

Homes First Domestic Abuse Policy

Version (e.g. first draft, final report):	Final Report – October 2023
Authorities covered:	Joint
Applies to:	It applies to all tenants and leaseholders living in general needs and retirement accommodation managed by Homes First on behalf of Lewes District Councils (LDC) and Eastbourne Borough Council (EBC) who work in Partnership with Eastbourne Homes Limited (EHL). It also applies to customers accessing housing via the housing waiting list and customers accessing support from our Housing Options and Wellbeing Team.
Responsible: (Executive Lead)	Gary Hall, Head of Homes First
Accountable: (Operational Lead)	Liz Martin, Neighbourhood Housing Lead
Consultation:	Tenants and residents have been involved in the formulation of this policy through an online questionnaire. The draft policy was also taken to resident groups in LDC and EBC. Partners have also been consulted regarding the policy and have fed back.
Final Equality and Fairness Analysis (EaFA) Report approved by and date:	Approved by Equalities Stakeholder Board – 17 th October 2023
Approval date:	27 th July 2023 (EHL Board), 9 th August 2023 (Cllr Slater), 5 th September 2023 (Cllr Diplock)
Approved by:	Cllr Diplock, Cllr Slater and EHL Board
Date of publication:	20 th October 2023
Next Review Date:	Next review date: Initial review 20 October 2024 – Policy to be reviewed in line with any changes in legislation.

1. Policy Statement

- 1.0** Homes First believe that tenants/leaseholders and non-tenants living with our tenants and leaseholders should not live in fear of abuse. Homes First takes all forms of domestic abuse seriously and is committed to providing a sensitive and confidential response to anyone who approaches for assistance in cases of domestic abuse.

2. Scope

- 2.0** This Policy outlines the approach taken by Homes First to assist and support any person experiencing domestic abuse. It applies to all tenants/leaseholders and non-tenants living with our tenants and leaseholders. It also applies to customers accessing housing via the housing waiting list and customers accessing support from our Housing Options and Wellbeing team. The policy has been developed in consultation with residents, staff and partner agencies.

3. Legal and Regulatory Framework

- 3.0** The 'Homes First' tenancy agreement clearly sets out the standard of behaviour expected from our tenants and leaseholders. It is a condition of the tenancy agreement or lease agreement that a tenant or leaseholder must not threaten or abuse another person, whether that person lives at the property or somewhere else.

- 3.1** In addition, Homes First recognises its legal duties and obligations to all residents under the following legislation:

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

4. Definition/s

4.0 Where we use "you" or "your" we mean residents. The terms 'we', 'our' and 'us' means Homes First.

4.1 Who are “Homes First”?

“Homes First” is one team delivering housing management services, property services and homelessness services on behalf of EBC in partnership with EHL and LDC.

This team is responsible for delivering those services to residents across Eastbourne and Lewes District.

This team also provides housing management and property services for Eastbourne Housing Investment Company Limited and Lewes Housing Investment Company Limited.

4.2 What is Domestic Abuse?

Domestic Abuse is recognised as:

Any incident or pattern of incidents of controlling, coercive behaviour or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological, physical, sexual, economic and emotional forms of abuse.

4.3 For a detailed description of the categories of Domestic Abuse please see **Appendix Document ‘Types of Domestic Abuse’**.

4.4 It does not matter whether the behaviour consists of a single incident or part of an ongoing pattern of behaviour.

4.5 The definition of domestic abuse includes modern day slavery, coercive control, and all distinctions of domestic abuse for example “honour based” abuse (HBA), forced marriage (FM) and female genital mutilation (FGM) as well as Violence Against Women and Girls (VAWG)¹.

4.6 Domestic abuse has a devastating impact on children exposed to it in their own home. Under the statutory definition of domestic abuse in the [Domestic Abuse Act 2021](#), a child who sees or hears, or experiences the effects of abuse and who is related to the person being abused or the

¹ The term VAWG refers to the range of serious crime types which are predominantly, but not exclusively, experienced by women and girls.

perpetrator, is also to be regarded as a victim/survivor of domestic abuse.

- 4.7** For the definition and policy to apply, both people must be aged 16 or over and personally connected. 'Personally connected' is defined in the act as people who:
- are due to be, are currently, or have been, married or civil partners to each other.
 - are, or have been, in an intimate personal relationship with each other.
 - are, or have been, parents or have/had parental responsibility of the same child or children.
 - are relatives.

Please note that this is a much wider definition than 'member of the family' at [s.113 Housing Act 1985](#).

5. Introduction

5.0 As a social housing provider on behalf of EBC and LDC - Homes First has a key role in reducing incidents and supporting victims/survivors of domestic abuse. We recognise that domestic abuse is unacceptable. We take the issue of domestic abuse seriously and we are committed to providing a sensitive and confidential response to anyone approaching us for help in cases of domestic abuse.

5.1 We believe that victims/survivors of domestic abuse should be able to access appropriate support and we have a role to play in this support as part of a wider coordinated community response to domestic abuse.

5.2 We recognise that domestic abuse can happen to anyone regardless of gender or sexuality, and may be experienced differently due to, and compounded by, social background, disability, age, gender, religion, culture, class, mental health, sexuality, or ethnicity.

We will recognise this intersectionality and understand that certain individuals may face multiple and intersecting forms of discrimination. We will consider the individual needs of each victim/survivor when tailoring our approach.

5.3 We acknowledge that Women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. They are also more likely to have experienced sustained physical, psychological, or emotional abuse, or physical abuse resulting in injury or death.

5.4 Abuse can be perpetrated by partners, ex-partners and family members, including children under the age of 18, adult children or siblings.

5.5 We are committed to supporting all victims/survivors of domestic abuse

and Violence Against Women and Girls (VAWG).

- 5.6** Through this policy we will aim to ensure our tenants/leaseholders and non-tenants living with our tenants and leaseholders experiencing domestic abuse have guidance and assistance. We also recognise we cannot deal with instances of domestic abuse on our own and we will work with specialist partners to support victims as domestic abuse cases need a multi-agency approach.

6. Our Responsibilities

- 6.0** We have a policy of zero tolerance to all forms of abuse towards or by any tenant/leaseholder, non-tenants living with our tenants and leaseholders, any person occupying the property with the tenant/leaseholder's permission or any visitor to the tenant/leaseholder's home. Any form of domestic abuse is unacceptable and should not be tolerated.

- 6.1** We are committed to identifying and tackling domestic abuse in all forms, playing a key role in reducing the incidents of domestic abuse and supporting victims/survivors. There are a range of responses and actions available which we will consider using in appropriate circumstances:

- We will provide you with options for support and housing, including signposting and referring you to services on your behalf if you wish. This could include our Income Maximisation and Welfare team for support with housing related benefit and council tax advice.
- If you are experiencing domestic abuse and wish to make a homeless application, we will assist you in accordance with the homeless legislation and [Code of Guidance](#).
- We will have a consistent and fair approach to domestic abuse cases.
- We will provide training to staff members including training for those who visit our tenants/leaseholders and residents in their homes. We will consider current published best practice guidance and will always take a survivor led trauma informed response to our practice.
- We will ensure and maintain the need for confidentiality in the interest of safeguarding you and your family, especially children in your household. We will signpost or refer you to appropriate agencies always with your agreement.

- It may however be necessary to share proportionate and necessary information with relevant support agencies or make a referral without your consent should there be concerns around the immediate risks posed to you and/or your children.
- We will signpost you to agencies offering legal advice.
- We will process any repairs in line with the [Homes First Repairs Priorities](#), when they have been reported following domestic abuse incidents.
- With your agreement we will refer to our 'Sanctuary Scheme' to improve the security of your property².
- We are committed to working in collaboration with other support agencies to support the coordinated community response to victims/survivors of domestic abuse.
- We will hold perpetrators accountable for their actions, and where appropriate signpost perpetrators to suitable programmes or take action against their tenancy if they have one.
- We will ensure that where children and young people are affected by domestic abuse, they are signposted to support services as early as possible.
- We will follow the relevant child protection procedures where a child is at risk due to an abusive relationship. We will refer cases involving child protection or vulnerable adults to the relevant authority.
- Where appropriate we will share information to a 'Multi Agency Risk Assessment Conference' (MARAC) meeting³.
- Where appropriate and within our control we will ensure that if you leave your home due to domestic abuse you do not lose the security of your tenure.
- We will ensure that you can report domestic abuse in different

² A 'Sanctuary Scheme' is a survivor centered initiative which aims to make it possible for victims of domestic abuse to remain in their own homes with additional security adaptations, if it is safe for them to do so, and where the perpetrator does not live in the accommodation.

³ A MARAC, or multi-agency risk assessment conference, is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists.

ways, including in person, in writing, by telephone, online or via a third party.

- You will be given advice so that you can access appropriate services as early as possible and make choices about what to do next.

6.2 When a report of a domestic abuse incident is received by Homes First, we will ensure that we:

- Offer options on how to report incidents of domestic abuse such as in person or safely via the telephone.
- Agree how we will keep in contact with you or the agency representing you and the frequency of this in case they need any further help.
- Carry out, where appropriate, with you a risk assessment (using the Domestic Abuse, Stalking and 'Honour'-based Violence (DASH) Risk Identification checklist) and safety planning to provide support for you and your children where present.
- Make efforts to ensure an employee of the same sex is available to speak with you about your case.
- We will advise you of your housing options and signpost you to statutory and voluntary agencies that can provide additional advice.
- Establish with you if there are any special needs that should be considered. Such as, the need for an interpreter or sign language translator.
- Conduct interviews in private and in a place of safety and ensure you are always free and safe to talk about your case when communicating over the telephone.

7. Local Authorities' duty to assess housing need.

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

Accommodation based support means support provided in various types of

temporary or emergency accommodation including referring into refuge accommodation and other designated emergency accommodation placements.

7.1 Accommodation based support may include the following:

- advocacy support.
- housing related support.
- domestic abuse prevention advice.
- signposting or referrals to specialist support for victims/survivors.
- signposting or referrals to support designed for victims/survivors with additional and complex needs.
- signposting or referrals to advice services, counselling and therapy.
- if you are our tenant/leaseholder - work with our Property Services Team and contractors to ensure any required or outstanding repairs are made to your property in line with the [Homes First Repairs Priorities](#).
- refer to our Sanctuary Scheme to make improvements to the property for the purpose of improving its security.

8. Priority need for people homeless because of domestic abuse.

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

8.1 Homelessness Applications:

A person who leaves their home because of domestic abuse can apply for homelessness assistance from the Housing Options and Wellbeing Team and cannot be treated as intentionally homeless. Homes First have a duty to accommodate a person if they meet the following requirements.

- They are homeless.
- They are eligible for assistance.
- They are in priority need.
- They are not intentionally homeless.

8.2 In addition to the above, in cases where the report of domestic abuse is a tenant within the council's stock, staff may also consider the following:

- Referring to our Income Maximisation and Welfare team for support and advice around financial issues including housing-related benefits, rent and council tax support where necessary.
- Work with our Property Services Team and contractors to ensure any necessary repairs are made in line with the [Homes First](#)

[Repairs Priorities.](#) or refer to the Sanctuary Scheme for security adaptations.

- Where a perpetrator of anti-social behaviour subsequently reports to be a victim/survivor of domestic abuse, we will review the case and will take appropriate steps to ensure any resident's personal safety.

9. Legal Options

- 9.0** We will explore with you your legal options, considering the needs of each individual case. We will advise about possible courses of action, both to respond to the immediate situation and to deal with it in the longer term. We will not pressure you to take legal action but will offer guidance if it is something you wish to pursue. This may include helping you by getting information about a non-molestation order, demotion of tenancy or possession proceedings.
- 9.1** In cases where the property has been damaged by a perpetrator of domestic abuse, repairs will be carried out in line with the [Homes First Repairs Priorities.](#)
- 9.2** Injunctions against the perpetrator can be sought where appropriate, via the [National Centre for Domestic Violence](#) or [FLOWS - Finding Legal Options for Women Survivors](#) either by or on behalf of the victim/survivor. An injunction would normally involve restrictions on the perpetrator, including not to be in the locality of the victim's home.

10. Confidentiality and Data Sharing

- 10.1** We recognise that incidents of domestic abuse are extremely sensitive, private incidents for you to report and will ensure confidentiality on any case that is reported. However, if we identify that you or your family are at a high risk of harm, we will need to override this confidentiality to share proportionate and relevant information regarding these risks to the relevant agencies.
- 10.2** Homes First may share relevant information with local agencies such as the Police, to deal with cases more effectively by either gathering extra evidence to carry out enforcement measures against the perpetrator or sharing information in the interests of the victims/survivors and/or their dependents to provide better or more effective support. Or where there are serious concerns about immediate risk.
- 10.3** Any complaint regarding a failure to follow this policy or regarding the way a customer has been treated will be dealt with through Eastbourne Borough Council and Lewes District Councils [Complaint Procedure](#). Any

issue related to data protection will be referred to the Information Governance Manager.

- 10.4** The council will ensure it complies with the requirements of the [UK GDPR and Data Protection Act 2018](#) and its own [Data Protection Policy](#) when managing information, it holds about customers we are working with .

11. Monitoring and Review

- 11.1** We will carry out a fundamental review of this policy every three years or sooner, subject to legal, regulatory changes or if internal changes are necessary.
- 11.2** The Homes First management team will oversee the consistent and fair implementation of this policy and will consult with colleagues (e.g. Compliance, Health and Safety, Equality and Diversity) to ensure timely and accurate updates of the policy.
- 11.3** We will monitor domestic abuse cases across our stock and those that approach the Housing Options and Wellbeing Team for assistance. Performance information will be provided on request to Residence's Voice, Tenants of Lewes District (TOLD) and the Eastbourne Homes Limited (EHL) Board.

12. Equalities and Fairness

- 12.1** An Equalities Impact Assessment has been completed for the policy with the collaboration of the Eastbourne Borough Council and Lewes District Council's Equalities Lead.

13. Related Policies

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

