



53 Ballindalloch Drive, Glasgow G31 3DQ

DEALING WITH DOMESTIC ABUSE POLICY

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0141 551 8131



0141 550 2060



admin@milnbank.org.uk



www.milnbank.org.uk

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1. **INTRODUCTION**

The Dealing with Domestic Abuse Policy aims to clarify action and support that MHA endeavours to provide in domestic abuse cases.

MHA recognises that anyone can be a victim of domestic abuse. Abusers and victims can be male or female, and of any race, religion and from all different types of background.

MHA believes that domestic abuse presents one of the highest risks to personal safety and is unacceptable. As an association we will take the strongest action possible against perpetrators of domestic abuse where we have the power to do so and with the consent of the victim.

We will deal with all reports of domestic abuse as a matter of urgency and will assist the victim to reach a decision which they feel best secures their safety by:

- Reviewing their accommodation
- Enabling the level of assistance they want
- Taking action against the perpetrator which the victim and we feel is the most appropriate

MHA has signed up to the Chartered Institute of Housing "Make a Stand" pledge to demonstrate our commitment to support people experiencing domestic abuse.

2. **DEFINITION**

MHA accepts the Scottish Government definition of domestic abuse which is:

Domestic Abuse, as gendered based violence, 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, with-holding money and other types of controlling behaviour such as isolation from family and friends. It can be characterised by a pattern of coercive control often escalating in frequency and severity over time.

(Source: National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000)

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by:

- isolating them from sources of support,
- exploiting their resources and capacities for personal gain,
- depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

Coercive behaviour is an act or pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.

3. **LEGISLATIVE AND REGULATORY REQUIREMENTS**

This policy has been developed taking into account the relevant legislation and guidance, this includes:

- Housing (Scotland) Act 1987/2001/2010/2014
- Human Rights Act 1998
- Data Protection Act 1998 and 2018
- Domestic Abuse (Scotland) Act 2018
- General Data Protection Regulations 2016 (GDPR)
- Equality Act 2010
- Matrimonial Homes Act 1983

4. **CONFIDENTIALITY**

Victims will be encouraged to allow MHA 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 assistance provided. However, all information provided by the victim will be treated with the utmost confidence and only passed to external agencies with their proper, informed consent

The exceptions to this will be:

- 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
- if we are obliged by law to disclose information.

Information will be shared with work colleagues on a strictly 'need to know' basis. We will adhere to all current data protection requirements.

5. **OPTIONS FOR ACTION**

MHA recognise that every reported case of domestic abuse will be different. Our response will therefore be tailored to the individual circumstances and the needs of the victim. When a tenant or household member reports domestic abuse all available options will be discussed and considered with them, including:

- making arrangements for their immediate personal safety;
- reviewing and where possible improving the safety and security of their existing accommodation, to enable them to remain there safely;
- helping them to access support from local Women's' Aid services
- referral to Glasgow City Council's Homeless Service
- reporting incidents to the Police, which may result in criminal action against the perpetrator;
- where appropriate, legal action against the perpetrator by MHA.

The safety of the victim and their dependents will be our priority. An Action Plan setting out further actions will be agreed with the victim, and we will regularly contact the victim and keep them updated with progress.

- **Remaining in the Property**

We will advise victims who wish to remain in their own homes of any local 'sanctuary' schemes (i.e. funds available to improve the security of their existing accommodation). We will offer assistance to those experiencing domestic abuse by not recharging them for lock changes and damages due to the domestic abuse. Where the Police have been involved and there is an incident number and locks are changed, where appropriate, we will charge costs to the perpetrator.

- **Emergency Rehousing**

Where a resident reporting domestic abuse needs emergency accommodation MHA will provide advice and assistance on accessing such accommodation provided by Glasgow City Council or by a women's refuge.

- **Permanent Rehousing**

Where a resident reporting domestic abuse requests permanent rehousing, MHA will prioritise their application appropriately with high harassment points and relationship breakdown points as per our allocations policy. We will review and determine the action to be taken on a case by case basis. Only one offer will be made on this basis.

Where there is no suitable MHA housing available, or the rehousing requires to be out of the area, we will work with Glasgow City Council to access alternative accommodation.

- **Multi-Agency Approach**

MHA will adopt a multi-agency approach in dealing with victims and perpetrators of domestic abuse, to ensure the safety of the victims, co-ordinate available resources, access specialist services, and take action against perpetrators.

MHA will work with the Police and other external agencies in dealing with perpetrators of domestic abuse. Action against perpetrators will depend upon individual circumstances. This may include legal action for recovery of possession against a perpetrator, where other members of the household have left the home because of domestic abuse.

Subject to data protection requirements, we will share information with other relevant agencies so that serial perpetrators are identified and dealt with appropriately.

6. **MONITORING AND COMPLIANCE**

The policy will be reviewed every three years, or as otherwise deemed necessary, in accordance with the policy review programme agreed by the Services Committee.