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Housing Community Overview and Scrutiny Committee

Report for:	Housing Community Overview and Scrutiny Committee
Title of report:	Domestic Abuse Policies
Date:	11 January 2023
Report on behalf of:	Councillor Mrs Margaret Griffiths Portfolio Holder for Housing
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix A - Domestic Abuse Policy for Employees Appendix B - Domestic Abuse Policy for Residents, Tenants and Members Appendix 1 - Domestic Abuse Policy for Employees - Additional information about domestic abuse Appendix 2 - Domestic Abuse Policy for Residents Tenants and Members - Our standards for responding to domestic abuse Appendix 3 - Domestic Abuse Policy for Employees – How to access domestic abuse support if you are or have been a victim of domestic abuse Appendix 4 - Domestic Abuse Policy for Employees - How to access support if you are concerned about your own behaviour or that of someone you know Appendix 5 - Domestic Abuse Review & DAHA Accreditation EIA
Background papers:	Domestic Abuse Act statutory guidance - GOV.UK (www.gov.uk) VAWG Strategy FINAL PUBLICATION MASTER vRB.PDF (publishing.service.gov.uk) What is DAHA Accreditation - daha - Domestic Abuse Housing Alliance (dahalliance.org.uk) https://www.hertssunflower.org/media/documents/hertfordshire-da-partnership-strategy-2022-25-.pdf
Glossary of acronyms and any other abbreviations used in this report:	DA – Domestic Abuse DAHA – Domestic Abuse Housing Alliance HTIP – Housing Transformation Improvement Programme HR - Human resources

Report Author / Responsible Officer

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Corporate Priorities	A clean, safe and enjoyable environment Providing good quality affordable homes, in particular for those most in need Ensuring efficient, effective and modern service delivery
Wards affected	ALL
Purpose of the report:	<ol style="list-style-type: none"> 1. Provide information outlining the approach to improving service delivery in relation to Domestic Abuse (DA) 2. Inform Members of the revised policy approach in relation to DA
Recommendation (s) to the decision maker (s):	<ol style="list-style-type: none"> 1. Provide feedback regarding the approach and policy development 2. Support recommendation to Cabinet to implement the policies
Period for post policy/project review:	Annually or upon legislative change

1 Introduction/Background:

It has been estimated that 2.3 million people aged 16 to 74 are victims of domestic abuse a year (two-thirds of whom are women), and more than one in ten of all offences recorded by the police are domestic abuse related (Gov.uk).

Domestic abuse is increasingly being acknowledged as an urgent threat to people on a national and global scale. The past few years have brought landmark changes within the sector: the first Domestic Abuse Commissioner for England and Wales was appointed in 2019, and the Domestic Abuse Act 2021 was published last year. The act has brought about significant changes to how domestic abuse is defined, and the expectations for how it should be responded to.

The Council committed to gaining accreditation from the Domestic Abuse Housing Alliance (DAHA) in 2022, with Domestic Abuse Project Officer, Jodie Bartlett leading the project. DAHA are recognised within the Home Office's Statutory Domestic Abuse Guidance as the 'first domestic abuse accreditation for housing providers'. They aim 'to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process'. The Council are estimated to achieve accreditation in 2024, subject to a continued commitment to the project and progress is monitored via the Housing Transformation Improvement Programme (HTIP).

This report introduces two policies, which have been extensively consulted on with key stakeholders, consultees include those with lived experience - as well as tenants, leaseholders, statutory and voluntary sector partners, staff, Senior Leadership Team and elected Members. As recommended under Standard 1 of the DAHA Accreditation the following has been developed: an updated Domestic Abuse Policy for Residents, Tenants and Members, and for the first time, an additional standalone Domestic Abuse Policy for Employees – Section 2 of the report will outline the key policy introductions.

2 Key Issues/proposals/main body of the report:

This section highlights the key areas of focus that are to be introduced by the new DA policies.

Employees

Introduce a robust support package for employees who are experiencing or have recently experienced domestic abuse that includes:

- Allowing employees who are victims of crime, including those who are victims of domestic abuse, to work flexible hours to allow them to attend court, legal appointments, associated counselling or access support. This would not be available to those accused of acting abusively;
- Extending the provisions of our Special Leave Policy to all victims of crime, (such as domestic abuse, sexual assault, burglary etc.). For victims of domestic abuse, this may be used to relocate, recover from trauma or for any of the reasons given above. This leave would not be treated as sickness or absence and therefore would not trigger any disciplinary proceedings if taken;
- Allowing employees experiencing domestic abuse to request advanced salary pay or salary payment into another bank account (in the interest of minimising economic abuse, and/or increasing the possibility that they will have means to flee if they wish to);
- Adopt a proactive approach to identifying and corroborating employee domestic abuse crimes by implementing a process of asking employees to declare cautions or convictions received in the preceding year as part of an Annual Declaration of Interests. Where information is disclosed about a recent caution or conviction, carrying out an adverse information risk assessment (see Appendix J) when information about an employee's caution or convictions is disclosed, to determine whether the crime/s impact the individual's ability to continue to undertake their role.

Residents, Tenants and Members

Demonstrate how we, as a local authority and housing provider, will respond to those who have acted abusively, by:

- Stating in our policies and Tenancy Agreement that we do not condone domestic abuse, and committing to pursuing enforcement action up to and including termination of tenancy for the person who has acted abusively, where it is proportionate and possible to do so;
- Pursuing enforcement action for domestic abuse related breaches (e.g. abusive behaviour as anti-social behaviour), domestic abuse related damages to property (where it is possible to do so without negatively affecting victim/s) collaborating where possible to strengthen enforcement action;
- Encouraging the use of rehabilitative support services where possible and appropriate;
- Reviewing our DAPN/DAPO process to ensure efficacy;

Commit to not recharging survivors/victims for domestic abuse related damage to property/ies, by:

- Formalising our process of not recharging victims/survivors for domestic abuse related damage to properties (the decision to recharge is currently at the discretion of Tenancy Management);
- Solely recharging the perpetrator where it is possible to do so without increasing risk to victim/s.

Reduce the financial barriers to victim/survivor/s fleeing abusive situations by:

- Developing ring-fenced funding that can be used to cover the costs of ending joint tenancies where a person wishes to end the tenancy to flee domestic abuse;
- Provide support to address or waver (where necessary) rent arrears debt in instances where a person may be otherwise prevented from fleeing domestic abuse through the Housing Panel (or similar counterpart) process OR paying costs through a similar ring-fenced 'pot'.

3 Options and alternatives considered

Alternative options have not been considered. It is necessary for the Council to update and refresh regularly upon material or legislative change its policies to ensure that they remain compliant with the statutory framework and adequately inform all stakeholders of the Council's approach. As the Council has committed to transforming its services to provide exemplar support to survivors and victims of abuse, having two robust policies is identified as a good practice requirement and a step towards gaining DAHA accreditation.

4 Consultation

During the process of delivering activity led by the DA Review, consultation and engagement activity has been integral to development of the new policies - with key stakeholders, ensuring that the learning from good practice, stakeholder feedback and approaches taken by other housing providers are embedded in a robust Dacorum approach to supporting and tackling DA. During the development of the new policies activity has been undertaken as outlined below:

Human Resources

A review of our current Employee Handbook and Human Resources (HR) provision. Good practice examples were gathered from the DAHA network of accredited organisations – this enabled improved understanding of the HR provision in place through other housing providers, in particular examples included Calico Homes in Lancashire who currently provide up to ten working days of paid leave for domestic abuse victims as part of their 'Safe Leave' policy, their staff policy enables ability to grant such leave rests with an employee's line manager.

Good practice example of Adverse Risk Assessments were shared with HR to enable a review of current processes to be undertaken.

Resident Services

Representatives from Tenancy Management, Enforcement and Community Safety Partnership were consulted and engaged with in relation to the introduction of Domestic Abuse Prevention Notices and Orders, known as DAPN and DAPO. The outcome of the consultation and engagement with the project team led to the successful development of procedures to support the use of DAPN and DAPO's in line with the statutory framework.

Further consultation to be had with our repairs contractor/s to identify improvements in identification of DA when delivering services in our homes – via HTIP the review of service delivery will lead to improved governance, consistency in knowledge, reporting and support provided.

Good practice examples gathered from DAHA accredited organisations, Luton Housing and Cambridge City Council. The former state in their policy that they will take action 'repairing damage to the property ensuring that the victim is not recharged where it has been caused as a result of domestic abuse' (this is dependent upon them being aware that DA has occurred). The latter have elected to not recharge for damages at all in properties where they are aware of DA. Further consultation with Property Services in Housing and Finance colleagues will enable development of a Dacorum specific approach.

Consultation and engagement with several housing providers, has identified the benefits of allocating funding to cover the costs (such as legal costs) of ending joint tenancies for those fleeing domestic abuse was included as part of the Domestic Abuse Project Group's early action plan. Options are currently being explored as to how this can be implemented as part of HTIP, with the intention to identify funding using ring-fenced grant such as Homeless Prevention Grant to undertake a pilot scheme.

Consultation with several housing providers has been undertaken and a further good practice example from DAHA accredited organisation, Cheshire East, was identified – they have been able to mitigate the loss of organisational revenue to rent accounts by allocating funding to pay the costs for victims, instead of waiving them entirely. Further exploration is underway via the project group to determine the feasibility of implementing approach within HTIP.

In addition to the above consultation has been undertaken via the following forums:

- DA Project Group – which includes: HR, Community Safety & Safeguarding, representatives from Housing Operations, Property and Strategic Housing;
- Staff and Members via a DA survey;

- Community Safety Partnership;
- Hertfordshire County Council, Strategic Leads and commissioners;
- Tenant & Leaseholder Scrutiny Committee
- DAHA Regional Lead: supported by the DAHA Accreditation Portfolio
- Employees with lived experience of domestic abuse
- Volunteers with lived experience of domestic abuse (facilitated by local support service, Cherished)
- Senior Officers from Strategic Housing, Community Safety & Safeguarding were consulted across all proposals
- Member briefing session
- Senior Leadership Team briefing
- Informal Cabinet

Feedback and learning from consultation and engagement activity has enabled the shaping of the final draft policies attached with the report.

5 Financial and value for money implications:

Effective delivery of DA support has a positive impact on resources, as a robust approach to tackling DA may for example: prevent homelessness and necessary costs of administration of applicants and temporary accommodation provision or travel services, early intervention may prevent damage to property and/or escalation of rent arrears.

Should the Council go on to implement additional services such as additional provision of paid leave, this will have a financial impact, which will need to be determined through service planning and the budget setting process.

Where modifications are required to an employee's role following an adverse risk assessment, this may result in financial or resource impact.

At the current time no additional financial outlay is required, the Council may benefit financially from strengthening service delivery and processes, such as reviewing the approach to rechargeable costs following damage caused to property.

Should it be determined following further consideration to introduce 'ring-fenced' funding allocations to support activity – this will have financial implications, which will need to be determined through budget setting process. Any such decisions will in the first instance require further consideration by SLT.

6 Legal Implications

Any amendments to policy and/or our tenancy agreements, will be undertaken in collaboration with Legal and Democratic Services to ensure statutory compliance.

The development of the new policies, provides reassurance that the Council is committed robustly to supporting victims and survivors of domestic abuse, taking action against perpetrators and ensuring compliance with the legal framework.

7 Risk implications:

A robust policy approach, provides reassurance that the Council has appropriate governance and processes in place to support, safeguard victims and survivors taking mitigating actions against risks arising through delivery of activity and safe case management practices.

8 Equalities, Community Impact and Human Rights:

Community Impact Assessment has been undertaken and approved by the Council's Equality, Diversity & Inclusion Leader officer – the assessment is pending formal sign off and adoption to the register. The impact assessment identifies that adopting the DAHA framework and achieving standards is likely to positively impact those from protected groups. The assessment provides detail of the analysis of the impact on protected groups

and others, outlining clearly the steps that will be taken to remove barriers that those with protected characteristics may face in accessing support and making concerted efforts to reduce them wherever possible.

Human Rights –there are no Human Rights Implications arising from this report.

9 Sustainability implications (including climate change, health and wellbeing, community safety)

There are no sustainability issues arising from the development of these policies, the implementation will provide clearer guidance as to the Council's approach when dealing with DA, enabling marked improvements in service delivery and supporting the health and wellbeing of those affected. Day to day delivery of activity within the remit of the policy, will be overseen by the Joint Action Group (JAG) ensuring that it is aligned with our Community Safety delivery plans.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

Human Resources have indicated that any later process changes that require amendment to HR policy, will need to be approved with the Trade Union.

11 Conclusions:

This report outlines the intention to introduce two new policies, providing clear direction as to the approach that will be undertaken by the Council when tackling perpetrators of DA and supporting victims and survivors. The policies have been consulted on broadly and are compliant with the key recommendations of DAHA accreditation framework, of which the Council is the only local authority in Hertfordshire that has committed to date to achieving.