuse (Scotland) Act 2018

<http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

Domestic Abuse (Scotland) Act 2011

<http://www.legislation.gov.uk/asp/2011/13/contents>

Adult Support and Protection (Scotland) Act 2007

<http://www.legislation.gov.uk/asp/2007/10/contents>

Children (Scotland) Act 1995

<https://www.legislation.gov.uk/ukpga/1995/36/contents>

Children's Hearing (Scotland) Act 2011

<https://www.legislation.gov.uk/asp/2011/1/contents>

Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

<http://www.legislation.gov.uk/asp/2011/15/contents/enacted>

Protection from Abuse (Scotland) Act 2001

<https://www.legislation.gov.uk/asp/2001/14/contents>

Housing (Scotland) Act 1987

<https://www.legislation.gov.uk/ukpga/1987/26/contents>

Homelessness etc. (Scotland) Act 2003

<https://www.legislation.gov.uk/asp/2003/10/contents>



# Resources

## Domestic abuse organisations

Scottish Women's Aid: <https://womensaid.scot/>

Scotland's Domestic Abuse and Forced Marriage Helpline: <https://sdafmh.org.uk/> and 0800 027 1234. Free leaflets and posters about the helpline are available on request.

Scottish Women's Rights Centre: [www.scottishwomensrightscentre.org.uk/](http://www.scottishwomensrightscentre.org.uk/)

Respect: <http://respect.uk.net/>

Violence Against Women Partnerships (contact via the Improvement Service): [www.improvementservice.org.uk/tackling-violence-against-women.html](http://www.improvementservice.org.uk/tackling-violence-against-women.html)

## Housing

Association of Local Authority Chief Housing Officers: <http://alacho.org/>

Chartered Institute of Housing: <http://www.cih.org/>

Scottish Federation of Housing Associations: <https://www.sfha.co.uk/>

Shelter Scotland: <https://scotland.shelter.org.uk/>

Make a Stand: <http://www.cih.org/makeastand>

## Training

### Scottish Women's Aid

- Learning and development programme: <https://womensaid.scot/training-events/>
- Bespoke training: [info@scottishwomensaid.org.uk](mailto:info@scottishwomensaid.org.uk)
- Coercive control and the law: training delivered by SWA in partnership with local Women's Aid groups. Designed to give participants an understanding of the gendered nature of domestic abuse and coercive control, with a focus on the Domestic Abuse (Scotland) Act 2018 and what that means for practice. <https://womensaid.scot/wp-content/uploads/2019/06/Coercive-control-and-the-law-leaflet-print-booklet-edit-1.pdf>

### University of Strathclyde

Online learning course aimed at tackling the global issue of violence against women. Free 'massive open online course' (MOOC), entitled 'understanding violence against women: myths and realities' <https://www.futurelearn.com/courses/understanding-violence-against-women/1>. The course has been developed with the help of funding from the Scottish Government and forms part of its Equally Safe strategy to prevent and eradicate violence against women and girls.

## Domestic abuse, coercive control and legal rights

Scottish Women's Aid. 2015. Change, justice, fairness: why should we have to move everywhere and everything because of him? <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

Amira's story: [https://womensaid.scot/wp-content/uploads/2019/04/SWA\\_Amira's%20Story.mp4](https://womensaid.scot/wp-content/uploads/2019/04/SWA_Amira's%20Story.mp4)

Shona's story: [https://womensaid.scot/wp-content/uploads/2019/04/SWA\\_Shona's%20Story.mp4](https://womensaid.scot/wp-content/uploads/2019/04/SWA_Shona's%20Story.mp4)

Domestic abuse: <https://womensaid.scot/information-support/what-is-domestic-abuse/>

Forced marriage: <https://sdafmh.org.uk/what-is-forced-marriage/>

Impact of coercive control on children at: <https://womensaid.scot/wp-content/uploads/2017/09/CYP-coercivecontrol.pdf>

LGBT+, disabled, BME and men victims of domestic abuse at: <https://womensaid.scot/who-is-affected/> and <https://lgbtdomesticabuse.org.uk/>

The Men's Advice Line: <http://www.mensadvice.org.uk/>

More on men as perpetrators of domestic abuse: <http://respect.uk.net/>

Domestic abuse/GBV and health: NHS Health Scotland: <http://www.healthscotland.scot/>

Domestic abuse: what health workers need to know about gender-based violence: [www.healthscotland.scot/media/2099/gbv-domestic-abuse-march2019.pdf](http://www.healthscotland.scot/media/2099/gbv-domestic-abuse-march2019.pdf)

Rape and sexual assault: what health workers need to know about gender-based violence: [www.healthscotland.scot/media/2463/gbv-rape-and-sexual-assault-march2019-english.pdf](http://www.healthscotland.scot/media/2463/gbv-rape-and-sexual-assault-march2019-english.pdf)

NHS Lanarkshire GBV Services useful resources:

- Trauma and the brain: understanding abuse survivors' responses. Animation for any professional working with a service user when GBV is a feature
- Never too late to tell: understanding childhood sexual abuse. Animation which aims to help professionals understand the process of grooming and coercion used by perpetrators of childhood sexual abuse; to see these tactics at work on children; to show how perpetrators manipulate other adults around a child; and to learn about the long-term effects on survivors and the implications for practice
- Mothering through abuse: resource which highlights domestic abuse as a parenting choice and which helps frontline workers to recognise and describe the behaviour of a domestic abuse perpetrator in order to respond to the victims (women and children) safely and to the perpetrator effectively
- Trauma and the brain (without subtitles), Never too late to tell and Mothering through abuse are all available in DVD format. For copies or more information: [www.aliss.org/services/nhs-lanarkshires-gender-based-violence-gbv-services-0/](http://www.aliss.org/services/nhs-lanarkshires-gender-based-violence-gbv-services-0/)

## Rights and responsibilities

CIH Knowledge Hub resource on domestic abuse: [https://www.cih-cpd.org/Domestic\\_Abuse](https://www.cih-cpd.org/Domestic_Abuse)

Domestic abuse and rights: <https://womensaid.scot/information-support/domestic-abuse-and-my-rights-2/>

[https://www.highland.gov.uk/downloads/file/6385/domestic\\_abuse\\_legal](https://www.highland.gov.uk/downloads/file/6385/domestic_abuse_legal)

Scottish Women's Aid: <https://womensaid.scot/information-support/>

Scotland's Domestic Abuse and Forced Marriage Helpline (SDAFMH): also provides free posters and leaflets <https://sdafmh.org.uk/>

Scottish Women's Rights Centre: <https://www.scottishwomensrightscentre.org.uk/i-need-help/>

Shelter Scotland: [https://scotland.shelter.org.uk/get\\_advice/advice\\_topics/families\\_and\\_households/domestic\\_abuse/taking\\_legal\\_action](https://scotland.shelter.org.uk/get_advice/advice_topics/families_and_households/domestic_abuse/taking_legal_action)

Employer responsibilities: <https://www.zerotolerance.org.uk/work-workplace/>

## Human rights and equalities

European Convention of Human Rights (ECHR): <https://www.equalityhumanrights.com/en/what-european-convention-human-rights>

UN Convention on the Rights of the Child (UNCRC): <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

SHRC and EHRC good practice on developing a combined Equality and Human Rights Impact Assessment <http://eqhria.scottishhumanrights.com/eqhriagoodpractice.html>

Human rights at home: guidance for social landlords: [https://www.equalityhumanrights.com/sites/default/files/human\\_rights\\_at\\_home.pdf](https://www.equalityhumanrights.com/sites/default/files/human_rights_at_home.pdf)

Housing Associations and ALMOs: a practical guide to the public sector equality duty: [www.housingdiversitynetwork.co.uk/wp-content/uploads/HREC-Briefing-a-Practical-Guide-to-the-public-sector-equality-duty1.pdf](http://www.housingdiversitynetwork.co.uk/wp-content/uploads/HREC-Briefing-a-Practical-Guide-to-the-public-sector-equality-duty1.pdf)

## Strategy, policy and guidance

Equally Safe: <https://www.gov.scot/publications/equally-safe/>

Scottish Government: [www.gov.scot/policies/violence-against-women-and-girls/strengthening-the-law/](http://www.gov.scot/policies/violence-against-women-and-girls/strengthening-the-law/)

Scottish Social Housing Charter: <https://www.gov.scot/binaries/content/documents/govscot/publications/regulation-directive-order/2017/03/scottish-social-housing-charter-april-2017/documents/00515058-pdf/00515058-pdf/govscot%3Adocument/00515058.pdf>

No recourse to public funds guidance: <http://www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance>

Good practice guidance on interpreting for women who have experienced gender-based violence: <http://www.womenssupportproject.co.uk/userfiles/file/GVAWP%20Good%20Practice%20Guide%202011%20Final%20Nov.pdf>

Good practice in commissioning specialist domestic abuse services: [https://womensaid.scot/wp-content/uploads/2017/09/Good-Practice-in-Commissioning-Specialist-Domestic-Abuse-Services\\_SWA\\_COSLA.pdf](https://womensaid.scot/wp-content/uploads/2017/09/Good-Practice-in-Commissioning-Specialist-Domestic-Abuse-Services_SWA_COSLA.pdf)

The Improvement Service, elected member briefing note: preventing and eradicating domestic abuse: [http://www.improvementservice.org.uk/documents/em\\_briefing\\_notes/EM-Briefing-domestic-abuse.pdf](http://www.improvementservice.org.uk/documents/em_briefing_notes/EM-Briefing-domestic-abuse.pdf)

The Improvement Service, elected member briefing note: why adopt a gendered analysis of violence and abuse: [http://www.improvementservice.org.uk/documents/em\\_briefing\\_notes/em-briefing-gendered-analysis-vawg.pdf](http://www.improvementservice.org.uk/documents/em_briefing_notes/em-briefing-gendered-analysis-vawg.pdf)

# Sample template for a domestic abuse policy

## 1. Aim/purpose

Clear statement of the overall goal of the policy and why it's needed.

### Example

To provide a proactive housing response to preventing and addressing domestic abuse by:

- Providing a sensitive and supportive response to women (victims/survivors)
- Working collaboratively to enable women (victims/survivors) to access a range of housing options, advice, information and support
- Holding perpetrators to account

The policy should include statements which set out:

- Explanation of proactive approach to preventing and addressing domestic abuse
- Responsibility to provide a confidential, sensitive and responsive service to women and their children
- Approach which is women- (victim/survivor) centred and rights-based – including ensuring views/ experiences of women are incorporated into policy development and evaluation
- Domestic abuse is the responsibility of perpetrator: action will be taken against perpetrators of domestic abuse
- Collaborative approach: working across the organisation and with partners to provide a coordinated/ collaborative response to the housing and support/other needs of women and children experiencing domestic abuse
- Accountability: how the policy will be implemented and evaluated to ensure it meets objectives and is consistently applied

## 2. Definition

This should include the Scottish Government definition of domestic abuse:

'Domestic abuse (as gender-based abuse), 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, withholding money and other types of controlling behaviour such as isolation from family or friends).'<sup>58</sup>

## 3. Scope

The who and what of the policy: which people, departments, areas of service provision the policy covers.

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<sup>58</sup><http://www.gov.scot/Publications/2003/09/18185/26440>

## 4. Equalities

Statement on how the policy helps your organisation meet its public sector duties to eliminate discrimination, advance equality and foster good relations, and human rights obligations:

- EQIA process from outset and through policy development process
- Design of responses that meet different and intersecting needs of people with different protected characteristics, for example disabled women, BME women, LGBTI+
- Link to Equally Safe Strategy and Implementation Plan

## 5. Policy content

Statement setting out how you will achieve the purpose and including:

### 5.1 Prevention

- Statement on collaborative working to prevent domestic abuse
- Primary prevention by engaging in awareness raising/challenging attitudes and gender equality actions
- Secondary prevention targeted at perpetrators of domestic abuse and women (victims/survivors)

Proactive approach that promotes and strengthens women's rights to remain in the home. This proactive approach can include:

- Statement on domestic abuse within the tenancy agreement
- Section in tenants handbook
- Promotion through information leaflets, newsletters and online
- Statement on actions you will take against a perpetrator (with other strategic partners if necessary)
- 'Eyes and ears' approach that requires staff, for example maintenance, concierge and support staff to report concerns to housing officer/manager

### 5.2 Housing options

Statement that the policy provides a range of housing options to meet the individual needs of women and children, victims/survivors of domestic abuse. These options include:

- Supporting women to remain in their home
- Rehousing the perpetrator
- Using management transfers to support women to make planned moves and avoid homelessness
- Supporting women to transfer the tenancy to their name
- Supporting women to gain legal information and advice
- Specific homelessness pathway for women and children who have experienced domestic abuse

### 5.3 Action against perpetrators

The policy should clearly state what action will be taken to respond to perpetrators of domestic abuse. These should include:

- Legal action to transfer a tenancy to the victim
- Legal action for recovery of possession against a perpetrator, where other members of the household have left the home because of domestic abuse
- Action to rehouse a perpetrator
- Supporting the police in their activities to deal with perpetrators

### 5.4 Homelessness

The policy should reduce the impact of homelessness on women and children who are homeless as a result of domestic abuse:

- Provide clear homeless pathway for women (and staff) to show how the system works and women's rights and restrictions women within that process
- Provide safe, secure temporary homeless accommodation and access to refuges for women and children (not mixed-sex accommodation nor B&B)
- Review allocations or bidding processes for rehousing to ensure women are not allocated housing that will put them at risk
- Provide assistance to enable children to remain at the same school, in contact with friends (for example liaison with education, travel pass)
- Reduce financial consequences of homelessness as a result of domestic abuse:
  - o Provide removal and storage facilities to enable women and children to keep their possessions
  - o Provide financial advice and assistance to ensure women are not further indebted by the homelessness process
  - o Remove the rental charge overlap on two homes when women are moving from temporary to permanent accommodation
  - o Ensure that women are not charged for the damage caused to the property by the perpetrator

### 5.5 Confidentiality

Statement on confidentiality and information sharing which recognises the importance of confidentiality to women (victims/survivors) and potential risks. Statement that you have, or will develop, a protocol with partners that sets out the importance of confidentiality, restrictions, rights and what, why and how information will be shared.

This should include providing an appropriate and sensitive service to women to ensure their privacy and confidentiality and reduce the risk of further harm by:

- Providing customer service systems that do not require women to disclose or discuss the reason for their visit in public areas or repeat their stories to different members of staff
- Promoting the availability of private interview rooms to women and the option to request to meet with a female member of staff

## 5.6 Support

Statements that you:

- Recognise that separation is a time of increased risk
- Will provide long-term support to ensure better outcomes for women and children
- Have, or will develop, partnership working with specialist support providers

## 5.7 Consistent systematic approach

Statement on the importance of consistency in policy delivery and how you will manage and monitor this:

- Specific guidance and clear pathways that enable staff to implement policy and practice consistently and with confidence
- Clear structure of action staff should take, that prompts them to ask appropriate questions and follow agreed assessment and referral processes
- Specialist domestic abuse housing officers within local area offices with responsibility for:
  - o Putting policy into practice
  - o Advising and supporting staff
  - o Making decisions about transfers, allocations and tenancy support

## 5.8 Training

Statement about mandatory training on domestic abuse for all staff who come into contact with tenants/applicants and all staff who are responsible for implementing this policy.

## 5.9 Collaborative/partnership working

Statement on commitment to collaborative working across services and with partners which includes:

- Clear systems for referring women to relevant agencies. This should go beyond signposting and support women's engagement with the receiving agency
- Training for frontline staff on services provided by those agencies; contact arrangements; and how to supportively engage women with these services

## 5.10 Information and advice

Statement on importance of providing clear, accessible information in a range of formats. This includes:

- Developing specific information in leaflet and online formats describing their housing options, relevant sources of support, rights to interpreting services, private interview rooms and so on
- Providing accessible interpreting and translation services in accordance with national standards and good practice guidelines
- Providing information about the law and their rights and supporting women to access to legal surgeries/lawyers experienced in child and family law and domestic abuse



## 5.11 Risk management

Statement on consistent and systematic approach to identifying, managing and decision-marking about risk including:

- Risk management protocol developed and agreed with partners
- Child protection procedures for domestic abuse
- Staff confident and competent in responding to the potential, perceived or actual risks of domestic abuse
- Staff trained in risk assessment and procedures, and are supported to make effective, timely decisions

## 5.12 Responsibilities

Statement on who is responsible for the overall policy and its implementation; and how this will be monitored, reported on and evaluated. This should include how you will support service users to actively participate in the monitoring and evaluation process.

## 6. Legislative context

List of relevant associated legislation and policy.





