

NO HOME FOR DOMESTIC ABUSE

**Draft West Dunbartonshire Council Housing and Homelessness
Services Domestic Abuse Policy**

DRAFT

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1. Purpose

This policy sets out West Dunbartonshire Council Housing and Homelessness Services response to preventing and addressing domestic abuse. As a local authority we have a responsibility to prevent and respond to domestic abuse in accordance with Equally Safe (Scotland's strategy for preventing and addressing violence against women and girls¹)

Although research shows that women and their children are more likely to be victims/survivors of domestic abuse this policy is for anyone who is experiencing domestic abuse.

This wider policy incorporates our No Home for Domestic Abuse (NHDA) approach to support Council tenants experiencing domestic abuse to remain in their own home and the wider housing options, accommodation and support services available to everyone living in West Dunbartonshire regardless of tenure.

The impact of the Covid-19 pandemic has resulted in a particularly difficult time for those experiencing domestic abuse as social distancing and self-isolation (and in some cases shielding) makes contact with supportive services, families and friends much more difficult. Whilst our actions and collaborative working arrangements should aim to prevent, reduce risk, and provide support where possible, there are additional interventions included in the policy to address the impact of the pandemic and all future pandemics

The aim of this policy is to provide a proactive housing response to preventing and addressing domestic abuse by:

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

2. Definition

This policy uses the Scottish Government definition of domestic abuse as a form of gender-based violence (GBV)

'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

¹ 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/>

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abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends)' ²

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/survivors of such violence'. It is recognised that GBV is a significant community safety and wellbeing issue, affecting people from a wide range of diverse backgrounds.

For the purposes of the policy, it is assumed that the domestic abuse is being perpetrated by a partner or ex-partner (that is an intimate partner).

It is recognised that children who live with domestic abuse are, themselves, experiencing abuse.

The policy also applies to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

3. Scope

This policy has been developed by WDC Housing Development and Homeless Service Area and applies to everyone in West Dunbartonshire. It has been approved by our Violence Against Women partners:

- WDC Housing Operations
- WDC Education and Learning
- Clydebank Women's Aid
- HSCP partners in:-
 - Mental Health and Addictions
 - Child health care and Community Justice
 - Health Improvement and Equalities
 - Family Nurse Partnership
 - Criminal Justice
- Children Experiencing Domestic Abuse Recovery (CEDAR)
- Dumbarton District Women's Aid
- Police Scotland
- Rape Crisis
- Multi Agency Risk Assessment Conference (MARAC)
- Women's Safety and Support Services (WSSS)
- Community Planning Partnership

² 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>

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4. Equality and Human Rights

In order to ensure that the Council meets its public sector duties to eliminate discrimination, advance equality and foster good relations, and human rights obligations under the Equality Act 2010 an Equalities Impact Assessment (EIA) is attached as a appendix 1. The policy is also linked to:

- The Equally Safe Strategy and Implementation Plan to ‘tackle the root causes of women’s inequality, and challenge the outdated gender stereotypes and societal attitudes towards women and girls that allow gender based violence to flourish’³
- The Scottish Social Housing Charter⁴ particularly Outcome One: 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.

Equalities is not about treating everyone the same but recognising difference and redressing disadvantage. For this reason West Dunbartonshire do not take a gender neutral approach in its response to domestic abuse.

Domestic Abuse is a violation of basic human rights. A Children’s Rights and Well Being Impact Assessment has also been undertaken. This can be seen in the appendix 2. This assessment looks at the impact this policy will have on children’s human rights and well being.

5. Domestic Abuse in Scotland and West Dunbartonshire

Details of incidents and recorded crime supplied by Police Scotland* are used by the Scottish Government to inform policy and assess the extent and nature of domestic abuse in Scotland. 2019/20⁵ statistics showed that levels of domestic abuse had increased by 3.7% in a year despite being relatively stable since 2011/12. In 2019-20:

- the police recorded 62,907 incidents of domestic abuse, an increase of 3.7% compared to the previous year.
- There were 115 incidents of domestic abuse recorded by the Police in Scotland per 10,000 population in 2019-20. At a local authority level, West Dunbartonshire recorded 150 incidents per 10,000 population. This is the fourth highest rate of all local authorities in Scotland.

³ <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2019/11/equally-safe-year-2-update-report/documents/equally-safe-year-two-update-report/equally-safe-year-two-update-report/govscot%3Adocument/equally-safe-year-two-update-report.pdf>

⁴ <https://www.gov.scot/publications/scottish-social-housing-charter-april-2017/>

⁵ <https://www.gov.scot/publications/domestic-abuse-statistics-recorded-police-scotland-2019-20/pages/5/>

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- Where gendered information was recorded, 82% of incidents had a female victim and male perpetrator. This was the same as in 2018-19.

Figures recorded by West Dunbartonshire Council also show that women are more likely to be victims of domestic abuse and men the perpetrator. Between 2019 and 2021 NHDA approach in West Dunbartonshire recorded the following;

- 153 Female victims, of this number 152 were male perpetrators and 1 perpetrator being female.
- 6 Male victims, of this number, 5 were female perpetrators and one 1 male..

**it is noted that incidents of domestic abuse recorded by the Police do not reveal all incidents of domestic abuse in Scotland as not all incidents are reported to the Police.*

6. Policy Aims

Housing and Homeless Services aim to

- Respond effectively to tenants and prospective tenants who are experiencing or perpetrating domestic abuse
- Support tenants who are victims/survivors of domestic abuse
- Minimise disruption to 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
- Provide safe and secure accommodation for those households escaping domestic abuse
- Help victims/survivors of domestic abuse to make informed decisions about their housing and accommodation.
- Collaborate with partners to provide a co-ordinated response to the accommodation/support/other needs of women and children experiencing domestic abuse; and the accommodation needs of perpetrators.

6.1. Prevention

We will work collaboratively with our violence against women partners to contribute towards the prevention of domestic abuse and the delivery of Equally Safe outcomes

Where appropriate we will require new tenants to take joint tenancies when signing for a new home to ensure that tenancies can be transferred between tenants easily.

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We will review our tenancy agreement with a view to including a statement about domestic abuse which could lead to eviction of perpetrators.

No Home for Domestic Abuse (NHDA) is housing services' zero tolerance approach to domestic abuse occurring within our properties. It provides victims/survivors of domestic abuse with access to practical help, legal assistance and support to allow them to remain if this is what they want.

Our allocations policy recognises relationship breakdown as one of the reasons to move house and awards additional points

Information about this policy and approach to tackling domestic abuse is made available in the tenant handbook, regularly in our tenant newsletter and on-line⁶.

Housing Options and Homeless services will undertake refresher training to ensure they maintain the privacy and confidentiality of victims/survivors, that they understand the dynamics of domestic abuse and coercive control and that they respond appropriately.

6.2. WDC Council Tenants

Council tenants who are victims/survivors of domestic abuse are offered a range of housing advice based on their circumstances to support them. This includes:

- Supporting victims/survivors to remain in their own home – including transferring the tenancy into their own name where possible. Support includes making the victim feels safe and security measures such as lock changes
- Supporting victims/survivors to gain legal information and advice
- Supporting victims/survivors to access specialist domestic abuse support
- Providing suitable alternative safe and secure accommodation via the homeless service

6.3. Action Against the Perpetrator

We will take legal action to transfer a tenancy to the victim where appropriate. The Domestic Abuse (protection) (Scotland) Act 2021 gives social landlord the ability to apply to the courts for a recovery of possession of a house from the perpetrator. This is with the view that the tenancy can be transferred over to the victim. This is the case for joint tenancies too.

We will use the full scope of Anti-Social Behaviour powers in conjunction with Housing and Matrimonial Homes Legislation to legally remove perpetrators if we need to.

⁶ <https://www.west-dunbarton.gov.uk/emergencies/domestic-abuse/> and <https://www.west-dunbarton.gov.uk/housing/no-home-for-domestic-abuse/>

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We recognise that in order to support victims/survivors to stay in their own homes and to make them feel safer we must also address the housing needs of perpetrators. Those found guilty of committing domestic abuse will be offered short-term tenancies appropriately distanced from the victim.

We will partner with Police, Courts and Community Justice partners to coordinate swift action against perpetrators.

6.4 Homelessness and Housing Options

Fleeing domestic abuse is one of the most common reasons people become homeless. Women who present as homeless and are fleeing domestic abuse will have a homeless assessment carried out that includes assessing and addressing their support needs. They will be

- provided with professional housing advice based on their circumstances to support them to make an informed choice about the housing options.
- offered safe and secure temporary or supported accommodation which meets their and their children's needs
- offered access to refuges for women and children should a place be available
- referred for specialist domestic abuse support provided by Women's Aid, West Dunbartonshire specialist services and culturally appropriate services available where appropriate, whilst in temporary and supported accommodation if they wish it
- allocated a house that is safe from risk

We will reduce financial consequences of homelessness as a result of domestic abuse by

- Providing removal and storage facilities to enable women and children to keep their possessions
- Providing financial advice and direct assistance to ensure women are not further indebted by the homelessness process
- Removing the rental charge overlap on two homes when women are moving from temporary to permanent accommodation
- Ensuring that women are not charged for the damage caused to the property by the perpetrator

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7. Confidentiality

All information sharing will be in accordance with the UK General Data Protection Regulation (GDPR) and the United Kingdom Data Protection Act 2018.

It is important that victims/survivors receive an appropriate and sensitive service. Our Housing Options and Homelessness service will use private interview rooms and advise that requests for a same sex members of staff can be made.

8. Support information and advice

In order to achieve the best possible outcomes for women and children it is essential that long term support is offered.

- We have a supported housing service which provides housing support for those in temporary and supported accommodation
- We also have a partnership with both Clydebank Women's Aid (CWA) and Dumbarton District Women's Aid (DDWA) for the provision of specialist outreach support for those in temporary and supported accommodation
- We can also make a referral for specialist outreach support to existing Council tenants who may be victims/survivors of domestic abuse
- We will ensure that that communication best practice is followed and takes into account the Council's 'Communicating Effectively' guidance
- We understand that a victim may be subject to immigration control and may in some cases, need the additional assistance of a specialist advisors in order to secure financial support and access to housing

Victims/survivors of domestic abuse are also signposted to other support providers such the Women's Safety and Support Service and CARA (Challenging and Responding to Abuse), CEDAR (Children experiencing domestic abuse recovery), Rape Crisis and the Scottish Women's Rights Centre, WSSS, Amina Muslim Women' Resource Centre, Domestic abuse and forced marriage helpline, Hemat Gryffe women's' Aid and Saheliya's Access2safety. Information for victims/survivors of domestic abuse is available online.⁷

9. Training and collaborative working

A review of staff training to support the implementation of this policy will be undertaken, it is a direct aim that all housing and homelessness staff will have specialist domestic abuse training.

We will ensure that all staff have completed the Council's Equality and Human Rights training module.

⁷ <https://www.west-dunbarton.gov.uk/emergencies/domestic-abuse/help-for-women/>

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We have identified Domestic Abuse champions who will receive additional training to support our services to provide an effective response to victims/survivors of domestic abuse.

There are a number of partnerships in West Dunbartonshire Council where best practice information is shared. This include the Violence Against Women Partnership and the Housing Solutions Partnership.

The Violence Against Women Partnership ensures close collaboration of partners and a strong strategic leadership. It is a multi agency partnership that supports the delivery of Equally Safe.

10. Risk Management

Our Housing Development and Homelessness Service and Housing Operations service should both be represented at regular Multi-Agency Risk Assessment Conference (MARAC) meetings to share information and contribute to discussion and risk management planning regarding highest risk victims/survivors and perpetrators of domestic abuse in our area.

11. Domestic Abuse and Pandemics

Pandemics have been linked to increased violence against women and girls who already face complex decisions and a wide range of barriers preventing their ability to safely escape an abusive partner. With mobility constrained, social distancing measures imposed, economic vulnerability increases, and legal and social services are scaled back, challenges in escaping abusive partners are exacerbated.

Additional specific interventions include:

- prioritising provision of emergency and temporary accommodation to women and children fleeing domestic abuse presenting to the authority during lockdown
- working with housing associations, private landlords and letting agents to access new sources of temporary accommodation
- prioritising allocations to women and children fleeing domestic abuse so that they can be rehoused as quickly as possible, including those in temporary accommodation and refuge accommodation to free up spaces
- working closely, sharing information and providing financial support to local Women's Aid projects to support resilience during the pandemic
- offering emergency and temporary accommodation where places cannot be provided at local refuges due to reduced capacity and social distancing
- carrying out regular welfare checks to all existing homeless households and Council tenancies to support their safety and wellbeing during the pandemic and referring to crisis support services where necessary
- providing information to ensure victims/survivors know where to access support

12. Guidance and Legislative Context

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This policy has been developed in line with Domestic abuse: a good practice guide for social landlords (ALACHO, CIH, SFHA, Shelter and Scottish Women's Aid) and the Scottish Women's Aid and CIH Guidance for social landlords: domestic abuse:

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>

[Needs to add Equality Act 2010.](#)

[Needs to add Scotland Specific equality duties 2012.](#)

[Needs to add Human Rights Act 1998](#)

13. Policy Review

The policy will be reviewed in 12 months and reported to the Housing Improvement Board.

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This document is also available in other languages, large print and audio format on request.

Arabic

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعية الكبيرة وبطريقة سمعية عند الطلب.

Hindi

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

Punjabi

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

Urdu

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

Chinese (Cantonese)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

Polish

Dokument ten jest na życzenie udostępniany także w innych wersjach językowych, w dużym druku lub w formacie audio.



British Sign Language

BSL users can contact us via [contactSCOTLAND-BSL](https://www.scotland.gov.uk/contact-scotland-bsl), the on-line British Sign Language interpreting service.

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