



DOMESTIC VIOLENCE POLICY 2007 -2010

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Introduction

"Violence against [anyone] is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development, and peace."

UN Secretary General Kofi Annan

This policy sets out what East North East Homes Leeds (ENEHL) aims to achieve in relation to domestic violence, as a provider of services to its residents, as a supporter of organisations working in this field and as an employer in the city of Leeds. Along with other agencies within Leeds we will aim to provide a service for everyone living in our areas whether they are tenants or not.

Domestic violence takes place in a range of situations, including not;

- where a woman is the victim
- where a man is the victim
- lesbian and gay relationships
- where the victim is a child or young person under 18 years old
- where the victim is a more vulnerable adult i.e. an older or disabled person

In the majority of cases victims of domestic violence are women most of perpetrators being men. However, this policy is intended to cover all the above situations.

Why do we have this policy?

At ENEHL we believe that:

- domestic violence is unacceptable and should not be tolerated
- violence in relationships is an abuse of power as well as likely to be a criminal offence
- domestic violence occurs in all communities and affects people, particularly women, of all backgrounds
- domestic violence affects not only children and families but the whole community
- domestic violence may be a workplace issue, because we have a responsibility for the welfare of our employees

To help us meet our legal obligations

ENEHL working with Leeds City Council has legal duties:

- to act in accordance with the European Convention of Human Rights (Human Rights Act 1998, particularly Articles 2 and 8)
- to provide for the well being of its citizens (Local Government Act 2000)
- to do all it reasonably can to prevent crime and disorder in its area (Crime and Disorder Act 1998)
- to assist people fleeing domestic violence with finding suitable accommodation (Part VII and Part II of the 1996 Housing Act)
- to secure alternative accommodation for those who are made homeless through domestic violence (Part VII the Housing Act 1996)
- to develop a Homelessness Strategy in line with the Homelessness Act 2002
- to protect children and young people (Children Act 1989, United Nations Convention on the Rights of the Child 1991)
- to ensure that we provide good value for money in the services that we deliver to our residents (Best Value – Local Government Act 2000)

What is the aim of this policy?

The overall aims of the Domestic Violence Policy are to:

- Support those who are experiencing domestic violence - both service users and employees
- Raise awareness of domestic violence - its implications for the services that we provide within the community and its effects within the workplace
- Ensure that all ENEHL employees understand the important role they can play in tackling domestic violence and to develop a consistent approach across the Council and ENEHL
- Set out what we may be able to do if our staff are perpetrators of domestic violence

A Confidential and Sensitive Service

The individual's right to confidentiality is paramount. ENEHL will ensure that employees know that maintaining confidentiality is of crucial importance to the safety of anyone experiencing domestic violence. This will also apply where we are contracting with external providers (e.g. transport, building work etc) and we will make this explicit in our contracts with them.

ENEHL will only involve other agencies or share information with the consent of the service user concerned, unless:

- we must do so by law, or
- the information is necessary to protect children

For employees experiencing and receiving support for domestic violence, it would remain confidential as far as it is reasonably practicable within our duties as an employer.

Definition

East North East Homes Leeds has adopted the Government's definition of domestic violence:

Domestic violence is...

"Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, who are or have been intimate partners, or family members, regardless of gender or sexuality."

(This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour killings')

(An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in laws or stepfamily).

Domestic violence is rarely a one-off incident, and should be seen as a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim. It can take many forms and occurs across society, regardless of age, gender, race, sexuality, wealth, and geography. According to statistics however, the main form of violence is that by men against women. Children are also affected. Not only are

many traumatised by what they witness, there is also a strong connection between domestic violence and child abuse.

The Facts

The UK Reality

Although domestic violence is chronically under reported, research estimates that it:

- Accounts for 16% of all violent crime (Source: Crime in England and Wales 2004/2005 report)
- Has more repeat victims than any other crime (on average there will have been 35 assaults before a victim calls the Police)
- Costs over £23 billion a year
- Claims the lives of two women each week and 30 men a year
- Is the largest cause of death worldwide in women aged 19-44, greater than war, cancer or motor vehicle accidents
- Will affect 1 in 4 women and 1 in 6 men in their lifetime
- Acts of violence against women recorded in the UK include honour killings, forced marriage, rape, sexual violence, trafficking, female genital mutilation, physical abuse and others
- Nearly half of all female murder victims are killed by a partner or ex-partner
- The British Crime Survey estimates that approximately three-quarters of a million women (754,000) have been raped on at least one occasion since age 16
- One incident of domestic violence is reported to the Police every minute

General

- 2 women are killed each week by a current or former partner (Homicide Statistics, 1998) - 1 woman killed every 3 days
- An analysis of 10 separate domestic violence prevalence studies by the Council of Europe showed consistent findings: 1 in 4 women experience domestic violence over their lifetimes and between 6-10% of women suffer domestic violence in a given year (Council of Europe, 2002)
- 1 woman in 9 is severely beaten by her male partner each year (Stanko et al, 1998)
- Domestic violence has a higher rate of repeat victimisation than any other crime (Home Office, July 2002)

- Every minute Police in the UK receive a domestic assistance call - yet only 35% of domestic violence incidents are reported to the Police (Stanko 2000 & Home Office 2002)
- The 2001/02 British Crime Survey (BCS) found that there were an estimated 635,000 incidents of domestic violence in England and Wales. 81% of the victims were women and 19% were men Domestic violence incidents also made up nearly 22% of all violent incidents reported by participants in the BCS (Home Office, July 2002)
- On average, a woman is assaulted 35 times before her first call to the Police. (Jaffe 1982)

Children

- In 90% of domestic violence incidents, children were in the same or the next room (British Crime Survey, 1992)
- In over 50% of known domestic violence cases, children were also directly abused - NSPCC (1997) found a 55% overlap Farmer & Owen (1995) found 52% overlap

Local Statistics

- Between April 1997 and March 2000 14 women in West Yorkshire were killed by their male partner or ex-partner
- One third of people who are accepted as homeless by the Leeds City Council are women who are experiencing violence or harassment from men they know
- Between April 1997 and March 1998, 617 women contacted Leeds Women's Aid for support and information: 212 women and 150 children spent time in the refuge
- Calculations based on a study in London estimate that the cost of violence towards women in Leeds from men they know to be at least £28 million pounds a year
- In 1997 Leeds Police attended 8,000 incidents of violence against women by men they know

Under-Reporting

Violence against women is characteristically under-reported for a number of reasons, including feelings of shame, fear of scepticism, disbelief or further violence. In addition, definitions of the forms of violence vary widely in different countries, making comparisons difficult. Many states lack good reporting systems to determine the prevalence of

violence against women and men. The failure to investigate and expose the true extent of violence allows governments, families and communities to ignore their responsibilities.

Effects of Domestic Violence

Domestic violence can affect victims in many aspects of their lives. In most serious cases domestic violence can result in murder or suicide. Other effects include:

<u>General</u>	<u>Health</u>	<u>Children</u>
<ul style="list-style-type: none"> • Homelessness • Economic instability • Loss of job opportunities • Geographic displacement 	<ul style="list-style-type: none"> • Physical injury • Depression • Eating disorders • Alcohol / drug dependency • Pregnancy complications 	<ul style="list-style-type: none"> • Poor educational performance • Harm to unborn child • Psychosomatic illness • Increased levels of anxiety • Asthma • Enuresis (bed wetting) • Withdrawal and fear

It is crucial that housing officers appreciate the difficulties in ending a violent relationship. Either the reality or the prospect of the effects listed above can exacerbate these difficulties. Ending an abusive relationship is often a process rather than a single event and therefore victims may present to LNEH for advice / accommodation more than once.

GUIDELINES FOR STAFF

Guidelines for staff, which detail an appropriate, sensitive and responsive service to anyone experiencing domestic violence, are outlined in Appendix A. The Guidelines for Workers build on the good practice detailed in the Communities and Local Government (CLG) Code of Practice.

LEGISLATION

Please see information on the homeless legislation contained in Appendix C of the Homelessness Act 2002 which incorporates the Housing Act 1996 PART VII & Code of Guidance 2002.

Please see Appendix B on legal remedies available to women who wish to remain in the home and / or take legal action against the perpetrator of violence.

The Code of Guidance refers specifically to applicants who present as homeless, or who are threatened with homelessness, because of violence or the threat of violence from inside or outside the home. The Code of Guidance also states that this would include those experiencing racial harassment, violence, sexual abuse, or harassment on the grounds of religion.

In assessing whether someone is homeless or threatened with homelessness, authorities should consider whether it is reasonable for a person to continue to occupy accommodation if they (or a person who normally resides with them) will as a result be subject to violence, or threats of violence (s177).

Where there is a threat of violence, assessment of reasonableness should be based on the current situation and not on consideration of an absence of violence in the past.

The Secretary of State considers it is not good practice to expect evidence of violence in such cases. We should not approach the alleged perpetrator, since this may delay the assessment and may generate further violence.

The requirement for proof may be seen as insensitive, intrusive and may act as a deterrent to women / men leaving who may be living in highly dangerous situations. A requirement for proof can often lengthen the assessment time and delay the notification of a decision beyond the one month requirement laid down in the Code of Guidance.

Section 214 Housing Act 1996 (Part VII)

The above section makes it an offence for anyone applying to ENEHL

for housing or assistance with housing to knowingly or recklessly give false information or withhold information relevant to their application. Similarly, it is an offence not to inform us of any changes in circumstances which occur while it is trying to assist the applicant.

All applicants are required to sign the above Declaration Form as being a true record of their situation. Applicants should be made fully aware that if false information is discovered in an application, it will be immediately cancelled.

If a Council property is obtained by false pretences, the Council is entitled to apply to the County Court for repossession of the property under the Housing Act 1985, or prosecute under Section 214 of the Homeless Persons Legislation.

TENANCY RELATED ISSUES

The Housing Act 1996 Schedule II introduced a new ground for eviction if the tenant is a perpetrator of domestic violence. We could then take action against the perpetrator providing we had reasonable grounds to believe that domestic violence has taken place. (NB this does not mean that the woman / man has to go to court.)

RENT ARREARS

In the case of a woman leaving a violent partner where the sole tenancy is in the partner's name, any arrears on that account should not be taken into consideration when assessing an application for re-housing from the woman / man.

In the case of a woman / man leaving a violent partner where the sole tenancy is in their name, any rent arrears on that account should not affect the assessment of an application for re-housing.

REPAIRS

One of the primary objectives of this policy is to ensure that the initial response to women experiencing violence is to safeguard the woman's safety. To do this, repairs resulting from domestic violence which relate to the security of the property and where the health and well-being of children could be affected, should be dealt with on an emergency basis. Payment for damage to property will be determined under the re-charge policy.

OTHER AGENCIES

Section 180 of the Housing Act 1996 enables us to give financial and other assistance to voluntary organisations concerned with homelessness. Currently we support the work of a number of voluntary organisations providing a variety of valuable services to vulnerable homeless people. We recognise the important contribution of the voluntary sector, in particular Leeds Women's Aid, Sahara Black Women's Refuge etc.



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PRODUCED BY EAST NORTH EAST HOMES LEEDS
JULY 2008**