



# Domestic Violence

**Version: 3.0**

**Document owner: Head of Service Improvement**

**See also: Confidentiality Policy, Ending Tenancies**

**Date last reviewed: July 2024**

**Date due for next review: July 2027**

This Policy will be applied in a way that will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It applies to all staff.

<b>Version number</b>	<b>Amendment</b>	<b>Amended by</b>	<b>Date</b>
1.1	Added sentence from safeguarding policy about reporting matter to social services	Annette Morrison	6 <sup>th</sup> June 2016
1.2	Added clarification as to how Belmo should be updated and how we would expect them to share information	Annette Morrison	9 <sup>th</sup> Sept 2016
1.3	Added appendix on Sanctuary projects.	Annette Morrison	12 <sup>th</sup> January 2017
1.4	Added clarification following Quality Audit around advising Income and how abandonment process should reference DV. Also added about role of Belmo	Annette Morrison	6 <sup>th</sup> March 2017
1.5	Added what happens if person does not attend interview & approach to Int Rent	Annette Morrison	17 <sup>th</sup> May 2017
1.6	Added where supporting information provided that no need for initial interview within 24 hours	Annette Morrison	20 <sup>th</sup> September 2017
1.7	Added timescales for Enforcement & removed reference to Transfers	Annette Morrison	12 <sup>th</sup> December 2017
1.8	Removed reference to React	Annette Morrison	18 <sup>th</sup> April 2018
2.0	Reviewed with staff as part of 3 yearly review	Annette Morrison	15th June 2021
2.1	Amended policy to reflect new role of Complex Case worker within Homes & Lettings	Annette Morrison	23 <sup>rd</sup> May 2023
3.0	Reviewed with staff as part of 3 yearly review – reviewed definition/stats; added checking all contact details, update household members, Safeguarding referral & clarity of roles for residents who move out	Annette Morrison	July 2024

## 1. Purpose

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To give staff guidelines in dealing with survivors reporting domestic violence (DV).

## 2. Definitions

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In 2024 the government's definition of domestic violence and abuse is 'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality'. It also includes 'honour' based violence, female genital mutilation and forced marriage.

Anyone can be a survivor of domestic abuse, regardless of gender, age, ethnicity, socio-economic status, sexuality or background - and it is defined as follows:

- Domestic abuse is not always physical violence. It can also include:
- Coercive control and 'gaslighting'.
- Economic abuse.
- Online abuse.
- Threats and intimidation.
- Emotional abuse.
- Sexual abuse.

Women's Aid define domestic abuse as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in most cases by a partner or ex-partner, but also by a family member or carer.

- Domestic abuse can include, but is not limited to, the following:
- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence).
- Psychological and/or emotional abuse, name calling, threats, belittling, humiliation, verbal abuse, stalking, controlling the life of partner, threatening to commit suicide, using the children to threaten partner.
- Physical or sexual abuse.
- Financial or economic abuse involves a perpetrator using or misusing money which limits and controls their partner's current and future actions and their freedom of choice. It can include using credit cards without permission, putting contractual obligations in their partner's name, and gambling with family assets.
- Harassment and stalking - stalking is a pattern of persistent and unwanted attention that makes the person feel pestered, scared, anxious or harassed. Some examples of stalking are - regularly giving unwanted gifts, making unwanted communication and damaging property. Repeatedly following/spying on the person and threats.
- Online or digital abuse can include behaviours such as monitoring of social media profiles or emails, abuse over social media such as Facebook or Twitter, sharing intimate photos or videos without your consent, using GPS locators or spyware.

### **3. Background information ([safelives.org.uk/policy-evidence/about-domestic-abuse](https://safelives.org.uk/policy-evidence/about-domestic-abuse))**

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- According to Crime Survey of England and Wales (CSEW), for the year ending March 2020, an estimated 1.6 million women and 757,000 men aged 16 to 74 years experienced domestic abuse in the last year.
- On average the police in England and Wales receive over 100 calls relating to domestic abuse every hour (HMIC, 2015).
- The Crime Survey for England and Wales year ending March 2020 showed that women aged 16-19 were significantly more likely to be victims of any domestic abuse in the last year than those over 25.
- 53% of violence against the person offences experienced by female victims were flagged as domestic abuse related.
- It is estimated that less than 24% of domestic abuse crime is reported to the police.
- 1 in 3 pregnant women experience Domestic abuse. (NHS 2023)
- One in four women aged 16-59 will experience domestic abuse in their lifetime. (Office for National Statistics (2022)
- One woman is killed by an abusive partner or ex every five days in England and Wales. (Refuge)
- 20% of children in the UK have lived with an adult perpetrating domestic abuse. (Refuge)
- It is estimated that around three women a week commit suicide and 30 women attempt suicide every day as a result of domestic violence. (Professor Sylvia Walby 2004 - The Cost of Domestic Violence)
- 20% of women in Refuge's services are pregnant or have recently given birth. (Refuge Performance Report, 2017-18)
- It takes on average seven attempts before a woman is able to leave for good. (Refuge)

### **4. Standards**

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- All those reporting domestic violence will be given basic advice and signposted to agencies at point of contact. All reports of domestic violence will be responded to within 48 hours of notification. Where a report is received by any member of staff, they are responsible for logging the case and referring to Service Centre Team Co-ordinators (SCTCs) within 48 hours.
- All cases will be advised of what steps Newlon will be taking/given advice as to what action they can take or what housing options there are.
- Where required survivors will be given advice about the Sanctuary Project (where the tenant is not moving immediately).
- All cases will be managed via Dynamics.

### **5. Policy**

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- The Trust will ensure that all reports of domestic violence are responded to within 48 hours, in a sensitive manner and in line with Newlon's Confidentiality Policy/GDPR principles. The survivor will always be given the option of seeing an officer of the same

sex. The Trust will only undertake further enquiries with the consent of the survivor and share information with other agencies, only with the survivor's consent.

- The officer is responsible for keeping the survivor informed about the progress of the case and signposting the survivor where appropriate to more specialist agencies.
- Where DV is reported and there are children in the household, this will be reported as a Safeguarding concern to the Children's Safeguarding lead in the relevant local authority, in line with the Children's Safeguarding policy.

## **6. Procedure**

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### **6.1 Initial report**

When a report is first made, this should be handled by the Service Centre Team Coordinator (SCTC), who should arrange to meet the survivor within 48 hours. Where appropriate this can be at Newlon's offices or the survivor's home or if neither can be arranged over the telephone. Where supporting information has been provided from a 3<sup>rd</sup> party, documenting the evidence and what support is being provided, this interview may not be appropriate, however telephone contact or contact via Teams should still be made with the survivor to discuss their housing situation and provide advice as outlined below.

If a neighbour reports that they have concerns about their neighbour who may be a victim of domestic violence but wishes to remain anonymous, the case should be referred to the SCTC who will decide how best to proceed. It would need to clear which person within the household was the perpetrator and who the survivor was and that we were able to maintain the anonymity of the person reporting. If the latter is not possible the SCTC will need to decide how best to proceed, assessing the potential risk the survivor may be in.

If the initial report comes via a Multi-Agency Risk Assessment Conferences (MARAC) referral, the same process as outlined above should take place.

The case should be logged on Dynamics as an Information and Advice case, Cat 1 – Service Centre, Cat 2 – Domestic Violence.

Officers should only visit the home where there is no risk of violence for either the survivor or staff member at the time of the visit. The meeting should be arranged at Newlon's Office so confidentiality can be maintained.

At the time of the first report, it is important to find out the following:

- What is best way to contact and what contact details should be used, and check other contact details on dynamics, ideally adding a NOK. Where appropriate, any contact details not belonging to the tenant(s) should be removed. Where appropriate a contact restriction flag may be considered to ensure that no information is shared with the alleged perpetrator if they are a joint tenant.
- Whether any other agencies (including support agencies) are involved – names and contact details to be documented.
- Whether the survivor can continue to reside at her/his address – this will be based on severity of risk. (See 7 for more information on this.)
- Whether any legal action has been taken against the perpetrator – either civil or criminal.

- If the survivor is not able to remain at their property, then arrangements will need to be made with Women's Aid or the Local Authority for temporary accommodation.
- If the survivor is married or it is a joint tenancy, then they will need to seek legal advice specifically around this.
- Whether any emergency repairs to be carried out. (Where it is a joint tenancy a lock change may not be able to be done and check with TCs). See 7.6 for further guidance.

## **6.2 First interview**

The SCTC should go through the domestic violence Initial Interview form, which documents what action both the survivor and Newlon are going to take. A copy of it should be signed by the survivor and given to them. The survivor should be asked to:

- Give details of any incidents that has occurred, including dates, location.
- Provide details about the perpetrator, for example, their name and where they live.
- Tell us if any previous incidents have been reported to the police or other agencies.
- Let us know whether any legal action has been taken by the survivor and what they want Newlon to do regarding this matter.
- Where the survivor is not taking legal action, it should be clarified why this is.
- Where there is a joint tenancy and it is the joint tenant who is the alleged perpetrator, the SCTC should clarify where they are, as well as advising the survivor to seek legal advice about the implications for their tenancy.
- Where there is a joint tenancy and it is the joint tenant who is the alleged perpetrator, advice would need to be sought before any lock change could be considered.
- Confirm who is living in the home and check against the household members on Dynamics. Where this is not up to date, the resident should be advised what is required to update our records.

## **6.3 Information to Survivor**

Where the survivor is not already linked into a service, the SCTC should make a referral to the appropriate DV services for the borough that the survivor lives in. The SCTC should make the survivor aware of this. This is to ensure that they receive appropriate support.

The officer interviewing will then advise the survivor of the options available to them and what the Trust can do to assist. The SCTC should advise the survivor that they can seek advice from the following:

- National Domestic Abuse Helpline – 0808 2000 247  
<https://www.nationaldahelpline.org.uk/> (run by Refuge).
- The National Domestic Abuse Helpline adviser will offer confidential, non-judgmental information and expert support. The team will provide a listening ear if you want to talk about your experiences and support you to work through your options in the short and long term. They will work with survivors to keep them safe and give them information so they can make informed choices. The helpline can also help survivor's access refuge accommodation, or other specialist domestic violence services, and direct survivors to other specialist services.

- The helpline is free to call. It uses the services of Language Line to provide access to interpreters for non-English-speaking callers. The helpline can also access the BT Type Talk Service for deaf or hard-of-hearing callers. The helpline is open 24 hours a day and every day of the year.
- The Men's Advice Line, for male domestic abuse survivors – 0808 801 0327 [www.mensadvice.org.uk](http://www.mensadvice.org.uk) (run by Respect)
- The Mix, free information and support for under 25s in the UK – texting THEMIX TO 85258 [www.themix.org.uk](http://www.themix.org.uk)
- National LGBT+ Domestic Abuse Helpline – 0800 999 5428 [www.galop.org.uk/get-help/helplines](http://www.galop.org.uk/get-help/helplines) (run by Galop)
- Samaritans (24/7 service) – 116 123 [www.samaritans.org](http://www.samaritans.org)
- Women's aid [www.womensaid.org.uk/](http://www.womensaid.org.uk/) and the Survivor's Handbook [www.womensaid.org.uk/information-support/the-survivors-handbook/](http://www.womensaid.org.uk/information-support/the-survivors-handbook/)
- Surviving Economic Abuse - [www.survivingeconomicabuse.org/i-need-help/](http://www.survivingeconomicabuse.org/i-need-help/)
- Surviving Economic Abuse: Transforming responses to economic abuse – [www.survivingeconomicabuse.org/](http://www.survivingeconomicabuse.org/) – provides support around economic abuse.

#### **6.4 Dealing with the perpetrator**

If the perpetrator is a tenant of the Trust, the SCTC should state that it is the Trust's policy to seek legal action against them. The SCTC should check with the survivor whether they would consent to do so and that we would need to contact any appropriate agencies, such as the local authority, the police or advice centres involved in the case. A consent form should be signed by the survivor (this is on the intranet). The SCTC should make the DV survivor aware that to take any action, Newlon will require evidence. It is important that both the officer and survivor are clear at the end of the interview what action (if any) will be pursued in each case.

The survivor should be advised that the case will be logged as an antisocial behaviour (ASB) case (if the alleged perpetrator is living at the property), the SCTC Should advise the Income and Investigation Team the details of the case, so this can be logged on Dynamics.

The survivor should be advised to seek independent legal advice, as well as speaking to agencies such as Women's Aid for support.

#### **6.5 Role of Complex Case Officer (Homes and Lettings) and Tenancy Sustainment Officer.**

Once the initial interview has been held the case should be assigned to the Homes and Lettings Complex caseworker/Tenancy Sustainment Officer. They will be responsible for the following actions:

- Following up on any links the person has with agencies/social services.
- Carrying out a risk assessment to ascertain if it is safe for the resident to remain where they are. This must then be added to the case and any actions identified progressed.
- Reporting matter to social services as per 6.6.
- Checking to ensure that security measures (where appropriate) have been completed.
- Seeking reciprocal/Pan London as outlined in 7 and 8 below.



## **6.6 Reporting the matter to social services**

If a Newlon Officer is made aware that there is domestic violence within a home and there are children in the home, then the staff member dealing with the DV case should make the survivor aware that we will need to report this matter to Children's Services, as this kind of environment does impact on a child's welfare and make Newlon's Safeguarding Officer aware. The survivor should be advised of this, unless to do so could increase the risk to the child or other parties (including your staff) or interfere with a police investigation. This should be logged as an Information and Advice case – Cat 1 – Safeguarding.

Where the survivor of DV is vulnerable and there are safeguarding concerns for them, this should be brought to the attention of the appropriate Adult Social Services team, through a safeguarding referral.

## **6.7 No contact from survivor**

Where the survivor does not attend the interview, the SCTC should try and contact the survivor, using only contact details that are safe, i.e., not the home phone number if it is thought that the alleged perpetrator may access the messages.

The SCTC should try and contact the survivor on two occasions (leaving a week between contact). This could be using next of kin details or the forwarding address they may have provided. It is vital that the survivor's safety is treated as paramount in this scenario. Where there are support services involved, they should be made aware.

Where they have been unsuccessful in getting in contact the case should be passed to the Complex Case worker. This should be done in the form of a task on the case. The Complex Caseworker/Tenancy Sustainment Officer should aim to visit where it is safe for the survivor to do so.

## **7. Immediate/short-term options to discuss with survivor**

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Where the person has left or intends to leave the property, they should be advised by the SCTC about claiming Housing Benefit on two homes (they are only eligible for this if they have and state that they have an intention to return to the property) and advise Income of this. The survivor should be asked to provide contact details so Newlon can contact them should they need to. This information must be treated in confidence.

The SCTC is responsible for advising Income of this change in circumstances and address, this should be done via email within Dynamics. The Income Officer should be asked to set a reminder for when the 52-week period is nearing an end.

### **7.1 Temporary accommodation**

Where the survivor has stated that they cannot stay at the property and need immediate emergency rehousing, the Senior Service Centre Advisor should discuss with them their options for emergency accommodation, as Newlon is unable to assist.

- Staying with friends/family.
- Approaching the Local Authority (LA) – see Appendix 1.
- Women's' Refuge – they should contact the National Domestic Violence Hotline (some refuges do not allow boys to stay over the age of 13 or 14 but this should be checked).
- The Men's Advice Line 0808 801 0327 for specialist support.



If they are unable to or are scared to return to the property, they can seek assistance from the Police. The Police will escort anyone in fear of violence, to their homes and remain with them until they collect essential items such as clothing, documents, medication etc.

### **7.2 Via local authority (see Appendix 1 for more information)**

The local authority is likely to have a legal duty to re-house anyone experiencing domestic abuse. In most cases, the survivor will be considered 'unintentionally homeless' under the law. A person is legally considered homeless when he/she is living with a perpetrator or living in a refuge. If they are not living with a perpetrator, but the perpetrator knows where they live, they might still be considered legally homeless.

The Senior Service Centre Advisor should advise the survivor that they should contact the LA to apply for assistance with temporary rehousing, having outlined the LA's responsibility for this. The Senior Service Centre Advisor should discuss this matter initially with the Homes and Lettings Team as there may implications around reciprocal arrangements with the Local Authority. The SCTC should provide the survivor with the letter from Dynamics for LA referral.

### **7.3 Via Refuge - 24-hour National Domestic Violence Helpline 0808 2000 247**

If the survivor encounters any difficulties in getting housed by the Local Authority, refuges can provide safe, emergency temporary accommodation for women and children primarily who need protection from violence. There are fewer refuges for men. They offer information, advice and support. Women are normally referred to a refuge outside their local area as a safety precaution both for her and the other women at the refuge. There are some specialist housing in London for some client groups such as Asian women, Irish women, Jewish women and African/Caribbean women.

The helpline is a crisis service and is not intended to offer general information on domestic violence. Helpline staff respond according to caller's needs and may for example:

- Refer survivors (and any children they may have) to emergency safe accommodation.
- Provide information about legal rights, housing, or welfare rights, and options and referral to relevant services and professions.
- Carry out safety planning for staying, leaving immediately or leaving in the future.
- Offer emotional support and (if appropriate) refer to counselling and other services.
- Refer survivors to face-to-face support via community-based drop-in or outreach domestic violence services in their locality.
- Refer callers to the online Survivors Handbook.
- In addition to offering confidential support and information, the helpline workers are a source of practical help and information about housing rights and entitlements, information on getting injunctions, or reassurance about calling the police.

### **7.4 Male victims of domestic abuse**

Some agencies provide specialist support for male survivors of DV:

- Mankind – Tel - 01823 334244
- Men's Aid – Tel – 0333 567 0556; email – [help@mensaid.co.uk](mailto:help@mensaid.co.uk)

## 7.5 Housing Benefit

Where the survivor must leave her/his principal home, claimants should be treated as occupying two properties and are entitled to housing benefit on both, where they have had to leave and remain absent from the normal home through fear of violence in the home. Where there **is an intention to return to the property** housing benefit may be payable for a maximum of 52 weeks. Where there is no such intention, the claimant must be treated as occupying the former home for up to four weeks if there is an unavoidable liability to make payments on it. Actual violence need not have occurred, and the claimant has only to show that she or he is afraid of violence occurring in the home or from a former member of the family.

There are special provisions if a person is temporarily absent from their home through fear of domestic abuse. These provisions also apply if they get their rent paid through Universal Credit housing costs. If they intend to return to their former home, they can receive Housing Benefit on two homes (for both a former permanent home and temporary accommodation), which can be paid for up to 52 weeks.

The Complex Case Worker/Tenancy Sustainment Officer will be responsible for monitoring the case to ensure that the resident is aware when their HB will expire and what the implications are regarding the liability for rent. They should engage with the resident regarding their tenancy in advance of the 52-week period, making it clear that arrears action taken against them for debt will potentially make them intentionally homeless. After 52 weeks the survivor will become liable for the rent on both homes as HB will not pay the rent any longer. If the survivor has not moved into suitable permanent accommodation by this stage, then the survivor should contact Newlon regarding their tenancy.

The Income and Homes and Lettings Team as well as the Financial Inclusion Officer will need to coordinate their approach regarding this.

## 7.6 Repairs to property

Newlon will treat as a priority any damage that has been caused to the property relating to security, because of the DV. This should be arranged via the Service Centre immediately as an emergency repair. This may include a lock-change where the perpetrator is not a Newlon tenant and has obtained a copy of the keys to the property or the front door has been damaged. Any other repairs should be discussed with the Senior Service Centre Advisor who will inform the survivor of Newlon's repairing obligations.

Where the perpetrator is a joint tenant then advice should be sought from the Homes & Lettings Manager before agreeing to any lock change unless a survivor has shown a copy of a non-molestation order/occupation order where the terms prevent the perpetrator from occupying the property. Any decision around this matter should be documented on the case, to demonstrate that the risks that have been considered and that any decision is proportionate.

## 7.7 Liaison with MARAC

The Homes and Lettings Officer (Complex Caseworker)/Tenancy Sustainment Officer will take the lead on MARAC referrals and attending any case conferences stemming from these.

## **8. Longer term options**

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Where rehousing is sought from Newlon, then once all the actions are completed by the SCTC, a separate case, which is linked to the DV case should be created for the Homes and Lettings team for rehousing options. The Homes and Lettings Officer will then advise the survivor what Newlon can assist with. Where rehousing is required, options are to be discussed with Homes and Lettings and documented accordingly. Where there are arrears, an agreement would need to be in place and approved by the Housing Director or in their absence the Assistant Housing Services Director.

### **8.1 Mutual exchange**

Whilst this is an option that can be discussed with the survivor, this is often not appropriate, as the incoming survivor will know the address of where the survivor has moved to and may not be a safe option.

### **8.2 Liaison with local authority (LA) for permanent accommodation**

Where a survivor wishes to move a reciprocal arrangement can be sought. The Homes and Lettings Team will be responsible for contacting other Registered Social Landlords and LAs in the areas that the survivor wishes to move to. Records must be kept on these contacts and feedback given to the survivor regarding whether this has been successful or not. Details of the case will need to be disclosed to those who will accept a reciprocal, so permission to disclose this information will be required of the survivor. Alternatively, where there is a Pan-London scheme which the survivor may be referred to. This will only be done in severe cases where there is supporting evidence that the survivor's life is at risk. (This is usually a 'one offer only' scheme.) It should be made clear at the initial stage what the conditions are for this scheme, in terms of no of boroughs that must be stated etc.

It is important that the resident's expectations are managed as some local boroughs have published their average waiting time for social housing as 10 years for a two bedroom property and longer for larger accommodation.

Whilst awaiting a move it is important that the officer managing the case regularly checks in with the survivor and they have made plans for safety planning should the risk increase for them.

## **9. Ending the tenancy**

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Where the perpetrator of the DV is a joint tenant with the survivor, the SCTC must stress that the survivor seeks advice around what legal options are available to her/him. (See Ending Tenancies for further information.) Newlon staff cannot advise a survivor on this matter.

The SCTC should liaise with the Income and Investigations Team around what course of action can be pursued to end the existing tenancy. Where the tenant is unable to give up vacant possession, the Income and Investigations Officer will make the decision on which course(s) of action is/are the most appropriate and manage the case where Newlon take further legal action.

### **9.1 Ending a joint tenancy - service of Notice to Quit (NTQ)**

A joint tenancy may be ended by the service of a Notice to Quit by one of the tenants. Newlon staff cannot provide advice on this and instead must refer the survivor to seek legal advice about this. Caution is advised when taking this course of action, as the outcome, i.e.

the loss of the alleged perpetrator's home needs to be proportionate to the individual circumstances of the case. Legal advice should be sought in this instance.

If a NTQ is served, it must be completed by the survivor, giving four weeks full notice, upon expiry the tenancy will be ended. During the four-week notice period, the Lettings Officer must write to the perpetrator, within five working days of receipt of the NTQ, stating that a NTQ has been served by the survivor, which the Trust has accepted, thus bringing the joint tenancy to an end. This allows the Trust to enact the 'Greenwich vs. McGrady' decision. The remaining partner would need to seek housing advice to ascertain whether the LA will rehouse them.

The Homes and Lettings Officer must advise the Income and Investigations Officer that this has been done, as the case will be referred to the Income and Investigations Team should the keys not be returned with vacant possession.

## **9.2 Possession proceedings**

Where Newlon need to commence possession proceedings, the case will be managed by the Income and Investigations Team. The Income and Investigations Officer should seek legal advice before serving a NOSP, prior to the expiry of the NTQ. The NOSP (where this is to be served) should be served within 10 working days of the NTQ expiring. This should be recorded on Dynamics. The Housing Act 1996 is the primary tool available to RSLs to evict perpetrators of DV, it provides grounds for possession in assured and secure tenancies, where:

- One or both partners is a tenant i.e. a sole or joint tenancy.
- One partner has left because of violence or threats of violence by the other towards her/himself or another member of her/his family who was also living with her/him immediately before s/he left and
- The court is satisfied that the partner who has left is unlikely to return.

For secure tenancies, Ground 2A is added to schedule 2 of the Housing Act 1985 by Section 145 of the Housing Act 1996 and for assured tenancies new ground 14A is added to Schedule 2 of the Housing Act 1988, by Section 149 of the Housing Act 1996. These grounds apply where the dwelling is occupied by a married or civil partnership couple or a couple living together as husband and wife whether or not there are other people living there as well.

For Assured Tenancies, Ground 14A Domestic Violence: One of a married couple (or a couple living as husband and wife) has been driven from the home by actual or threatened violence by the other and is unlikely to return.

If the 'domestic violence' ground (2A) is being used, and the partner who has left is not the tenant, i.e. the tenancy is in the perpetrator's sole name, the landlord must serve a copy of the notice on the partner who has left or take all reasonable steps to do so. If this has not been done the court will not entertain proceedings.

Where both the domestic violence and the amended nuisance ground are specified in the possession proceedings, the court has discretion to dispense with the requirement to serve notice on the non-tenant if it considers it just and equitable.

Once the Notice has expired the case should be referred to solicitors within five working days, where the person has not vacated the property. The Income and Investigations Team should monitor the progress of this case with the solicitors to ensure that legal action is promptly taken. All updates should be recorded on Dynamics.

### **9.3 Matrimonial Causes Act 1979 and Children Act 1989 route:**

Under these Acts, the court can order a tenant to assign a tenancy to a spouse, i.e. a deed must be drawn up after a court order. The applicant must ask for their tenancy to be named in the proceedings, so that the court can make this decision.

If assignment is forbidden, court has power under the Family Law Act 1996 to vest a tenancy from one tenant to the other i.e. transfer takes place by virtue of the court order, not by deed of assignment. This covers the following tenancies – Protected/statutory; Secure and Assured.

The Act extends the right to apply for a transfer of tenancy to cohabitants, (heterosexual or same sex) whether sole or joint tenants, when or after cohabitation ends. Both parties must have lived in the home together as husband and wife (or in an equivalent relationship) not just have intended to live in it together.

The courts will take the following matters into consideration:

- Circumstances as to how the tenancy was granted.
- Suitability of the parties as tenants.
- Housing needs and housing resources of each of the parties and any relevant child.
- Financial resources of each of the parties.
- Likely effect of the making of an order on the health and safety of the parties and any relevant children.

Where it is a sole tenancy, the following matters will also be considered:

- Nature of relationship.
- Length of time they have lived together.
- Whether there have been any children for whom they both have parental responsibility.
- Length of time which has elapsed since the parties ceased to live together.

## **10. Returning to the property**

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### **10.1 Advice agencies**

Where the survivor decides to return to the property and potentially the perpetrator, advice should be given around other agencies that may be able to offer specialist support and guidance to the survivor – this can be found online. Survivors should be encouraged to report DV incidents to the police.

### **10.2 Sanctuary project (see Appendix 1 for more information)**

(This may be an option that a shared owner may wish to pursue). A Sanctuary Scheme is a multi-agency victim centred initiative which aims to enable households at risk of violence to remain safely in their own homes by installing a 'Sanctuary' in the home and through the provision of support to the household.

It is designed to enable survivors of DV to remain in their own accommodation, where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation. If a survivor feels compelled to move then the disruption to family and other support networks, education and employment can sometimes lead to homelessness. This scheme will not be appropriate in all DV cases, and it is a voluntary option and the wish of the survivor to remain in the accommodation is paramount.

The main feature of the scheme is the creation of a 'Sanctuary room', providing a safe room from where the survivors can call and wait for the arrival of the police. The criteria for eligibility for the scheme is that the referring agency must be satisfied that without the work the survivor would be likely to become homeless.

The two basic types of the scheme available are:

- Sanctuary – door to a main room, generally the main bedroom, is replaced with a solid core door, reversed to open outwards and the frame reinforced. Two Europrofile locks are fitted to the top and bottom of the door, operated with the same key with thumb turns on the inside, three large steel hinges, hinge bolts and a memo door viewer. This provides a safe room or 'sanctuary' from where the survivors can call and wait for the arrival of the police. Window lock, front and back door locks and fire safety equipment are also provided.
- Sanctuary Plus – this would normally have all the above elements plus additional security features, e.g. grilles, extra sanctuary doors to the front and back of the property. London and Birmingham bars etc. Survivors are provided with fire safety equipment, which includes intumescent (expanding) fire seals rebated into the sanctuary doors, smoke detectors, break glass hammers, emergency lights and fire blankets.

Some boroughs that Newlon work in offer this support.

### **10.3 Civil options – occupation orders and injunctions**

There are two types of options available to survivors of domestic violence that the survivor may wish to pursue:

- Non-molestation order (injunction) – this aims to prevent further violence by regulating the perpetrator's behaviour, it may also exclude the respondent from entering a specified area. They can last for 6 -10 months.
- Occupation order - addresses the occupation of the family home, stating that one person can stay there and the other should leave.

### **10.4 Criminal option**

The Serious Crime Act 2015 creates a new offence of controlling or coercive behaviour in intimate or familial relationships. The offence carries a maximum sentence of five years' imprisonment, a fine or both.

## **11. Follow up**

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Once all the options have been discussed with the survivor, it is important that the survivor is clear as to what action Newlon (and who within Newlon) will take and what we may expect of them. This should be done by providing the survivor with a summary of discussion/advice given. Where the interview has taken place over the phone then this should be sent to a 'safe' address. The officers responsible for these tasks are then responsible for updating the survivor on the progress of these matters.

All cases should be kept open until alternative accommodation is obtained and the resident checked in with monthly.

Where the survivor is not moving and there is no change in the level of risk, the Complex Case Officer should check in monthly and keep open for three months and only close where there is no risk.

Cases should be reviewed regularly.



## **Appendix One - Guidance around making applications to local authorities.**

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1. Choose a local authority to apply to. If you're fleeing domestic abuse, this can be anywhere – you do not need a local connection.
2. It's a good idea to make the application in writing. The homelessness charity Shelter has a standard template you can use. Remember, if your partner might be tracking how you use the internet, read these tips on safe browsing before searching for support online.
3. Once you have submitted your homeless application, the local authority will have a time limit of around three months to make a decision on your case and provide you with suitable accommodation. If they are taking longer than this, speak to your domestic abuse support worker.
4. In the meantime, the first step is for the local authority to place you in safe temporary interim accommodation, whilst they assess your case. This could be in a refuge or bed and breakfast accommodation. The 'test' for interim accommodation is whether the authority has reason to believe that a woman may be in 'priority need'. Women with children are more likely to meet this threshold.
5. If you do not have children, you may want to consider making your application in a smaller city, town or more rural area, where there may be more accommodation available. If you make your application in a big city like London, Birmingham or Manchester, it is less likely you will be accepted as a 'priority need' case. You can also phone the local authority in advance to see whether they are likely to offer a woman with no children temporary accommodation whilst they process her homeless application.
6. The local authority has a duty to assess your case and agree a personal housing plan (PHP) in writing. The Local Authority Code of Guidance specifically states that when developing this 'PHP', they should be particularly sensitive to your wishes and respectful of your judgement about the risk of abuse.
7. Under the Homelessness Reduction Act 2017, the authority then has 56 days to take reasonable steps to help you secure suitable accommodation for at least six months. This could be a tenancy in the private rented sector. But the property must be affordable for you and suitable for your needs.
8. If the authority is unable to find you anything in this 56 day-time period, they must adhere to their 'main housing duty' to find you suitable accommodation immediately. This accommodation must not be in bed and breakfast accommodation or in a refuge, but rather somewhere that is suitable for you and your children to live in longer term.
9. If you want to remain in the area in which you live (for example, because that is where you have the most support from friends or family), the authority still has a duty to assess your homeless application and move you somewhere safe.

## **Appendix 2 – Sanctuary Project**

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### **Hackney**

Hackney Council's sanctuary scheme exists to help survivors of domestic abuse remain in their homes safely. If a survivor has been referred to or in the last 12 months discussed at Hackney MARAC (Multi Agency Risk Assessment Conference) and professionals feel that the victim's property makes her/him vulnerable, then Hackney council will work with the Metropolitan Police Service to undertake a domestic survey of the property then work with landlords to make the property safer.

The Sanctuary Scheme can be used for modifications that are beyond what a landlord would normally undertake e.g. repairs, replacing locks where perpetrators have keys etc.

### **Referrals to Sanctuary scheme**

Referrals can be made only by professionals; The Sanctuary scheme is not suitable if the perpetrator is visiting or living with the survivor.

Queries and referrals can be sent to:

[sanctuary@hackney.gov.uk](mailto:sanctuary@hackney.gov.uk)

[sanctuary@hackney.gov.uk.cjism.net](mailto:sanctuary@hackney.gov.uk.cjism.net)

Contact: 020 8356 4458 / 020 8356 4459

### **Haringey**

The Sanctuary scheme provides professional installed security measures to help survivors feel safer in their homes. The scheme is open to all survivors of domestic violence including Council, Housing Association and private tenants but landlord consent is required.

### **Referrals to Sanctuary scheme**

Contact: Hearthstone and ask for an appointment:

Tel: 020 8888 5362.

10 Commerce Road, Wood Green, N22 8ED.

Email: [hearthstone.domesticviolence@haringey.gov.uk](mailto:hearthstone.domesticviolence@haringey.gov.uk)

### **Tower Hamlets**

LBTH Sanctuary Project provides free tailor-made security for victims of domestic violence. It is run by the council in partnership with the police. The service is based on a risk assessment and aims to prevent homelessness amongst victims of domestic violence.

Contact: 0800 279 5434 (DV Free phone)

020 7364 4986 (Domestic Violence Landline)

[Domestic.violence@towerhamlets.gov.uk](mailto:Domestic.violence@towerhamlets.gov.uk)

### **Appendix 3 - Islington – Home Shelter Scheme**

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The home shelter scheme has been set up to help people who have experienced domestic violence to continue living safely in their own home.

Home shelter is run by Islington council with the Metropolitan Police Islington's Repair team.

#### **To be eligible:**

You must have recently experienced domestic violence; and Islington council must accept that you and your household would be homeless if the security measures were not put in place.

#### **Referrals to the Home Shelter scheme**

Solace, advocates and Housing operations officers can refer their customers if they feel security measures are an appropriate solution. Or you can phone the Housing Aid Team on 020 7527 6371 to apply to the scheme.

Once accepted, a crime prevention officer will visit your home. The officer will assess the type of security measures that are appropriate. Security measures will be tailored to suit their assessed needs.