

# Behind closed doors

Providing services to those  
at risk of domestic violence



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# Foreword

Too often the crime of domestic violence is hidden away and social landlords are often the last to learn that both victims and perpetrators are amongst their tenant group and within their staff. This is not necessarily the fault of any one particular person – it is a whole organisation issue. I am delighted that the Housing Corporation has introduced this guidance on domestic violence so that tenant and staff victims can come forward to disclose these matters to their housing management staff and others within their association.

Whatever form it takes, domestic violence is rarely a one-off incident. More usually it is a pattern of abusive and controlling behaviour where the abuser seeks power over their victim. It is a fact that domestic violence occurs across all society, regardless of age, gender, race, sexuality, wealth and location.

I have lived in a violent relationship, but I am a survivor. I was trapped in an abusive marriage and, looking back, I was trying to resolve the problem myself and took accountability for my abuser's actions. For years I believed it was my fault, which only enabled the abuser to continue. For too long I remained a victim and became an emotional and mental captive to my abuser's violence. Outwardly I was a successful professional woman. No-one knew of my pain. I believed I had kept this away from friends and family, but I finally learned that my children knew. It was at the moment when I was confronted by one of my children that I stopped being a victim and started a new life as a survivor.

This guidance is only the beginning. Housing associations need to work with partner agencies to ensure that staff teams are trained in what to look for. We all need to challenge any tacit or explicit acceptance of domestic violence. To victims reading this guidance, I say share your situation with others. It is possible to break free and start a new life. To housing associations reading the guidance, there will be a need to provide the whole staff team with the necessary knowledge and skills so that together we can challenge this prevalence of domestic violence.

Please let this guidance be a turning point in the lives of those tenants and staff members who, with their families, wake up each day to face another round of violence. Let it stop now.



**Toni Letts OBE**  
Chief Executive  
South London YMCA

# What is domestic violence?

The Government defines domestic violence as:

“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.”

(Domestic Violence – A National Report, The Home Office, 2005)

This definition is specifically intended by the Government to include female genital mutilation, forced marriage and other forms of so-called ‘honour’ violence.

The Housing Corporation uses the term ‘victim’ throughout this guidance.

Homes Office figures show that, although domestic violence is chronically under reported, research estimates that it:

- accounts for 16% of all reported violent crime (source: Crime in England and Wales 04/05 report);
- costs in excess of £23 billion a year, of which £3.7 billion are costs to public services;
- results in the murder of two women each week and 30 men per year;
- is the largest cause of morbidity worldwide in women aged 19-44, greater than war, cancer or motor vehicle accidents; and
- will affect one in four women and one in six men in their lifetime.

In addition, the British Medical Association (BMA) has reported that 33% of gay men and 25% of lesbians have suffered domestic violence.

Whatever form it takes, domestic violence is rarely a one-off incident. More usually, it is a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim.

Domestic violence occurs across society, regardless of age, gender, gender identity, race, marital status, sexuality, religion, disability, wealth and geography. The incidents can occur at any stage of a relationship and may continue after the relationship has ended. It happens in heterosexual and same-sex relationships, and can involve forced marriage, female genital mutilation and ‘honour’ crimes. It can also be perpetrated against older people and those who are being cared for by others.

Although men can be the victims of domestic violence, the evidence of reported incidents show that it is predominately perpetrated by men against women. The second largest category of victims is men in homosexual relationships.

The impact of domestic violence can be experienced at many levels ranging from health to education and housing.

# The aim of this guidance

Whilst the response of some housing associations to domestic violence is excellent, the standard of service provision across the social housing sector is not consistent. Specialist agencies have reported, for example, that in a number of cases incidents of domestic violence have initially been treated as noise nuisance or anti-social behaviour by social landlords.

With this guidance, the Housing Corporation aims to increase awareness of domestic violence across the sector whilst improving the capacity of housing associations to respond effectively to the victims and, in some cases, the perpetrators themselves.

This guidance note aims to:

- encourage housing associations to adopt a strategic approach in responding to domestic violence; and
- offer a range of practical suggestions that we would encourage association staff to put into practice.

The list of practical measures is not exhaustive. Its aim is to assist associations in offering support to victims and in helping them to stay safe.

The Housing Corporation recognises that housing associations do not necessarily have the resources or structures in place to address all aspects of domestic violence. Responding to it and trying to alleviate the problem requires a multi-agency approach. However, there is clearly a role for associations to play in ensuring that victims of domestic violence are dealt with sympathetically and placed in contact with appropriate agencies for specialist advice and support.

### A victim's story

"I put up with seven years of abuse. He always told me I was no good at anything. I tried so hard to get things right but it was never enough for him. Over time, he controlled everything I did, who I spoke to, where I went and even what I should eat. He did all the shopping and paid all the bills. I just stayed at home all the time and soon became so depressed that getting out of bed every morning was such a big chore.

I had to go with my husband to sign some papers as we had moved into a new property. When we were in the association's office, the housing officer asked if I wanted to take my son into the play area. He was crying so my husband was happy to let me go.

When I took my son to the play area, I met up with some people who work for a domestic violence project. One of them played with my son while I sat nearby. She asked me if I was okay. I think she saw the bruise on my face. I told her that I was fine but she still gave me a small card with their number. I kept this safe for several months and one day I just found the courage to call the number and tell them everything and asked them to help me.

They helped me to get my husband to leave the house and go to court to stop him coming near me. They arranged counselling for me and my son and helped me to get income support. I am now doing a course at college and one day hope to become a hairdresser. I am so thankful to the person who asked me what was wrong. If it was not for her, I don't think I would be here to tell you my story."

# A frequently asked question

For a lot of people coping with domestic violence, speaking to somebody about it and finding ways to create a safer life can take a long time. It's a long process, not a single event. Sometimes victims try different ways of dealing with their problem over a period of time before finding a way that is right for them. Victims will consider their options carefully and over time before taking action. It can seem frustratingly slow and victims may return to their abuser on several occasions.

Be aware that the benefits of leaving the abuser (eg safety, self-respect, confidence and the chance for a new start) may only be achieved in the longer term. The losses (home, possessions, schools, friends, marital status, familiar neighbourhood) are likely to be immediate. Furthermore, whereas the losses will be certain, the benefits at most may only seem 'probable' to the victim.

Housing associations may be a victim's first and only contact regarding a domestic violence issue. It is, therefore, very important that housing association staff have an awareness of the pressures that may be involved and do not turn the victim away or dismiss their abuse as a domestic issue that does not concern the landlord.

A frequently asked question is, "Why don't victims just leave the abuser?" Victims always want the abuse to end – but not always the relationship. Research shows that there are practical and emotional reasons why a victim may not want to leave a violent relationship.

## Practical

The victim may:

- not be safe if they leave an abuser. Research shows that a female victim is at her most vulnerable at the point of leaving. The abuse may continue after a relationship has ended;
- not want to lose their home, possessions or job;
- want to prevent family upheaval (having to move house, children changing schools and leaving established friends and support network);
- be financially dependent on the abuser;
- be dependent on drugs and alcohol which they may rely on as a coping strategy;
- be worried about immigration status;
- find it difficult to navigate the statutory agency systems, particularly if English is not their first language;
- want the (other) parent to be around as children grow up; and
- not be aware of (legal and service-based) options available to them.

## Emotional

The victim may:

- be afraid of the abuser;
- be anxious about living alone or not being able to cope;
- suffer post-traumatic stress and be less able to make big decisions;
- have been convinced by an abuser that they are worthless and no-one else will care for them;
- think that there is a chance their partner will change;
- be worried about the stigma surrounding domestic violence;
- be worried about cultural or religious barriers (eg around being a single parent); and
- feel responsible for the perpetrator.

# A strategic approach

The Housing Corporation encourages housing associations to adopt a strategic approach for responding to domestic violence:

## 1. Develop strategies for awareness raising and training

- Develop a domestic violence strategy which reflects the diversity of service users and their needs. The strategy should be written in consultation with local service users and community groups and reviewed on a regular basis to ensure that it is effective for all sections of the community. It should consider how it will connect with hard-to-reach groups (eg black and minority ethnic communities or lesbians and gay men);
- Nominate a ‘champion’ board member for domestic violence, who would be prepared to receive specialist training on the issue;

### Good practice example

Ashram Housing Association has a domestic abuse champion board member. She has ten years’ experience of supporting local communities on domestic abuse issues as a volunteer and is able to advice and act as a point of reference to the board and the association overall.

- Adopt a procedure to ensure that front-line staff know what to do, in terms of initial contact by a victim, who to contact and what information to give out. The procedure should detail the housing options available to victims

in a variety of different circumstances. This should include the options of improving the security of their home with a referral to a ‘sanctuary scheme’, or approaching the local authority as homeless or contacting specialist domestic violence services that provide refuge accommodation or floating support services (NB this list is not exhaustive);

### Good practice example

Merlin Housing Society has written and adopted its own domestic violence toolkit in conjunction with the local authority’s domestic violence unit, the police, specialist support agencies and residents. The toolkit sets out how staff should respond to each approach according to the individual circumstances of each victim and the risks they and their dependants face.

- Have named internal contacts for dealing with domestic violence issues and ensure that all staff know who this is;
- Ensure that staff are aware of any local ‘sanctuary schemes’ that give an option to victims to remain in their homes with appropriate security enhancements;
- Adopt a policy for evicting the perpetrator of domestic violence. The policy should be clear about the criteria for evicting a perpetrator and consideration should be given to whether this puts the victim more “at risk”;

### Good practice example

Harrow Council has adopted a sanctuary scheme which is available to all residents, not just council tenants. The scheme aims to make it possible for victims of domestic violence and hate crime to remain in their homes whilst remaining safe. The additional security measures and communication links provided are tailored to the needs of each victim who is individually assessed. Where appropriate, the measures can prevent the need for victims to make a homeless application to ensure the safety of themselves and their dependants.

- Make training and information available for all relevant staff, ensuring that they are aware of the key issues and appropriate legislation, such as the Housing Act 1996 (as amended), the Forced Marriage (Civil Protection) Act 2007, the Domestic Violence Crime and Victims Act 2004 and the right of a victim to make a homeless application to the local authority;

### Good practice example

Southwark Council has amended its tenancy agreement with a clause that includes domestic violence as grounds for possession and states that if a relationship ends due to domestic violence, the council is not required to re-house or grant a tenancy to the perpetrator.

- Consider making such training courses available to service users or community groups to make them aware of domestic violence

issues and the options available to victims; and,

- Ensure staff understand the need for confidentiality and the victim's safety.

## 2. Work together with other agencies

In order to support victims fully, associations should work in partnership with other local agencies and specialist organisations. They should:

- develop relationships with other agencies in order to provide a co-ordinated service. These should include other housing associations, the local authority, specialist support agencies, Women's Aid, Refuge, the police, health centres, community groups and other appropriate agencies (eg those offering support in instances of forced marriage) where available;

### Good practice example

The Croydon Family Justice Centre addresses the full range of housing, social, welfare, economic and legal needs of individuals living with or escaping abuse. Housing associations, such as South London YMCA, refer cases to the Family Justice Centre where other agencies, such as the police, social services, primary care trust and legal advocates work jointly to meet the needs of the victims – all under one roof.

- attend the local authority domestic violence forum. Each local authority runs a domestic violence forum which is made up of voluntary, statutory and private organisations with representatives from the Neighbourhood Services, Housing, Social Services, Education and other departments to provide a co-ordinated response;

#### Good practice example

In many local authority areas, agencies work together on 'Multi Agency Risk Assessment Conferences' (MARACs). Housing associations can refer cases to MARACs where a range of local service providers, authorities and advice agencies exchange information to assist in planning support packages for the victims of domestic violence. The MARAC represents an intervention that combines risk assessment and a multi-agency approach to help high-risk victims of domestic abuse.

- work in partnership with local agencies (see following section) to ensure an informed judgement about the ongoing likelihood of further violence and safety of the victim; and
- develop an agreed protocol for exchanging information with other agencies, such as the local authority. This should cover both aggregated data and information on individual cases.

#### Good practice example

The Metropolitan Police has produced a risk identification tool (named SPECSS+) to steer its intervention and prevention of further violence in cases of domestic violence. This model uses identified 'high-risk' factors, such as separation, pregnancy and escalation, to inform its response in each case. Its research has shown that in the London boroughs where the risk model has been introduced, fatalities have been significantly reduced. A number of housing associations and local authorities have included the risk model in their domestic violence procedures.

The Co-ordinated Action Against Domestic Abuse charity (CAADA) provides advice to agencies that offer support to victims of domestic violence. It has a risk assessment model that can be utilised by housing organisations and other agencies:  
<http://www.caada.org.uk/>

### 3. Provide easily accessible information

- Develop a central information bank, with contact numbers of local and national support agencies and help lines, police, Women's Aid, solicitors etc, which can be easily accessed by users, either over the internet or in leaflet form and including where required, different languages, easy-read format, tapes and CDs.

Local authorities are required (BVPI225) to produce an up-to-date directory of domestic violence services and often make this available via on their websites;

- Keep up to date on services provided by other statutory and voluntary agencies for victims and perpetrators of violence and how these services can be accessed;
- Ensure that information is displayed not only in the office reception, but in other public places, such as the public lavatories, in community centres, other support agencies, doctor's surgeries and council offices. In addition, display materials – particularly those targeting women – should be displayed where perpetrators won't see them;
- Consider developing relationships within the community you serve – for example, shops, hairdressers, local schools, leisure centres – and display your information there;
- Produce an information card with helpline numbers – 24 hour as well as local numbers – that a person may keep hidden safely;
- Identify isolated or difficult-to-reach groups experiencing domestic violence and ensure that the environment is accessible to all and inclusive. Make information and support available to those groups;
- Include domestic violence support information in bulk mail outs – with the tenant handbook, rent statements, tenant newsletters or annual reports. Include a statement on your association's approach to domestic violence as a strap-line on headed paper; and
- In all of the above, remember to consult with the local domestic violence forum members as it may be more cost effective to produce joint materials.

### Good practice example

Ashram Housing Association has carried out a number of innovative campaigns to filter information to victims of domestic abuse. This has included bus shelter and post card campaigns and information surgeries held at venues that women are likely to visit as part of their daily routines such schools, health centres, posters in the female toilets of surgeries and hospitals etc. Ashram has actively filtered information via radio programmes and has participated in discussion and interviews on television.

# Practical advice

The Housing Corporation encourages housing associations to adopt a procedure that provides guidance for staff on the front line supporting victims of domestic violence.

The procedure should address the following issues:

## 1. Disclosing domestic violence

Staff should be aware that it can be very difficult for victims to seek help. The initial response of front-line staff will be very important, particularly if it is the first time the individual has shared their problem. Staff should:

- listen and take the victim seriously – believe what you are told (unless there is direct contradictory evidence);
- create a safe, private and comfortable environment for the victim to talk through their issues;
- be informed about how to raise the subject of domestic violence where they suspect abuse is taking place. Indications of abuse may be missed appointments, their partner always attends appointments unnecessarily, the victim is unwilling to talk in front of their partner, visible injuries etc;
- if staff see something that indicates a person might be experiencing domestic violence, take the initiative and ask specific questions;
- never assume that somebody else will ask about it. Be aware that it is rare for a victim to disclose violence on initial enquiry;
- always be guided by the need to keep the victim and any children involved safe. Never ask about domestic violence when anybody else is present;
- find a way of seeing the victim alone. Try to arrange for supervision of children during interviews with the victim so that the children are not exposed to discussion of the violence and the victim is free to talk. Children must not be used as interpreters;
- don't rush the victim. Understand that the victim may be monitored by the abuser and may have time constraints;
- do not place excessive pressure on the victim to reveal details of the domestic violence. Respect their privacy if they do not wish to go further at a particular time. They may have a good reason not to do so;
- aim to have a supportive conversation. Discuss their situation and the options open – encourage them to make their own choices with your help and being realistic about timescales. Explain the limitations in the service you can provide and the particular requirement to report abuse of children;
- check where letters or emails should be sent and what number it is safe to use for telephone calls;
- never accept culture as an excuse for domestic violence, but consider how culture might impact the victim's response to the abuse;
- ask if the victim would like to talk with someone else. Consider the use of an advocate from a specialist agency. Some victims may wish to speak with a member of staff of the

same sex or ethnicity. Be aware, however, that the act of offering to make the situation more comfortable can, in itself, help to reassure some victims;

- ensure a trained professional interpreter is available where appropriate and make sure that they sign a confidentiality agreement; and
- be clear about confidentiality and ensure that the victim understands that what is said will remain confidential (unless child protection issues are raised).

## 2. Initial measures

“The good thing was that no-one pushed me to do things that I did not want to do, they helped me to understand that what was happening to me is not normal and what support was available for people in my situation. They went through all my worries and helped me to identify how I could sort things out until I finally knew I was ready to leave my life of hell behind me.”

In all cases where domestic violence is disclosed staff should:

- ensure that priority is given to ensuring the immediate safety of the victim and any children involved;
- if there is immediate danger of violence, the police should be called;
- if there is no immediate danger, explore ways of maximising their safety, whether they leave their home and or abuser or not;

- offer to keep in contact within the boundaries of your own procedure/policy and ensure that only trained staff deal with such cases;
- undertake a risk assessment in accordance with local procedures and agree an action plan in accordance with the wishes of the victim; and,
- respect the victim’s wishes, whatever decision they may make.

## 3. Continue to support to the victim

“The best thing was that the housing association put me in touch with a really good solicitor who explained how I could go to court and keep my husband away from the house, and someone else could come and do things to my house to make it safer – and what helped even more was to meet other women in similar situations and see how they coped with everything, I just felt I was not alone anymore.”

It may be appropriate to assure the victim that they are far from alone in suffering violence in the home and to congratulate them on their bravery in confronting the issue. You should also:

- contact other appropriate agencies in accordance with your information sharing protocol;
- work with other agencies to provide outreach support;

- work with appropriate agencies to increase the victim's awareness, knowledge, self-esteem and confidence;
  - discuss the re-housing options available to the victim and the consequences that a course of action may have (eg on the security of tenure of the individual);
  - work with the victim and identify solutions (eg sanctuary schemes administered by local authorities) where possible if they wish to stay in their own home; and,
  - provide the victim with details of agencies (such as the Citizens Advice Bureau) that can advise on welfare benefit issues.
- A victim who believes that their child/children may be at risk can approach the Children's Services department themselves and should be encouraged to do so as the best course of action;
  - Victims with children need to consider how they might come into contact with the perpetrator of the violence;
  - Some victims fear that the abusive partner will abduct the child/children. If this is the case, victims should ensure that the child/children's passports, birth certificates and any court orders are kept in a safe place; and
  - Association staff should consider referring the victim to a local family solicitor for legal advice.

#### 4. Consider the children that may be affected

Be aware that any children involved are likely to have been emotionally and possibly violently and/or sexually abused themselves.

- If children are involved and you have reason to believe they may be at risk of violence, you must contact the local authority's Children's Services department. Remember that it is unlikely that Children's Services will immediately place the children in care. However, the Family Law Act 1996 allows local authorities to exclude the perpetrator from the family home if appropriate;

#### 5. Advice for victims who are planning to leave

"I was used to being kicked and slapped all the time but I could not watch him push my daughter against the wall when she stood in the way to stop him hitting me – I had to do something."

Action planning is not about telling a victim what to do. Planning to leave can be a way of giving the victim a feeling of control and confidence. However, the victim should be aware that by making an action plan, his or her abuser may find out that he or she has sought help. Victims thinking about leaving a violent partner should be encouraged to:

- carry a list of important telephone numbers with them at all times, and make themselves aware of the location of the nearest available telephones;
- if it is safe to do so, keep a record of the domestic violence as it happens to ensure that incidents are not forgotten;
- recognise the signs of abuse and develop a plan. If children are involved and mature enough to dial 999, they can be taught how to do this;
- think about where they will stay immediately after they have left home (eg friend's house or emergency shelter);
- have an extra set of keys for the house cut and stored in a safe place away from the home;
- save some money for fares and other expenses. Leave this money and some clothes with a trusted friend. Gather credit cards, income support books and cheque books and keep them hidden from the perpetrator;
- gather important documents (eg birth and marriage certs., passports, financial papers bank books) and place them in a safe place or with a trusted person. Also, have a recent photo of the perpetrator and car details to pass to the authorities if necessary;
- collect important medication that the victim, or their children, may need;
- try to take some items (eg photos, children's toys, jewellery) which have a sentimental value, if you are able plan your departure; and
- be prepared to approach support agencies and ask for their help.

It is important to emphasise that such actions, whilst being valuable, may make the victim more vulnerable to attack if the perpetrator becomes aware of measures taken in preparation to leave. The victim's judgement and decision on how far to go with these measures and at what juncture to do so, should therefore be respected in each case.

## 6. Work with the perpetrator

Association staff should not approach a perpetrator of domestic violence as this may put the victim, any children involved and association employees at risk. However, if the perpetrator approaches the association, staff should be aware that:

- perpetrators are responsible for their own violent behaviour. Avoid colluding with blaming the victim;
- be aware of confidentiality and safety issues for the victim and do not disclose any information to the perpetrator or act as a go-between or suggest mediation/couple counselling; and
- identify those agencies that implement perpetrator programmes and provide the relevant information to them.

# Appendix I: A directory of national organisations

Housing associations should be aware of and able to inform service users of services available to the victims and survivors of domestic violence.

An excellent source of local services is the UK Gold Book produced and updated by Women's Aid who can be contacted at the address listed below.

Some national contacts are as follows:

## National Domestic Violence Helpline

Helpline: 0808 2000 247

A 24-hour freephone number which provides access to emergency refuge accommodation, as well as an information service. It joins together the Women's Aid Federation helpline and the Refuge National Crisis Line in a single service.

## Women's Aid

Helpline: 0808 2000 247

[www.womensaid.org.uk](http://www.womensaid.org.uk)

Advocates on behalf of abused women and children and provides services and support including refuge accommodation.

## Refuge

Helpline: 0808 2000 247

[www.refuge.org.uk](http://www.refuge.org.uk)

Refuge is the UK's largest single provider of safe accommodation and support to women and children escaping domestic violence.

## The Hideout

[www.thehideout.org.uk](http://www.thehideout.org.uk)

The Hideout is the first national website to support children and young people living with domestic violence, or to those who may want to help a friend. The site informs children and young people about domestic violence and helps them identify whether it is happening in their home.

## Childline

Freepost NATN 1111

London E1 6BR

0800 1111

0800 884444 (for children living away from home)

Minicom: 0800 400 222

(M-F 9.30-9.30, S-S 9.30-8pm)

[www.childline.org.uk](http://www.childline.org.uk)

[info@childline.org.uk](mailto:info@childline.org.uk)

The UK's free helpline for children and young people, providing a confidential telephone counselling service for any child with any problem, 24 hours a day, every day.

## Refugee Council

020 7346 6700

[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. It not only gives direct help and support, but also works with asylum seekers and refugees to ensure their needs and concerns are addressed.

### Elder Abuse Response Line

Action on Elder Abuse

Astral House

1268 London Road

London SW16 4ER

0808 808 8141

[enquiries@elderabuse.org.uk](mailto:enquiries@elderabuse.org.uk)

[www.elderabuse.org.uk](http://www.elderabuse.org.uk)

Confidential helpline offering information and emotional support, Monday to Friday 9am to 5pm. Available in English – translators arranged if needed.

### Jewish Women's Aid

P.O. Box 2670

London

N12 9ZE

0800 591203

Freephone. Mon, Tue, Wed, Thu 9.30am-9.30pm except BH and festivals (incl. 24-hour answerphone – checked daily)

[info@jwa.org.uk](mailto:info@jwa.org.uk)

[www.jwa.org.uk](http://www.jwa.org.uk)

Run by Jewish women for Jewish women who have experienced or are experiencing domestic violence. National, confidential, freephone helpline; outreach, counselling and community support services; and a Kosher refuge for women and their children.

### MALE (Men's Advice Line Enquiries)

Helpline: 0845 064 6800

A helpline service for men experiencing domestic violence.

Open 10 am - 9 pm on Mondays, 10 am - 5pm from Tuesday to Thursday.

### Broken Rainbow

Helpline: 08452 60 44 60

[www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)

A national advice line for lesbian, gay, bisexual and transgender (LGBT) people experiencing domestic violence.

## Provision of support for perpetrators

Perpetrators of domestic violence may wish to seek voluntarily help and will provide access to support. The services of the Employee Assistance Programme set out above are available to employees and immediate family members.

Externally, Respect is the UK association for domestic violence perpetrator programmes and associated support services. Its contact details are:

### Respect

[www.respect.uk.net](http://www.respect.uk.net)

Helpline: 0845 122 8609

# Appendix II: Domestic violence, housing and the law

Victims of domestic violence may want protection in order to stay in their home, or may need to find somewhere else to live. This guide sets out the housing rights for victims of domestic violence.

## Staying in the family home

If a victim wants to remain in her/his home, she/he can gain some protection from her/his abuser by applying for a civil injunction. An injunction is a court order that requires someone to do or not to do something. There are two main types of injunctions available under Part IV of the Family Law Act 1996:

- a non-molestation order; and
- an occupation order.

A **non-molestation order** is aimed at preventing an abuser – a current or ex-partner – from using or threatening violence against a victim or the victim’s child, or intimidating, harassing or pestering a victim, in order to ensure the health, safety and well being of a victim and her/his children.

An **occupation order** regulates who can live in the family home, and can also restrict the abuser from entering the surrounding area. If a victim does not feel safe continuing to live with her/his partner, or if she/he has left home because of violence, but wants to return and exclude her/his abuser, she/he may want to apply for an occupation order.

While getting a court order may provide some protection, it isn’t always helpful: sometimes it makes very little difference, and it can even (in some cases) be counter-productive.

## Who is eligible for an injunction?

The person applying for a non-molestation and/or occupation order must ‘associated’ with her/his partner or ex-partner. They can be associated with each other in one or more of the following ways:

- they are or have been married to each other;
- they are or have been in a civil partnership with each other;
- they are cohabitants or former cohabitants, (including same-sex couples);
- they live or have lived in the same household;
- they are relatives;
- they have formally agreed to marry each other (even if that agreement has now ended);
- they have a child together (this can include those who are parents of the same child and those who have parental responsibility for the same child);
- although not living together, they are in an ‘intimate relationship of significant duration’; and
- they are involved in the same family proceedings, for example divorce or child contact.

If the victim is not eligible to apply for an order under the Family Law Act, or if she/he is being continually harassed, threatened, pestered or stalked after a relationship has ended, she/he can

also get a restraining order under the Protection from Harassment Act 1997<sup>1</sup>. Restraining orders can provide the same protection as injunctions under the civil law but may be more effective as they carry stronger penalties.

If the victim is applying for an occupation order she/he either has to have a legal right to occupy the home (as joint or sole tenant or owner of that home), or she/he has to be or have been married to, in a civil partnership with, or cohabitating with an opposite-sex partner who is the owner or tenant. The court will apply a 'balance of harm' test when deciding whether to make the order. When making an occupation order, the court may make other related orders imposing obligations on the victim or her/his abuser (for example, relating to repair and maintenance of the home, or to payment of rent or mortgage).

### Who can make the application?

An application for a civil injunction has to be made to the court, and although it is possible to apply for an injunction yourself, this can be a scary prospect for a victim of domestic violence, so it might be helpful to have legal advice. It is best to get a family solicitor who has a lot of experience with domestic violence cases, and who is likely to understand all the issues. Details of local family solicitors can be provided by the local Women's Aid organisation, Citizens Advice Bureau or the Law Society.

### How long does it take to get an injunction and how long will it last?

If the victim is in immediate danger, an application for an injunction can be made to the court on the same day without the abuser being present. This is called an "ex parte" or "without notice" application. The abuser will be served with the order and be called back to court for a full hearing.

Injunctions are normally for a specified period of time (eg six months) but can be renewed, or they may be made 'until further order'. There is no limit on the length of time that non-molestation orders can be extended. Occupation orders can only be extended beyond 12 months if the victim has a legal right to stay in the home (ie as owner or co-owner, or tenant/joint tenant, or because she/he is or has been married to the owner/tenant).

### What happens if the injunction is breached?

Since 1 July 2007, any breach of a non-molestation order constitutes a criminal offence, and if the abuser breaks the terms of the injunction, the victim should call the police, and they should arrest the abuser. Breach of an occupation order is treated differently, depending on whether or not it has a power of arrest attached<sup>2</sup>. If there is no power of arrest attached, the victim may have to go back to court and apply for an arrest warrant. In this case, he or she should inform his or her

<sup>1</sup> Under the Domestic Violence Crime and Victims Act 2004, there is a provision for a restraining order to be attached when criminal proceedings have been taken – even if the abuser is not convicted – if the court believes the victim is likely to be at risk. However, this provision has not yet been implemented.

solicitor immediately, as well as calling the police if he or she is in danger.

## Leaving the family home

Civil injunctions may be useful, but are sometimes limited in their effectiveness. Therefore, many victims of domestic violence have to find alternative accommodation. This could mean:

- moving directly into a refuge house;
- applying for a transfer (if you live in local authority or housing association accommodation); and
- approaching a local authority as homeless because of domestic violence.

This section focuses on the provision for victims of domestic violence under homelessness legislation to access safe accommodation.

In relation to domestic violence, the key pieces of legislation are:

- the Housing Act 1996; and
- the Homelessness Act 2002.

The Homelessness Act 2002 and the Order are supplemented by Statutory Guidance in a revised Code of Guidance.

If a victim leaves her/his home because staying will lead to domestic violence, and does not wish to return, the local authority may have a duty to help her/him under the **Housing Act 1996** and the **Homelessness Act 2002**.

The local authority's duties vary depending on whether the victim is homeless intentionally or unintentionally, is in priority need, eligible and has a local connection.

### Homelessness

Under Part VII of the Housing Act 1996:

- a person is homeless if she/he has no accommodation available for occupation in the UK or elsewhere;
- a person is threatened with homelessness if this situation is likely to arise within 28 days;
- accommodation is available for a person's occupation if she/he has a legal right to it; and only if it is suitable for that person together with anyone who normally resides, or might reasonably be expected to reside, with her or him as a family member. It is not available if the person cannot secure entry to it, or if it is a movable home (and there is nowhere to place it and live in it legally), or if it would not be reasonable for her/him to continue to occupy it; and

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<sup>2</sup> If the abuser has used or threatened physical violence, and the court accepts this at a full hearing of the case, then it must attach a power of arrest to an injunction (unless it believes the victim will be adequately protected without this). This means that a copy of the order must be held on record at the police station, and the police can arrest immediately if the order is broken, even without a specific criminal offence having been committed. A power of arrest may be attached even if the hearing was held 'without notice' if the court believes the victim is likely to be at risk of harm otherwise.

- accommodation would not be reasonable to continue to occupy if the applicant's continued occupation of it would be likely to lead to domestic violence directed against the applicant or someone who lives, or might reasonably be expected to live, with the applicant. Domestic violence means actual or threatened violence by someone associated with the victim, such as a current or former partner, or another family member.

The Act has broadened the definition of homelessness for women experiencing domestic violence. Part III of the Housing Act 1985 only accepted violence or threats of violence from people living in the home. In the Housing Act 1996, domestic violence is defined as violence or threats of violence from a person who is associated with the person under threat. An 'associated person' is defined in the Code of Guidance to the Act (and the definition is the same as under the Family Law Act 1996) and therefore also includes people who are or have been married, engaged or living together in the same household; relatives; or people who are parents of a child under 18 or have shared parental responsibility for such a child. They do not have to be living together at the time. It also includes same-sex partners and former partners under the same conditions as heterosexual partners.

Victims of domestic violence should be considered unintentionally homeless if they are forced to leave their home because of domestic violence. (When an individual is found to be intentionally

homeless, a local authority must still give advice and assistance, and must ensure that they have accommodation for 28 days while they find somewhere else to live – but they do not have the same duty to them as to those whose homelessness is deemed to be unintentional.)

### Priority need

Homeless people are in 'priority need' (Section 59 Housing Act 1985) if they are in one of the following circumstances:

- a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- a person with whom dependent children reside or might reasonably be expected to reside;
- a person who is vulnerable as a result of old age, mental illness, or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside; and
- a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

Victims of domestic violence who are pregnant or have a dependent child are automatically considered to be in priority need.

The Homelessness Act 2002 added a number of categories of priority need. This includes Section 10, which says:

“A person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.”

The effect of Section 10 is to produce an (almost) level playing field for all victims of actual or threatened violence. This category includes people fleeing any violence and is not confined to violence in a family or ‘domestic’ context. The Homelessness Code of Guidance for Local Authorities 2006 provide guidance on good practice in assessing vulnerability. In the guidance local authorities are reminded that the test of vulnerability is whether “the applicant would be less able to fend for him/herself than an ordinary homeless person so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects.” Vulnerability must be assessed on the basis that the applicant will become homeless, and not on his or her ability to fend for him or herself while still housed.

The guidance also stresses that the priority should be the safety of the applicant and ensuring that confidentiality is maintained.

It suggests considerations which should be taken into account when deciding whether someone is vulnerable as a result of ceasing to occupy accommodation because of violence or threats of violence which are likely to be carried out. These are:

- the impact and likely effects on the applicant’s physical and mental health;
- the cumulative impact of serious harassment; and
- supporting information from friends, relatives, other agencies, the police etc with the applicant’s agreement.

In cases of domestic violence, section 6.18 of the guidance makes it clear that local authorities should make enquiries but not expect proof of violence; victims of domestic violence are not required to have a crime reference number relating to an incident of domestic violence. The abuser should not be contacted under any circumstances.

Furthermore, a housing authority should not assess the likelihood of a threat of violence being carried out solely on whether there has been violence in the past (Section 6.18).

Section 6.20 of the guidance informs local authorities that “in cases involving violence, housing authorities may wish to inform applicants of the option of seeking an injunction. However, housing authorities should recognise that injunctions ordering persons not to molest, or enter the home of, the applicant will not always be effective in deterring perpetrators from carrying out further violence or incursions. Applicants should not automatically be expected to return home on the strength of an injunction.”

The local authority's only duty to those who are not in priority need is to provide advice and such assistance as it thinks reasonable.

### Eligibility

In order to access local authority accommodation, victims of domestic violence must be eligible for assistance. Eligibility relate to the victim's legal right to reside in the UK. Eligibility rules are subject to frequent changes, and anyone with insecure immigration status should be referred to an immigration solicitor for advice.

Victims of domestic violence who are not British citizens may have "no recourse to public funds" and therefore may not be eligible for assistance from the local authority. They may, however, still be able to access temporary accommodation under:

- Section 17, 21, 23 or 24 of the Children Act 1989 (if they are under 18 or have a child under 18);
- Section 21 or 29 of the National Assistance Act 1948;
- Section 21 National Health Service Act 1977;
- Section 2 Chronically Sick and Disabled Persons Act 1970;
- Section 117 Mental Health Act; and
- Schedule 8 National Health Service Act 1977.

Women with no recourse to public funds are legally allowed to stay in refuge accommodation. However, as they cannot claim housing benefit to pay the rent, many refuges cannot afford to accommodate women with no recourse. Individual

women should be referred to a public law solicitor in order to assess their eligibility for assistance.

### Local connection

Local connection is established by current or previous voluntary residence, current employment, family association or other special circumstance. If no-one in the applicant's household has any connection with the local authority to which the application was made, the authority may refer the household to another local authority with which at least one member of the household has a connection, provided that no-one in the household runs a risk of domestic violence in the other area. An applicant can ask for a review if she/he objects to the referral. She/he must be given accommodation by the first authority pending the outcome of the review.

This means that anyone 'at risk of violence' is in priority need and does not need a 'local connection' and may choose to leave their local area but must not be intentionally homeless.

### Interim and temporary accommodation

If a local authority has reason to believe an individual is homeless, or threatened with homelessness, in priority need and eligible, it must immediately provide the person – and any dependent children – with interim accommodation whilst it makes relevant enquiries and makes a written decision.

Victims of domestic violence may be placed in bed and breakfast accommodation, a hostel or other emergency accommodation. The local authority may also fulfill its duty by referring a woman to a specialist refuge service for victims of domestic violence. The Code of Guidance recommends local authorities develop close links with local women's refuge services.

If an individual is fleeing domestic violence and has to rent another property, she/he may be entitled to housing benefit on both homes. Dual housing benefit can be paid for up to 52 weeks if an individual leaves her/his regular home because of fear of violence but intends to return.

Under Part VI of the Housing Act 1996, if a local authority is satisfied a victim of domestic violence is unintentionally homeless, in priority need and eligible, it has a duty to provide her/him with secure and suitable accommodation.

Whilst an individual is waiting for permanent accommodation, the local authority must provide her/him with temporary accommodation. For victims of domestic violence who are staying in refuge accommodation, this may mean they choose to remain in the refuge until permanent accommodation becomes available. If a refuge organisation terminates a license to occupy because the household no longer needs to be there, or for any other reason, the authority has a duty to secure alternative accommodation straight away.

### Help with permanent housing

The duty to provide permanent accommodation has been removed. To obtain permanent accommodation, the applicant must apply through the local authority's allocation scheme. The scheme must give 'reasonable preference' to some groups, including households with children. Some local authorities also choose to give preference to individuals who are homeless, or threatened with homelessness, due to domestic violence.

### Protection of property

Where a local authority is under a duty to an applicant under the legislation, it must (if the applicant is unable to do so) take such reasonable steps as it considers necessary to prevent any loss of or damage to property belonging to the applicant's household. This means that the local authority must store the property of women and children who leave their homes because of violence, either within their own storage facility or elsewhere. The local authority may make a reasonable charge, which can be claimed by the woman from the Benefits Agency. Failure to pay such a charge may lead to its disposal. The family pet can be defined as property, and can therefore be 'kennelled'. This has been successfully achieved by some groups on behalf of women and children in their refuge accommodation.

### Transfers and exchange

The Housing Act 1985 gave local authority tenants the right to apply to live in another empty property belonging to the local authority within the same area. Applications are considered on the basis of

need and priority. To get on the priority list either medical or other evidence is usually required. Individual authorities have different ways of interpreting need and each will have a policy outlining how it prioritises people for transfers.

For women with joint tenancies, however, until the introduction of Part IV of the Family Law Act 1996, transfers could only be completed on divorce, as before this could be effected, the tenancy has to be in the woman's name only. However it is now possible to apply under Part IV for the tenancy to be transferred to the woman's sole name, and this then can, if she wishes, enable her to use her existing tenancy to access alternative safe accommodation, either through a transfer or through an exchange. It is also possible to arrange reciprocal transfers between local authorities – that is, where two authorities each agree to house a woman from the other area in one of their empty properties.

There are also a number of exchange mechanisms by which women experiencing domestic violence may be able to access new safe accommodation. This includes the Housing Act 1985, which gave local authority and housing association tenants the right mutually to exchange houses anywhere in England and Wales, provided that each tenant obtained the written consent of their respective landlord.

The information in this guide is correct at the date of publication. The law may have changed in the meantime, and any victim of domestic violence should be advised to get up-to-date legal advice. Women's Aid cannot accept responsibility for any reliance placed on the legal information contained in this guide. The guide is designed to give general information only.

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## Behind closed doors

Too often the crime of domestic violence is hidden away and social landlords are often the last to learn that both victims and perpetrators are amongst their tenant group and within their staff. This is not necessarily the fault of any one particular person – it is a whole organisation issue. The Housing Corporation has introduced this guidance on domestic violence so that tenant and staff victims can come forward to disclose these matters to their housing management staff and others within their association, with a view to solving these, and eradicating future, problems.