

**DOMESTIC ABUSE - Two draft policies**

*STATUS - for approval*

1. Lister has had for a long time a progressive approach to equal opportunities and equal rights. We have also worked to support single parent families, often women, with children, to have a safe and secure home at Lister. We have not ever had a stand-alone Domestic Abuse policy and such a policy would also have a role in relation to employees as well as the allocations and tenancy relations fields. I have drafted two policies - one for Tenants and applicants; and one for Employees.
2. There has been increasing focus in the housing and wider social world about domestic abuse and the need to have strong and public policies on this topic. It is also very clear that domestic abuse impacts considerably upon any children of the relationship/household.
3. Domestic abuse can be by a person of any gender and suffered similarly. Statistically the great majority of abuse is experienced by women from men, but there are other situations and so any policy should talk about 'the abuser' or 'perpetrator' and the 'victim' rather than a male abuser and a female victim.
4. The Chartered Institute of Housing, CiH, (of which I am a member) launched its 'Make a Stand' campaign in 2018 and it is still active, gathering more momentum. It is recommended that Lister formally endorses this campaign - see below.
5. The Scottish Federation of Housing Associations (SFHA) has been working on this issue and been giving it publicity in their newsletters and blogs.
6. A Good Practice Guide has been published in August 2019 - a joint collaboration between the Association of Local Authority Chief Housing Officers, the CiH, the SFHA, Shelter Scotland and Scottish Women's Aid. This is very comprehensive.
7. I am on a Working Group involving EdIndex members and others, including Women's Aid Edinburgh on drafting a Domestic Abuse policy for Edinburgh Council/EdIndex. This is well advanced and also is trying to improve the rehousing process for those in women's aid shelters and temporary accommodation. Currently families (of any sort) can wait 18 months in temp accom before obtaining permanent rehousing.
8. Through this Working Group I have gone along to one specialist training event organised between the Council and Lothian NHS. Hopefully other training for housing staff will be forthcoming too.
9. The Edinburgh Council/EdIndex draft policy/guidelines is attempting to have a faster-track rehousing process for those experiencing domestic abuse, and is trying to get EdIndex members to assist by providing some vacancies for such households each year. The outcome of this response is not yet known - there are a lot of difficulties as prioritising one group will in effect disadvantage other homeless/priority groups. In addition there is a lot of pressure to give vacancies for 'Housing First' the programme

to get those on the street/in shelters/temp accom with multiple issues a permanent home (with support). I have replied in respect of Lister to the Working Group survey that Lister has too few vacancies each year to be able to commit to even one per year.

10. The CiH Make a Stand campaign has four parts to agree to, to then sign their Pledge, as follows:
  - a. Put in place and embed a policy to support residents who are affected by domestic abuse.
  - b. Make information about national and local domestic abuse support services available on your website and in other appropriate places so that they are easily accessible for residents and staff.
  - c. Put in place a HR policy, or amend an existing policy, to support members of staff who may be experiencing domestic abuse.
  - d. Appoint a champion at a senior level in your organisation to own the activity you are doing to support people experiencing domestic abuse.
  
11. I recommend that the Management Committee considers the following:
  - a. Study the attached draft Domestic Abuse policies - one for tenants/applicants and one for staff and agree/amend them.
  - b. Agree to the four parts of the CiH pledge, asking the staff to progress these, and for Lister to 'sign' the pledge with the CiH.
  - c. Publicise the new policy, add information to our website including a dedicated webpage, and have information available in the office.

#### ADDITIONAL INFORMATION

12. One of the great talking points in relation to domestic abuse and tenancies, is the question of being able to evict the abuser. Usually the victim has to leave temporarily and undergo a potentially long and difficult set of circumstances to re-occupy the tenancy or find alternative permanent accommodation. In most Lister tenancies, they are usually joint tenancies. If a couple are not married and the victim is the only name on the tenancy, then the victim will have strong rights in relation to the abuser.
  
13. If both are on the tenancy / they are married/civil partnered and the Matrimonial Rights Act applies, then both people have some or equal rights. From looking at our standard Lister Scottish Secure Tenancy, it is unclear whether we, as landlord have strong powers to evict ONE of two joint tenants. It solely talks about ending THE tenancy, rather than ending the tenancy of one of the tenants. We have never done this, so possibly to evict an abuser, one would have to evict all tenants, then rehouse the victim either in the same property or somewhere else. This would require the usual high level of evidence to convince a Sheriff to grant an eviction. It is probably very unlikely we would be in a position to do this, but it may be possible.
  
14. The 'normal' process as regards a tenancy and domestic abuse/marital breakdown is that the victim goes to court and seeks one or more of the following (not necessarily all at the same time):

- a. An interdict / exclusion order against the abuser, probably with a power for the police to automatically arrest the person if they break the order, i.e. come to or close to the property, or victim.
  - b. Decide on any marriage/civil partnership e.g. grant a divorce.
  - c. Decide on arrangements for the welfare of any children i.e. access, maintenance, etc.
  - d. Transfer the tenancy into one person's sole name (if joint or in name of abuser).
15. We are not in any position to alter any of the processes described in the above three paragraphs, however help and support for the victim is very important and we have always provided this. The abuser, if on the tenancy agreement, is still is a Lister tenant and we must still provide a service to them on that basis.

#### EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

Carried out by           Alistair Cant     Director     15 November 2019

- A. The policy will raise the profile and human rights of those adversely affected by domestic abuse.
- B. The policy attempts to address the topic in a fair way, recognising both that the vast majority of victims are female but also that men can be victims too.
- C. The other aspect is that the perpetrator could well be a Lister tenant and so must continue to be provided with a housing service by Lister.
- D. The policies recognise that support must be given to those from ethnic minorities *or* has one or more of the protected characteristics of the Equality Act 2010

Alistair Cant  
DIRECTOR  
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