

**DOMESTIC ABUSE POLICY**

**April 2015**

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## DOMESTIC ABUSE POLICY

### Commitment Statement

*“We are committed to protecting and supporting victims of domestic violence and abuse. We strive to work effectively with external agencies to ensure people suffering abuse are provided help and support, and that perpetrators are held accountable for what they do.”*

Head of Housing Services

### 1. Introduction

- 1.1 Domestic abuse is very common. It presents one of the biggest risks to the safety and well-being of our customers. It has a devastating effect on individuals. As a provider of housing services we have an important role in combating it.
- 1.2 We are committed to doing all we can, in partnership with other agencies, to protect, support and empower victims of domestic abuse.
- 1.3 This document:
  - provides a statement of our policy;
  - provides a framework for ensuring we are doing all we can to combat domestic abuse; and
  - provides guidance for Housing Services staff on how to:
    - respond to situations where a person needs housing or help because of domestic abuse; and
    - work effectively with other organisations to prevent domestic abuse, and mitigate its effects on individuals.
  - highlights the relevance of related policies, including for example the:
    - Safeguarding Children and Vulnerable Adults Policy and Procedure.

(See Appendix 6 for a list of other Council policies and procedures that may be particularly relevant in cases of domestic abuse).

## 2. What is domestic abuse?

- 2.1 We use the definition of domestic abuse contained in *Tackling Domestic Abuse: The All Wales National Strategy*, which is reproduced at Appendix 1.
- 2.2 It is clear from this definition that:
- the term ‘abuse’ must not be given a restrictive meaning, and can include various forms of abuse, including:
    - physical acts of violence and threats of violence;
    - sexual assault, rape and stalking;
    - forced marriage, ‘honour’-based abuse, female genital mutilation (FGM), trafficking, and sexual exploitation;
    - psychological abuse and mental cruelty;
    - emotional abuse;
    - financial abuse;
    - neglect and the withholding of essential needs.
  - perpetrators can include partners, former partners, and also any other persons who has (or had) a domestic relationship with the victim.
  - there may be single or multiple perpetrators of domestic abuse.

## 3. Terminology

- 3.1 The seriousness of the acts committed by perpetrators, and the effect abuse has on people, is often not readily apparent.
- 3.2 It is important to recognise that ‘domestic abuse’ includes not only physical violence but intimidating behaviour and any other type of abuse that gives rise to a risk of harm.
- 3.3 Appendix 2 explains why we use certain terms in this document.

#### 4. Some facts and figures:

- **7 women and 2 men are killed every month** in England and Wales by a current or former partner.<sup>1</sup>
- At least **12 women** die each year in the UK as the result of 'honour'-based killing.<sup>2</sup>
- **1 in 4** women experience domestic abuse during their lifetime.<sup>3</sup>
- **1 in 6** men experience domestic abuse at some point during their lifetime.<sup>4</sup>
- Pro-active and routine enquiries by public services typically results in a **doubling of identification rates** of domestic abuse and increases referrals to external agencies.<sup>5</sup>

#### 5. Aim of this policy

- 5.1 This policy aims to ensure we meet our statutory and wider responsibilities, and that we undertake proactive targeted enquiries so as to meet the needs of victims, in accordance with the 'Ask and Act' principles.<sup>6</sup>
- 5.2 This policy helps to ensure that we:
- (a) **prevent** domestic abuse wherever possible;
  - (b) adopt a '**person-centred approach**' – if a person thinks they are experiencing domestic abuse, we will deal with it under this policy;
  - (c) are **pro-active** – by engaging with victims, including those who are hidden and vulnerable – rather than only reacting when a crisis occurs;
  - (d) **support, accept and facilitate disclosures** of domestic abuse by our customers;
  - (e) **recognise our responsibilities** – both legal and moral;

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<sup>1</sup> Office for National Statistics, February 2014.

<sup>2</sup> Fawcett Society, 2009.

<sup>3</sup> Office for National Statistics, 2013.

<sup>4</sup> Office for National Statistics, 2013.

<sup>5</sup> Taft A & et al, 2013.

<sup>6</sup> See the forthcoming guidance on "Ask and Act" that will be issued under the Violence Against Women, Domestic Abuse, and Sexual Violence (Wales) Act 2015.

- (f) have a **consistent approach** – for example, when identifying victims, assessing risk, and making referrals for specialist assistance;
- (g) **take appropriate action** to protect people at risk;
- (h) **help individuals obtain support**, advice, and assistance;
- (i) **respond quickly** and effectively to incidents of domestic abuse;
- (j) **take action against perpetrators** where appropriate;
- (k) **invest in our staff**, so they have confidence in dealing appropriately and sensitively with cases of suspected or disclosed domestic abuse;
- (l) give **clear guidance for staff** about managing and sharing sensitive information;
- (m) **routinely review** whether customers seeking help with a domestic abuse-related housing issue are satisfied with our response.

## **6. Housing Services' approach – our policy statement on domestic abuse**

6.1 Housing Services is:

- committed to tackling domestic abuse.

6.2 Housing Services believes that:

- domestic abuse is unacceptable.
- everyone has the right to live their lives free from coercion, intimidation, oppression and physical, sexual, emotional or mental harm.

6.3 Housing Services believes that:

- the needs and wishes of individuals experiencing domestic abuse are paramount;
- safe and secure housing is essential to help individuals to escape abuse;
- housing must be accompanied by support to address the variety of issues individuals need help with, so they can move on from domestic abuse;

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- reducing domestic abuse alleviates human suffering, but also saves public money;
- abusers should be held accountable for their behaviour.

### 6.4 Housing Services will:

- tell customers how we can help;
- always prioritise the safety of those experiencing domestic abuse;
- be particularly sensitive to the needs and concerns of individuals suffering domestic abuse;
- work with our partners to prevent domestic abuse, and help individuals access the support they need.

## 7. **What our customers can expect**

### 7.1 If you are at risk of domestic abuse we will:

- deal with you in a sympathetic and non-judgmental manner;
- treat your report of domestic abuse as a high priority, and respond within one working day of receiving it;
- offer you a same-sex interview / choice of language;
- prioritise your safety, and the safety of your family/household members;
- take your particular circumstances into account;
- not require you to contact the police or take legal action before offering you help;
- help you obtain specialist help;
- place your needs and wishes at the heart of the decision making process, so you can make your own choices, with dignity and respect;
- address your housing issues in a positive way, by exploring all your options;
- deal with your report in an objective, sensitive, confidential, and unbiased manner;



- keep your personal information confidential unless you give permission for us to share it, or unless there are legal reasons for sharing it (see Section 30 below).
- agree with you an appropriate course of action;
- help you to find safe and secure housing if you are risk of violence or threats of violence which are likely to be carried out (see sections 20 to 24 below);
- take appropriate action against the perpetrator if this is appropriate (see section 27 below).

## **8. Relationship to other policies and procedures**

8.1 Our staff may have to consider a number of other policies and procedures when dealing with a customer who is experiencing, or is at risk of, domestic abuse. Appendix 6 lists some of these policies.

## **9. The complex nature of domestic abuse**

9.1 The Council recognises the complex nature of domestic abuse. Various issues will typically need to be considered if domestic abuse is suspected or apparent.

9.2 For example, domestic abuse:

- commonly places victims and children at great risk of harm;
- is often hidden from the public eye, and not immediately obvious to outsiders;
- has a profound effect on victims, both socially and psychologically;
- disempowers and subjugates victims;
- is difficult to escape, physically, economically, and psychologically;
- disproportionately affects women and girls (although anyone can be affected by abuse, regardless of gender, sexuality or social status);
- often results in individuals having multiple, competing needs that require a series of interventions by a variety of agencies.

9.3 Domestic abuse that is less visually apparent – e.g. mental cruelty – may nonetheless be devastating.

- 9.4 Due to the complex and insidious nature of domestic abuse many victims and children need help with various issues. The needs of victims must be met if they are to escape abusive situations and successfully rebuild their lives.

**10. Child protection and the protection of vulnerable adults**

- 10.1 While Social Services are the lead agency for undertaking enquiries into allegations or concerns that a child or vulnerable adult may be suffering harm, Housing Services plays a key role in helping to safeguard the welfare of children, young people and vulnerable adults. As a provider of housing and housing services we are ideally placed to identify potential victims of abuse.
- 10.2 The protection of children and vulnerable adults is particularly relevant in the context of Domestic Abuse. Whenever dealing with a customer or situation where domestic abuse is suspected, staff must be alert to safeguarding issues. It is imperative that any risk of harm to children and vulnerable adults is given specific consideration and acted upon, in accordance with corporate policies and procedure.
- 10.3 Housing Services staff will be trained, have a basic working knowledge of, and have regard to those policies and procedures concerning the safeguarding of children and adults, namely:
- (a) the All Wales Child Protection Procedures (AWCPP) (available at [www.awcpp.org.uk](http://www.awcpp.org.uk));
  - (b) the Safeguarding Children and Young People Affected by Domestic Abuse All Wales Practice Guidance (available at [www.awcpp.org.uk](http://www.awcpp.org.uk));
  - (c) the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (available for Council staff on the Council's intranet).
  - (d) the Council's Safeguarding Children and Vulnerable Adults Policy and Procedure (available on the Council's intranet).
- 10.4 Domestic abuse is likely to have a detrimental effect on children's welfare, and place them at risk of significant harm. Housing officers must be alert to this fact, and make a referral to Social Services' Children's Services Duty Team in accordance with the AWCPP, wherever it is considered there is a risk of significant harm to a child.
- 10.5 Where a housing officer suspects that a child or vulnerable adult may be experiencing harm, or be at risk of harm, and the officer needs advice, they should in the first instance discuss the case immediately

with their line manager. If the manager is unavailable or if further support and advice is needed, the appropriate Social Services duty team should be contacted (see Appendix 3 – Referral Routes for contact details).

## **11. The importance of effective partnership working**

- 11.1 We will work with our partners, for the benefit of our customers.
- 11.2 In the vast majority of cases the needs of a customer who has suffered domestic abuse cannot be met simply by providing housing. Victims of domestic abuse and their children typically need a range of different kinds of help to successfully escape abusive situations and re-build their lives.
- 11.3 As a result, where domestic abuse is suspected or reported to Housing Services, we will:
- identify if the person needs help from an external agency;
  - identify which external agencies may be able to help; and
  - offer to help them access the help which they need.
- 11.4 We are committed to participating in multi-agency training and initiatives, because these are essential for:
- sharing information;
  - improving partnership working;
  - utilising partners' expertise;
  - coordinating local services; and
  - improving services for those at risk of domestic abuse.
- 11.5 We are also committed to contributing to the development of local strategies that seek to prevent and address domestic abuse.

## **12. Multi-agency forums**

- 12.1 A co-ordinated multi-agency response improves victims' safety. We therefore attend and/or liaise with multi-agency forums where requested to do so, providing our participation is compatible with our own obligations, and does not prejudice the discharge of our housing functions.

MAPPA<sup>7</sup>

12.2 Housing Services is a key MAPPA partner, and will attend MAPPA meetings where requested to do so. Housing Services will ordinarily be represented by a Housing Options Officer, the Housing Options Manager, or the Principal Housing Officer.

MARAC<sup>8</sup>

12.3 MARAC meetings are regular local meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between key agencies. By bringing all agencies together at MARAC, and ensuring that wherever possible the victim is represented, a risk focused, co-ordinated safety plan can be drawn up to support the victim.

12.4 Housing Services will attend the MARAC where requested to do so, and will be represented by a senior housing officer (Senior Housing Management Officer or Principal Housing Officer).

12.5 The [...] MARAC is co-ordinated by [...]’ Protection of Vulnerable People Unit (PPVPU).

12.6 Please see section 14 below for further information regarding the MARAC referral process (paragraph 14.9 onwards).

**13. The kind of help our customers commonly need**

13.1 Individuals suffering domestic abuse will often need different kinds of specialist help, for example:

- housing advice;
- emotional and practical support;
- legal advice;
- benefits and debt advice, to address the results of economic abuse;
- help with accessing services, e.g. school places when a family is moving area.

13.2 We recognise that agencies specialising in domestic abuse have an essential role in ensuring that individuals’ needs are holistically

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<sup>7</sup> Multi Agency Public Protection Arrangements.

<sup>8</sup> Multi Agency Risk Assessment Conference.

addressed. Housing Services has a key role to play in helping customers access specialist help. This will often involve putting victims in contact with a specialist domestic abuse agency, such as Hafan Cymru, or Women's Aid.

13.3 A list of relevant agencies and contact details are provided at Appendix 3.

**14. Identifying domestic abuse, and advising customers who disclose they are a victim of domestic abuse**

14.1 When a customer discloses they have been (or are likely to be) a victim of domestic abuse, we will:

- tailor our approach to the person's individual circumstances;
- advise the person of their available options;
- ensure that interviews take place in appropriate surroundings;
- explore the action needed to safeguard the customer's immediate personal safety;
- consider the suitability of the customer's current accommodation;
- advise the customer of what help may be available under the homelessness legislation (see section 21 below);
- explore whether the police are involved and whether incidents should be reported;
- explore whether home security measures are required;
- offer a referral to a specialist domestic abuse agency.

14.2 Housing Services recognises the importance of public services proactively identifying persons experiencing domestic abuse, given that many individuals will be reluctant to report their experiences.

**SafeLives Dash risk identification checklist (RIC)**

14.3 The following officers within Housing Services are required to carry out a SafeLives Dash RIC where there is reason to believe a customer may be experiencing domestic abuse:

- Financial Inclusion Officer;
- Housing Management Officers;
- Housing Options Officers;
- Private Landlord Liaison Officer.

- 14.4 The SafeLives Dash RIC is a risk assessment tool used by MARAC agencies, which enables front line officers to:
- identify persons experiencing domestic abuse who are at a high risk of harm; and
  - decide if a case needs to be referred to the MARAC, in order to manage the risk.
- 14.5 Risk is dynamic and can change very quickly. A SafeLives Dash RIC may therefore need to be revisited and reviewed, e.g. following a fresh incident.
- 14.6 Before undertaking the SafeLives Dash RIC the officer will:
- (a) establish that it is safe to carry out the assessment (see section 15 below in relation to safety);
  - (b) establish there is enough time to carry out the assessment;
  - (c) explain to the customer:
    - (i) why they are asking the RIC questions;
    - (ii) how the assessment relates to the MARAC;
    - (iii) Housing Services' confidentiality policy, including the circumstances where a disclosure may have to be made.
- 14.7 Officers responsible for undertaking the RIC will be trained in relation to the assessment process and the MARAC, and will have regard to the RIC practice guidance (available online at <http://www.safelives.org.uk/practice-support>).
- 14.8 Officers conducting the RIC assessment are reminded that:
- (a) they are required to exercise their professional judgement, in addition to the checklist tool; and
  - (b) the SafeLives Dash RIC is not a full risk assessment for the purpose of identifying and assessing children at risk. However, it may provide valuable information about the risk that children are living with. If risk towards children is identified, a child protection referral should be made to ensure that a full assessment of their safety and welfare is made (see sections 18 and 19 below).

### Referral to MARAC

- 14.9 Housing Services adopts the referral criteria contained in the RIC guidance (2012 version), which is reproduced at Appendix 7, and which may be summarised as:
- (a) 14 or more 'yes' boxes ticked = potential referral on grounds of high risk of harm;
  - (b) less than 14 'yes' boxes ticked, but serious concerns about a victim's situation, based on the officer's professional judgment and/or the victim's perception of risk = referral.
- 14.10 The RIC form for use by IDVAs and other non-police agencies is available online at:  
<http://www.safelives.org.uk/sites/default/files/resources/Dash%20for%20IDVAs%20FINAL.pdf>
- 14.11 If, having assessed a case using the RIC form, it meets the threshold criteria set out in Appendix 7, Housing Services will make a referral to the MARAC, unless there is good reason for not doing so.
- 14.12 It is not essential that the customer consents for a referral to be made to MARAC, but the casework may be more effective if consent is forthcoming.
- 14.13 Referrals to MARAC are made by e-mail to: [...], with the completed RIC assessment form as an electronic attachment.
- 14.14 Where appropriate, the referral may be copied to the Children's Services Team (see Section 19 below).
- 14.15 The referring officer will notify the Senior Housing Management Officers (SHMOs) by e-mail that a referral is being made, to ensure the SHMO with responsibility for attending MARAC is informed.

## **15. The importance of personal safety**

- 15.1 ***Officers must always consider, first and foremost, the safety of the customer and themselves.***
- 15.2 It will often be unsafe to advise a customer or take immediate action. Enquiries concerning abuse must ***not*** be undertaken if a perpetrator or third party is present (unless it is established the third party is a relevant professional or representative).

15.3 The importance of safety is one of the matters covered in the training provided to all Housing Services staff.

**16. The importance of identifying and applying the relevant legislation, guidance and procedures**

16.1 Housing Services staff will need to ensure they identify any relevant legislation, guidance and procedures that apply in the particular circumstances, when advising victims of domestic abuse.

16.2 If a member of staff is unsure of what action should be taken, they should seek the advice of a supervisor or manager. Legal advice should be obtained where appropriate.

**17. Information for customers**

17.1 We recognise that domestic abuse is under-reported, and that victims may have concerns about seeking help. Housing Services will prominently publicise:

- (a) this policy;
- (b) our commitment to tackling domestic abuse;
- (c) that incidents of abuse may be safely reported to Housing Services;
- (d) specialist services offered by external agencies for those experiencing domestic abuse.

**18. Identifying what action is appropriate in individual cases**

18.1 Housing Services will take an active role in identifying victims and referring them for help and support.

18.2 If an officer has reason to believe a customer may be experiencing or be at risk of domestic abuse, they will:

- (a) first and foremost consider the safety of the customer and themselves (see section 15 above);
- (b) consider whether it is appropriate and safe to ask the customer whether they are the victim of domestic abuse, or where appropriate refer the matter to a colleague to do the same;
- (c) undertake the SafeLives dash assessment (or refer the case to one of those officers listed at paragraph 14.3 so an assessment may be undertaken).



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- 18.3 Where a customer discloses they are experiencing domestic abuse, or an officer is satisfied abuse is occurring the officer will consider the safety of the customer and themselves, and if it is safe and appropriate they will:
- (a) discuss all the options available to the customer;
  - (b) provide the contact details of an agency specialising in assisting victims of domestic abuse (e.g. the All Wales Domestic Abuse and Sexual Violence Helpline, Women's Aid, BAWSO);
  - (c) offer to help the customer make contact with an agency that specialises in assisting victims of domestic abuse;
  - (d) make a referral to the Council's Housing Options Team if the customer has asked for help with obtaining or retaining housing;
  - (e) consider whether a referral to another agency is required, e.g. to the police, Social Services, MARAC, a housing support agency, and if so make that referral, or take steps to ensure that a supervisor or appropriate colleague does so.
- 18.4 Advice on what steps might be possible and appropriate may be sought from the Council's Domestic Abuse Co-ordinator, or an external agency such as Hafan Cymru or the police (on a confidential basis if necessary).

### Legal assistance

- 18.5 Free legal advice and representation may be available to a victim of abuse under the legal aid scheme from a solicitor with a specialist family law franchise contract with the Legal Aid Agency.
- 18.6 Notwithstanding recent changes to legal aid services and restrictions on the types of legal advice which is freely available, legal aid remains available in many cases where a person has suffered domestic abuse.
- 18.7 The legal remedies that may be available include:
- an injunction to protect a person who is experiencing domestic violence from their abuser (Non-Molestation Order or Occupation Order);
  - a claim for compensation to the Criminal Injuries Compensation Authority.

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- 18.8 Victims of domestic violence may obtain legal aid for private family law assistance that generally falls outside the legal aid scheme, including for:
- divorce proceedings, dissolution of civil partnership, separations;
  - any related financial matters to be resolved;
  - any related children matters to be resolved, including child arrangement orders, that govern how much time a child spends with each parent;
  - any protection measures that may need to be taken within the family, such as ensuring the perpetrator cannot contact the victim.
- 18.9 If an officer is in any doubt as to what legal assistance is available, advice can be obtained from the Independent Domestic Violence Advocate (IDVA) or a specialist family solicitor.
- 18.10 Those local solicitors offering legal aid in family matters are listed below in Appendix 3.
- 18.11 Details of solicitors with a specialist family law franchise can also be obtained by using the online legal aid checker at <http://legal-aid-checker.justice.gov.uk/>. Customers can access legal advice by telephoning the Civil Legal Advice helpline on 0345 345 4345. Further details are available online at <https://www.gov.uk/civil-legal-advice>.

### Legal remedies initiated by the Council

- 18.12 The Council will in appropriate cases consider whether exercising any of its powers is appropriate to address the actions of a perpetrator of abuse, and/or safeguard a victim. For example, there may be cases where it is appropriate for the Council to apply for an Injunction to Prevent Nuisance and Annoyance (IPNA).
- 18.13 Advice and assistance may be sought from the Anti-Social Behaviour Officer.
- 18.14 Housing Services staff are referred to the Council's Anti-Social Behaviour Policy for the Council's policy on exercising the various remedies available to combat anti-social behaviour.

Police initiated remedies

- 18.15 It may be appropriate to liaise with the police to discuss the possibility of police-initiated remedies, for example a Domestic Violence Protection Notice (DVPN).
- 18.16 A DVPN is an initial notice which aims to provide emergency protection to a victim of domestic abuse. The notice contains prohibitions preventing a suspected perpetrator from either returning to the victim's home or contacting the victim. Its purpose is to give the victim time to consider their options. The DVPN lasts for 48 hours, during which time the police must apply to the Magistrates Court for a Domestic Violence Protection Order (DVPO).
- 18.17 Under a DVPO a perpetrator can be, with immediate effect, banned from returning to a residence, or banned from having contact with the victim, for up to 28 days. The DVPN / DVPO option enables the police to obtain an order in the immediate aftermath of an incident, and provides a quicker remedy than civil injunctions (i.e. non-molestation orders and occupation orders).

**19. Referrals to Social Services**

- 19.1 If a member of staff has reason to believe that a child may be at risk of significant harm they must ensure that a referral to the Social Services duty team (single point of access) is made straight away (see Appendix 3 – Referral Routes for contact details).
- 19.2 If there is reason to believe that a vulnerable adult is the victim of abuse or neglect, or may be at significant risk of harm, a referral to the Social Services duty team (single point of access) should be made immediately, so an assessment of whether adult protection procedures apply and may be commenced.
- 19.3 If an officer is unsure about whether a referral should be made, they should seek the advice of their line manager. If the manager is unavailable or if further support and advice is needed, the appropriate Social Services duty team should be contacted (see Appendix 3 for contact details).
- 19.4 Where an urgent referral must be made to, or urgent advice sought from, the Social Services duty team outside of normal office hours, contact should be made via the out of hours emergency telephone number ([...]).

## 20. The role of housing advice

20.1 A person suffering domestic abuse will usually require advice on their housing options. If this is the case, they should be referred to the Housing Options Team (whether or not the person is homeless or threatened with homelessness).

## 21. Homelessness applications and temporary accommodation

21.1 A person will be statutorily homeless if it is probable that continuing to occupy accommodation will lead to them or a member of their household being subjected to abuse.<sup>9</sup>

21.2 “Abuse” in this context means physical violence, threatening or intimidating behaviour or any other form of abuse which, directly or indirectly, may give rise to the risk of harm.<sup>10</sup>

21.3 Accordingly, if it is probable that an applicant would be subject to abuse they are deemed to be homeless under the legislation, even if accommodation is available for their occupation.

21.4 Officers must have regard to the statutory guidance<sup>11</sup> when interviewing applicants and conducting enquiries.<sup>12</sup> The guidance emphasises that “abuse” should not be given a restrictive meaning, and may include psychological, physical, sexual, financial or emotional abuse. It is essential that enquiries do not provoke further abuse.

21.5 The guidance further suggests<sup>13</sup> that:

- The likelihood of a threat of abuse being carried out should not be based on whether there has been actual abuse in the past.
- Enquiries should be handled carefully and with sensitivity.
- Applicants should not be expected to return home on the strength of an injunction.
- Refuge accommodation should not be a precondition for treating a victim of domestic abuse as homeless.

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<sup>9</sup> Housing (Wales) Act 2014, s.57(1). Household includes (a) a person who normally resides with the applicant as a member of their family, and (b) any other person who might reasonably be expected to reside with them, s.57(2).

<sup>10</sup> Housing (Wales) Act 2014, s.58(1).

<sup>11</sup> *Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness* (April 2015, Welsh Government).

<sup>12</sup> Housing (Wales) Act 2014, s.98(1).

<sup>13</sup> At paras 8.22 to 8.25.

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- Local authorities should be led by the wishes and feelings of the victim when determining accommodation arrangements.
- Authorities should consider options such as target hardening, improving security in the home, housing-related support, personal protection arrangements.
- When dealing with abuse within the home authorities should consider the scope for removing the perpetrator and allowing the victim to remain in the home.

21.6 If there is any reason to believe that a customer asking for help with obtaining or retaining housing may be homeless in the circumstances described above (at paragraphs 21.1 to 21.2) they must be referred to the Housing Options Team so enquiries can be undertaken, temporary accommodation can be arranged (if appropriate), and the customer's support needs can be assessed. Failure to make a referral is likely to place the customer at risk, and result in the Council acting unlawfully because of a failure to comply with sections 66 and 68 of the Housing (Wales) Act 2014.

21.7 The provision of temporary accommodation will depend on whether there is reason to believe that the applicant may be eligible for assistance, homeless, and in priority need.<sup>14</sup> This test provides a low threshold.<sup>15</sup>

21.8 Where a homeless applicant takes up occupation at a women's refuge, the Council cannot conclude, when deciding whether she is homeless, that it is reasonable to continue to occupy the refuge indefinitely.<sup>16</sup>

21.9 A person with dependent children has a priority need for accommodation. In addition a person without dependent children who is homeless as a result of being subject to domestic abuse has a priority need.<sup>17</sup>

21.10 For the purposes of deciding whether an applicant became homeless intentionally or unintentionally, the Council is required to discount a deliberate loss of accommodation if the accommodation in question was not reasonable to continue to occupy because it is probable that

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<sup>14</sup> Housing (Wales) Act 2014, s.68.

<sup>15</sup> Code of Guidance, paras 11.3 and 11.4. See also *R (Kelly & Mehari) v Birmingham CC* [2009] EWHC 3240 (Admin) at [7].

<sup>16</sup> *Ali & others v Birmingham CC, Moran v Manchester CC* [2009] UKHL 36.

<sup>17</sup> Housing (Wales) Act 2014, s.70(1)(e).

continued occupation will lead (or would have led) to a household member being subject to abuse.<sup>18</sup>

- 21.11 The Council will not use the fact that refuge-type accommodation has been secured by an external agency to avoid its legal responsibilities to secure that accommodation is available under the homelessness legislation.
- 21.12 The Council recognises the need for victims of domestic abuse to move between local authority areas to escape abuse.<sup>19</sup> The Council will not seek to obstruct applicants with no local connection applying for homelessness assistance and will secure interim temporary accommodation irrespective of the applicant's local connection with the authority. Neither will the Council pursue a referral of a case to another local housing authority under section 80 of the Housing (Wales) Act 2014, where it is probable that the applicant, or any member of their household, will run the risk of domestic violence in the district of the other authority.<sup>20</sup> Housing Services will extend the same level of support to victims of domestic abuse from other districts as it does to victims residing in our area.
- 21.13 Housing Services will not make assistance or accommodation under the homelessness legislation conditional upon the victim invoking preventative legal remedies against the perpetrator (e.g. applying for an injunction), since to do so would be unlawful.<sup>21</sup> Neither will a failure by the applicant to have pursued legal remedies against the perpetrator in circumstances where they had fears of reprisal action or were unaware of the available remedies, be generally considered a deliberate act for the purpose of deciding whether the applicant is intentionally or unintentionally homeless, if they were acting in good faith.<sup>22</sup>
- 21.14 Where homeless applicants are advised about the available legal or practical remedies potentially available to them (e.g. an injunction, security measures), the Housing Options Officer will make it clear to the applicant that they are not under any obligation to pursue those remedies.<sup>23</sup> Specialist independent advice will be required, as an injunction may be ill-advised,<sup>24</sup> or may not accord with the applicant's wishes once they have received advice and support.

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<sup>18</sup> Housing (Wales) Act 2014, s.77(2), s.57(1).

<sup>19</sup> Code of Guidance, para 16.38.

<sup>20</sup> Housing (Wales) Act 1996, s.80(3).

<sup>21</sup> *Bond v Leicester CC* [2001] EWCA Civ 1544.

<sup>22</sup> Code of Guidance, para 17.26.

<sup>23</sup> Code of Guidance, para 8.23.

<sup>24</sup> Code of Guidance, para 8.23.

**22. Applications for permanent housing**

22.1 The Council's Housing Allocation Policy gives additional priority to housing applicants who are unintentionally homeless and in priority need as a result of domestic abuse.<sup>25</sup>

**23. Offers of permanent Council housing outside the allocations process**

23.1 Housing officers should, in appropriate circumstances, consider exercising the Council's legal power to secure accommodation outside of the ordinary allocation scheme, by making a 'management move'. Housing officers who consider that this option may be appropriate in a particular case should consult with the Principal Housing Officer or Housing Options Manager.

**24. Making existing accommodation safe for a customer**

24.1 We recognise that many victims do not wish to leave their homes or choose to return home despite the risks.

24.2 The Protection of Vulnerable Persons Unit (PVPV) may, where appropriate, arrange for measures to be taken to address the safety of a victim of domestic abuse, e.g. 'target hardening', provision of personal alarm with 'roaming' SIM cards (that minimise phone signal disruption).

24.3 Target hardening or 'sanctuary'-type provision should be a multi-agency initiative, and should not be seen as equivalent to, or a replacement for, alternative accommodation. Such measures must only be provided where the victim has made an informed choice, where it is deemed appropriate following a thorough risk assessment, where accompanying support is in place, and where the perpetrator does not reside at the property.

24.4 Housing Services fund the Independent Domestic Violence Advocate (IDVA) service, which is delivered by [...]. In appropriate circumstances [...] will work with the victim to seek an injunction for the purpose of seeking to prevent the perpetrator from contacting the victim, or from visiting their accommodation.

24.5 An officer wishing to explore or access the measures set out above (at paragraphs 24.2 to 24.4) may contact the Council's Domestic Abuse Co-ordinator or the IDVA Co-ordinator.

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<sup>25</sup> Para 14.1(d).

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24.6 If action is needed in respect of the integrity of Council rented accommodation to safeguard the personal safety of a victim or their household members, we will take appropriate action, for example by:

- carrying out repairs on an emergency basis;
- not charging for lock changes.

24.7 Where the Council is satisfied that damage to a tenanted property was caused by a perpetrator during an abusive act or course of conduct directed towards the tenant, the Council will give active consideration to whether any resulting charges to the tenant should be waived, and whether the perpetrator should instead be pursued for the cost of rectifying the damage.

### **25. Council tenancies**

25.1 The Council takes a zero tolerance approach to domestic abuse. Abusive acts by Council tenants will usually also be a breach of their tenancy conditions.

25.2 The Council will investigate alleged breaches of tenancy thoroughly, and promptly decide what action should be taken. If, having undertaken appropriate enquiries, Housing Services is satisfied a tenant has perpetrated domestic abuse, consideration will be given to what steps are appropriate, including steps to terminate their tenancy. Other steps may be appropriate, depending on the particular facts of the case.

25.3 Where a Council tenant's ability to comply with the terms of their tenancy has been affected by domestic abuse they have suffered, this will be taken into account when deciding what action is required.

### **26. Joint tenancies held by both perpetrator and victim**

26.1 Where a victim is a joint tenant with the perpetrator the victim will be advised of their housing options, including their option of unilaterally terminating the tenancy by notice to quit.

26.2 It will ordinarily be appropriate to grant a victim a fresh tenancy, or arrange alternative accommodation pending the securing of alternative housing, e.g. another social housing tenancy.



**27. Action against perpetrators**

- 27.1 Housing Services will use all of its available powers to take action against perpetrators. For example, we may take action as a landlord to end the tenancy of a perpetrator.
- 27.2 Where appropriate we will work with the police and other agencies, for example by facilitating legal action by a third party, by providing information and witness statements detailing incidents housing staff have witnessed.

**28. Commissioning housing-related support services**

- 28.1 Officers must complete and submit a Needs Mapping return for every customer who is referred to the Supporting People (SP) Team in connection with a need for housing-related support needs. The purpose of this is to enable the SP Team to plan and develop appropriate support services on the island.
- 28.2 The Needs Mapping return should be submitted using the online form, which can be accessed at [...].
- 28.3 Housing Services commissions services providing specialist help and support to people escaping domestic abuse, via the Supporting People Programme (SPP) Grant, which is funded by the Welsh Government. Those services aimed at addressing domestic abuse involve the provision of refuge accommodation and associated support, floating support and the IDVA service.
- 28.4 The key aims of commissioning such services may be summarised as follows:
- To prevent homelessness.
  - To combat violence and abuse and promote independence, via a range of appropriate service;
  - To utilise skills, knowledge, expertise and service resources to improve the social and economic position and general well-being of vulnerable individuals;
  - To provide the best possible quality support and housing services for a wide range of needs, based on the needs of individual service users;
  - To promote service user involvement, anti-discriminatory practice and equal opportunities in all areas of work, recognising the importance of celebrating diversity.

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- 28.5 The SP Team periodically monitors and evaluates the quality and effectiveness of support services, their compliance with contractual arrangements, and the outcomes achieved, to ensure that services are meeting the needs of service users. All support providers must ensure that appropriate policies are in place for their staff and service users, including safeguarding policies.
- 28.6 The SP Team regularly reviews the proportion of SPP Grant devoted to projects that are specifically aimed at supporting victims of domestic abuse, having regard to data collected regarding individuals residing on the island who require housing-related support on this basis, and the Council's Housing Strategy and Homelessness Strategy.

### 29. **Enabling Housing Services staff to deliver this policy**

- 29.1 Our most important resource in preventing domestic abuse and protecting and supporting victims is our staff. Housing staff frequently come into contact with victims of abuse, and are the persons who must 'ask and act'.

#### Training

- 29.2 The protection of victims is a matter to which all Housing Services staff must have regard in their dealings with members of the public. All staff require an understanding of the nature of domestic abuse and how people might be at risk of harm, and must work to prevent it.
- 29.3 Accordingly, all housing staff who are involved in the delivery, management and commissioning or procurement of services, and all staff who otherwise may come into contact with customers will receive training on domestic abuse that is appropriate to their role. Housing Services will thereby ensure that:
- domestic abuse is 'on the radar' and that awareness is raised;
  - attitudinal change is effected, where necessary;
  - best practice is circulated;
  - myths and inappropriate judgments about domestic abuse are dispelled.
- 29.4 Staff will:
- be equipped with the knowledge and skills they need to respond effectively to the complex issues that arise in domestic abuse cases;
  - be able to recognise the signs and symptoms of domestic abuse;

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- have any fears or concerns about their role addressed;
- be competent to identify when potential victims should be asked whether they are suffering from abuse and/or able to identify which officer should be asked to deal with the matter;
- be able to recognise those circumstances where it is appropriate to take action to reduce harm and suffering.

29.5 Housing Services will ensure that the aforementioned training:

- is 'classroom based', in recognition that this format is most appropriate;
- is delivered by a person or body that is suitably qualified to ensure staff attain the necessary competencies to perform their duties;
- includes information on the relevant legislation and Council policies and procedures;
- covers the All Wales Child Protection Procedures (AWCPP), and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedure.

29.6 Those officers responsible for undertaking the SafeLives Dash RIC and MARAC referrals receive specific training on the DASH assessment and MARAC process.

29.7 Once established, the Council expects to source further training via the forthcoming National Training Framework, under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.<sup>26</sup>

### Supervision and support

29.8 Managers and supervisors will ensure that advice and support is available to any Housing Services officer, for example by helping an officer identify what action is required in a particular case.

29.9 Managers and supervisors will also support staff by ensuring that any regular casework reviews are undertaken in accordance with the relevant procedures.

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<sup>26</sup> This policy will be reviewed and revised when the relevant sections of the 2015 Act comes into force. See para 35.1.

### **30. Disclosure of information**

- 30.1 Sharing personal information in an appropriate way is often an essential part of protecting and supporting victims of domestic abuse. Nonetheless, the disclosure or sharing of personal or private information by officers must be lawful and adhere to the Council's Data Protection Policy, which sets out a framework for sharing personal data.
- 30.2 In some cases perpetrators may go to great lengths to obtain information on victims. This may particularly be the case where the perpetrators are extended family members or where there are multiple perpetrators, for example in female genital mutilation, forced marriage, and cases of 'honour'-related abuse.
- 30.3 Staff must be alert to the possibility that Council employees may have links to perpetrators.
- 30.4 Officers must only share information with work colleagues on a strictly 'need to know' basis, and in an appropriate way.
- 30.5 Where officers attend or participate in multi-agency forums, they should sign up to and adhere to the relevant confidentiality agreement.
- 30.6 When advising a victim it will often be appropriate for the officer to ask the customer's permission to pass details of their case to a third party. If permission is refused, and it is necessary to do so, the officer should alert the customer to any legal duties that Housing Services may be under to notify an external agency. It will often be appropriate to reassure the customer by stressing that the relevant statutory agency will deal with the information appropriately.
- 30.7 It may be appropriate to encourage individuals suffering from domestic abuse to explore how sharing information with other agencies may enable them to get all the help they need. For example, sharing information may help a person obtain appropriate support, or enable criminal proceedings to be taken against the perpetrator.
- 30.8 Staff should be aware that in certain circumstances personal data may be disclosed without the data subject's consent, including where:
- a child may be at risk;
  - there is a high risk of serious harm to a person;
  - we are otherwise legally obliged to disclose information.

The above is not an exhaustive list.

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- 30.9 Where it is proposed to share information without the individual's consent the approval of a supervisor or manager should be obtained. The purpose of this is to double-check that the proper legal basis for the proposed course of action has arisen. It is good practice to retain a record in each instance, setting out the justification for sharing without consent.
- 30.10 All disclosures of personal information must be restricted to the minimum necessary to achieve the objective.
- 30.11 Wherever appropriate, the fact that information is to be disclosed (or has been disclosed) should be discussed and/or explained to the victim/data subject.
- 30.12 Staff must not guarantee confidentiality to any person disclosing abuse, as disclosure may be legally required, subsequently ordered by a court, or recommended by the Ombudsman.

### **31. Complaints and concerns**

- 31.1 It is essential that our customers know how to complain, for example where a customer considers that we have broken the commitments contained in this policy.
- 31.2 If a customer is dissatisfied with Housing Services' treatment of an issue related to domestic abuse, action should be immediately taken to address those concerns. If the customer remains dissatisfied they should be informed of their right to make a complaint under the Council's Concerns and Complaints Policy.

### **32. Consultation**

- 32.1 A copy of this policy in draft form was forwarded to local statutory and third sector agencies. We obtained feedback on our practices, and suggestions for how we could improve. Appendix 4 includes a list of the organisations we consulted.

### **33. Dissemination of this policy**

- 33.1 We are committed to publicly demonstrating our commitment to combating domestic abuse. It is essential that our customers are made aware of how seriously we take domestic abuse.

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- 33.2 This policy is available to members of the public on the Council's website, together with a shorter leaflet specifically targeted at victims to let them know how Housing Services can help them.

### **34. Equality and diversity**

- 34.1 Domestic abuse occurs in all communities and affects people irrespective of age, race, culture, sexuality, disability, religion or creed. It affects not only the survivor themselves but also children, wider families, and may divide communities. We will deliver our service with sensitivity to the values associated with the individual who has contacted us, and their community.
- 34.2 The impact of domestic abuse on victims may be different for different groups. For example, victims from black and minority ethnic communities may present with a range of specific needs, including fear of rejection by the community, loss of access to faith and community spaces, and may lack language skills affecting engagement with services. Lesbian, gay, bisexual and transgender victims may present with different needs, for example a fear of being 'outed'.
- 34.3 Officers should bear in mind that the duties arising under the Equality Act 2010 apply to all policies and practices, including those concerning commissioning and procurement.

### **35. Policy compliance, monitoring and review**

- 35.1 This policy will be reviewed when the substantive provisions of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 come into force.
- 35.2 Thereafter this policy will be reviewed every three years, or whenever there are relevant changes in legislation, statutory guidance or Council policy.

**APPENDICES**

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## APPENDIX 1 DEFINITION OF DOMESTIC ABUSE

The Council uses the following definition of domestic abuse, which is taken from 'Tackling Domestic Abuse: The All Wales National Strategy':

*“Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self-confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship.*

*Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, threats to others including children, control over access to money, personal items, food, transportation and the telephone, and stalking.*

*Domestic abuse is not a “one-off” occurrence; it is frequent and persistent.”*



## APPENDIX 2 NOTES ON TERMS USED IN THIS POLICY

### 'Domestic abuse' / 'Domestic violence'

Different terms are often used to describe domestic violence.

The term 'domestic abuse' is used in this policy, in recognition that what was historically referred to as domestic violence includes physical violence, threats of violence, but also other forms of abuse.

It can nevertheless be appropriate to use the term 'domestic violence', for example because it is a phrase which is perhaps more widely recognised by our customers.

### 'Victim'

We recognise and respect that some professionals do not consider the term 'victim' to be appropriate, or consider there are better alternatives, e.g. 'survivor'.

We consider that the term victim is often appropriate, as demonstrated by its continuing (non-pejorative) use by criminal justice agencies.

### The provision of 'Advice' / 'Support' / 'Assistance'

References in this policy to providing a victim of domestic abuse with advice, support or another form of assistance may involve the Council or another agency providing that help.

### APPENDIX 3 REFERRAL ROUTES

The following list provides a resource for Housing Services staff wishing to refer customers to external agencies.<sup>27</sup>

**Please note:** the inclusion of an organisation in this Appendix does not constitute an endorsement by the Council of that organisation. Other organisations not mentioned below may offer the same or a similar service.

[...]

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<sup>27</sup> The details of services contained in this Appendix were collated via a questionnaire sent to the agencies. The agencies listed are responsible for informing Housing Services of any changes.

#### **APPENDIX 4 ORGANISATIONS CONSULTED**

The following organisations were consulted on a draft version of this policy:

[...]

The following officers within the Council were consulted:

[...]

## **APPENDIX 5      GOOD PRACTICE GUIDELINES FOR HOUSING SERVICES STAFF WHEN INTERVIEWING VICTIMS OF DOMESTIC ABUSE**

### **DO:**

- Prioritise immediate safety
- Offer same sex interview / preferred language
- Give your name and contact details
- Recognise the need for a positive response and your support
- Take them seriously
- Reassure them that the abuse is not their fault
- Let them know they are not alone in being abused
- Consider language and cultural barriers
- Consider impact of cultural differences e.g. they may not be involved in financial matters
- Consult with specialist agencies e.g. Women's Aid, BAWSO
- Check it's ok to write, and phone at home – confidentiality is critical
- Respect their wishes
- Find out what they want, and see if you can help them to achieve it
- Let them know that they do not have to leave home to receive support from Women's Aid, but also that they can support them to move to a place of safety
- Discuss the situation and any options with them
- Help them explore ways of maximising safety, regardless of whether they chose to leave the home or not
- Discuss how other agencies may be able to help
- Take personal responsibility when referring them elsewhere
- Keep in contact if appropriate
- Consider whether there may be child protection or vulnerable adult (PoVA) issues, indicating a need for a referral to Social Services
- Advise them of the out-of-hours services

### **DON'T:**

- Fob them off
- Be flippant, cynical or sceptical
- Ask what they did to provoke the abuse
- Ask for proof of abuse
- Focus on what they alone can do
- Make choices for them
- Ignore your intuition if you suspect abuse

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- Give out the address and telephone number of where they are staying to a third party
- Assume the children's needs are being met; contact Social Services if in doubt

### **Give due consideration to:**

- Prioritising the customer's safety and other persons, e.g. children
- Confidentiality and privacy. Officers should be particularly cautious, as perpetrators may be very persistent in trying to track down former partners
- How you respond and the need for a sympathetic approach – your response can be instrumental in guiding their decision making. Seeking help is never easy, especially when someone feels vulnerable and powerless
- Indicate you believe the person. Domestic abuse is serious and dangerous and can lead to death. If referred by Women's Aid, contact them for information on their investigations
- Physical assault is only part of the problem, so do not ask the customer to prove that abuse has taken place. If the customer offers information or documents that assist your investigation, they should be accepted. If you have information which contradicts their statement, discuss with your line manager
- Be non-judgemental. Leaving an abusive situation is often a long process. Applicants may not want to leave but this does not mean that abuse has not taken place or was not serious. Consider children, financial dependence, lack of adequate secure accommodation, lack of information, lack of support networks, immigration status – all may have a bearing on the reluctance to leave a violent relationship
- Take a holistic approach and help with referrals
- Consider ethnicity, disability, age, sexuality etc.

**APPENDIX 6      RELEVANT COUNCIL  
POLICIES AND PROCEDURES**

The following list provides a reminder for officers of policies and procedures adopted by the Council that may be particularly relevant in cases of domestic abuse. Relevant referral forms are also listed.

Electronic copies of the following documents are available on the Council's intranet, and/or on the shared internal Housing Services drive, rather than being included in this policy.

[...]

## APPENDIX 7      MARAC REFERRAL CRITERIA

The following referral criteria are taken from the RIC guidance (2014 version), which is available online at:

<http://www.safelives.org.uk/sites/default/files/resources/Dash%20with%20guidance%20FINAL.pdf>.

1. **Professional judgement:** if a professional has serious concerns about a victim's situation, they should refer the case to MARAC. There will be occasions where the particular context of the case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. **This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers particularly in cases of 'honour'-based violence.** This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria 2 and/or 3 below.
2. **'Visible High Risk':** the number of 'ticks' on this checklist. If you have ticked 14 or more 'yes' boxes the case would normally meet the MARAC referral criteria.
3. **Potential Escalation:** the number of police callouts to the victim as a result of domestic violence in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the list, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at MARAC. It is common practice to start with 3 or more police callouts in a 12 month period but **this will need to be reviewed** depending on your local volume and your level of police reporting.

Please pay particular attention to a practitioner's professional judgement in all cases.