

# Housing Services

## Domestic Abuse Policy



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## 1. INTRODUCTION

Basildon Council provides housing management services to around 13,500 tenants and leaseholders.

Housing Services contributes to the Council's Corporate Plan 2012 - 2016. The Corporate plan builds upon the successes of the Council over recent years, and it sets out the overarching aim to Create Opportunity for local people. The Council's ambition is for Basildon to be a good place to live and do business where local people can enjoy prosperity and good public services.

The 5 key promises that are the basis for everything that the Council will do over the next four years and beyond are:

- a) We will deliver value for money
- b) We will get the basics right
- c) We will demand good public services
- d) We will support and develop the local economy
- e) We will to transform our borough

### **Basildon Borough Council, Community Strategy**

There is great synergy between the Corporate Plan and the Community Strategy, the former demonstrating the outward focus of the Council and its recognition of the need to work in partnership with other agencies. The strategy sets out the long-term future vision for the next 25 years and captures the key priority areas of focus.

***“To treat the cause of crime, anti-social behaviour and disorder and improve community safety”***

### **Basildon (CSP) Community Safety Partnership**

Basildon CSP is jointly led by Basildon Council and Essex Police and other responsible authority group members including Essex County Council, Essex probation, Essex Fire and Rescue and the Health Service. The CSP also works with others who have a key role in Basildon to reduce the challenges we face.

The partnership recognises the need to be focused and have a clear sense of direction, providing reassurance to the public of our continuing work to improve the impact of crime and anti-social behaviour (ASB) on the lives of victims, witnesses and the local community.

The CSP has recently published “Reducing Crime and Anti-social Behaviour in Basildon 2012-2015”. The strategy outlines how we will work together over the next three years to deliver the best outcomes for the local community and create a safer borough. The CSP as a whole has identified four key strategic priorities and has agreed to focus its efforts and resources to implement strategies and develop year on year action plans for the next 3 years to:

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- Reduce Anti-social Behaviour
- Reduce Crime and re-offending
- Prevent and reduce alcohol and drug related crime
- Engage the community to tackle crime and ASB

### **Housing Tenancy Strategy**

In 2011 the Coalition Government introduced the Localism Act. Basildon Borough Council has taken regard to the Act, and adopted a Tenancy Strategy. This Tenancy Strategy details the steps that Basildon will be taking to comply with this Act and how the new flexible tenure will be implemented in Basildon Council's own stock. The Basildon Tenancy Strategy has also been developed to guide all providers of social housing in Basildon in setting policies for their own stock. The Tenancy Policy follows the principles and objectives of the Tenancy Strategy and should be read in conjunction with it.

In accordance with the Localism Act 2011 Basildon Borough Council (BBC) will issue tenancies that are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of our housing stock.

This policy applies to all new tenancies that commence after 1 April 2013

### **Tenancy and Estate Management Strategy**

Basildon Council recognises that effective tenancy and estate management is a vital part of housing services provision we deliver to tenant and residents of the Borough. Tenancy and estate management is not just about looking after buildings and the physical environment; it is also about ensuring our tenancies are effectively managed and about providing and arranging advice, support and assistance to those tenants and residents who need it.

The key aim of this strategy is to deliver excellence in tenancy and estate management service over the next three years.

Basildon Borough Council recognises that effective management of our tenancies and neighbourhoods will ensure long term sustainability of homes and communities.

Significant progress has been made in improving the quality of our services and customer focus around tenancy and estate management services. We have developed our staff to ensure that they are equipped to deliver high quality services, as well as developing two specialist teams that deal with all matters relating to Tenancy and Estate Management and Anti-social Behaviour.

During our Annual Survey 2010/2011 85% of residents told us they were satisfied with their neighbourhood as a place to live in. In the same year, customer satisfaction with the way we deal with ASB was 91.3%. This is an improving position.

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## **Homelessness Strategy**

The Council also has a Homeless Strategy which delivers the Strategic aims and objectives to reduce homelessness and deliver the Council's statutory obligations outlined in the Homeless Act 2002.

This strategy aims to address some of the underlying causes of homelessness and the problems that our service users face. At the heart of the strategy is the focus on making a positive difference to the lives of the Borough's residents, who could fall into one or more of the following groups:

- Both priority and non-priority homeless people
- People at risk of homelessness
- Intentionally homeless people
- Families and those with dependent children
- Single people
- 16 and 17 year olds
- Care leavers
- People with mental, physical or learning disabilities
- People experiencing or threatened with domestic violence
- People from black minority ethnic (BME) groups
- People with drug and/or alcohol dependencies

Basildon Council is committed to taking positive action to deal with domestic abuse. As part of this commitment, we have established a specialist Anti-social Behaviour (ASB) Team who investigate incidents of domestic abuse and also provide support to victims. The ASB Team works in conjunction with a range of partners to deliver a multi agency response. The team deals with issues across all tenures not just those affecting Council tenants. The Community Wardens form part of this team.

The Homeless Team also deals with the victims of Domestic Abuse immediately, if in crisis, including an "Out of Hours" service which operates 24/7.

## **2. CONSULTATION**

We are committed to developing our Domestic Abuse Policy and services through wide ranging consultation with service users and key stakeholders. This commitment is reflected within our Tenant Involvement Compact 2012 -2015.

## **3. BACKGROUND TO THE POLICY**

Domestic Abuse has a devastating effect on victims, their families and the wider community and cuts across all boundaries of social group, class age, race, religion, sexuality, gender and lifestyle. Basildon Council wants to ensure that all victims are able to access the help that is available and have the confidence to come forward.

One in four women and one in six men will be affected in their lifetimes, with women suffering higher rates of repeat victimisation and serious injury.

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It is an under reported crime and its effects can only be estimated using statistics of reported crime. Nationally, it accounts for 18% of all violent crime (Source: Crime in England and Wales 2010/11 report). The majority of these crimes are by men against women. 44% of these crimes are repeat attacks. Two women are killed every week by violent partners.

Basildon Council recognises the impact domestic abuse has on victims and their families, and the wider cost to communities. This policy will help to ensure that we provide a consistent and high quality approach to dealing with the victims of domestic abuse. The Policy has three main themes, prevention and early intervention, protection and justice and support for victims. We will work in partnership with statutory and non-statutory agencies to ensure we deal with incidents of domestic abuse effectively. The Homeless team which operates under statutory duties also works with National Women's Refuges of monitoring Basildon Woman's Aid Service level agreement in compliance with their grant requirements.

The Homeless team develop homeless prevention schemes to alleviate the need to take homeless applications which has resulted in the "Sanctuary Contract" being re-tendered and improved service delivery to keep victims of domestic abuse in their own homes.

#### **4. PUTTING THE POLICY INTO CONTEXT**

Basildon Council does not operate in isolation and this policy has been developed to take into account national legislation and other relevant local strategies and policies. The Basildon Community Safety Partnership lead locally on domestic abuse and are working to combat it as part of their wider work on violent crime.

In particular, the following strategies and plans have been identified and taken into account.

- Basildon Council's Strategic Improvement Plan 2010-2013
- Basildon Council's Homelessness Strategy
- Basildon Community Safety Partnership Plan.
- Reduce homelessness caused as a result of domestic violence and or violent crime
- Basildon Fairness For All action plans (Inclusion and Diversity)

One of Basildon Council's strategic aims is to make communities safer and to create a Borough in which everyone feels safe and secure whilst going about their legitimate business. This Domestic Abuse Policy is an integral part of achieving these objectives.

This policy also complies with the Council's Comprehensive Policy Statement on Inclusion and Diversity and supports the Government's National Crime Reduction Strategy.

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In 2010/2011 the ASB Team dealt with 599 cases of anti-social behaviour which 46 of these cases were Domestic Abuse related. In 2011/12 the team dealt with 580 of which 66 of these cases were Domestic Abuse related, which is an increase of 43% across the Borough.

This is a significant increase in reported cases of Domestic Abuse to the ASB Team over the last year this could reflect the work carried out by the ASB Team on the reporting of Domestic Abuse, how to do it and where to report it. Figures nationally also show an increase, this could be due to the current economic climate and the additional stress on families.

The ASB Team are working with all partner agencies in providing support to the victims to ensure that the risks identified are minimised, by providing and ensuring that support measures are implemented.

## 5. OTHER DOCUMENTS TO BE READ IN CONJUNCTION WITH THIS POLICY

- Anti-social Behaviour Policy
- Hate Crime Policy
- Tenancy Agreement (for Basildon Council tenants)
- Tenancy and Estate Management Strategy
- Tenants' Handbook
- Homelessness Policy
- The Council's Domestic Violence Policy for staff members
- Housing Tenancy Strategy
- Housing Tenancy Policy
- Community Safety Partnership Plan

## 6. POLICY STATEMENT

The Council is committed to tackling all forms of domestic abuse.

Any tenant found committing domestic abuse will be in breach of their tenancy conditions. This could lead to legal action and ultimately to them losing their home.

If you or a member of your family is experiencing domestic abuse, we will investigate it thoroughly and do all we can to stop it.

The development of this policy demonstrates the Council's commitment to:

- A zero tolerance of domestic abuse in the Basildon Borough
- Tackling domestic abuse through multi-agency partnership working
- Providing a service that is available to all customers, irrespective of age, gender, race, disability, religion or sexuality
- Providing a service which is responsive to the needs of victims of domestic abuse and also complies with our legal duties and statutory obligations.

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**Basildon Council aims to create a culture where:**

- The reporting of domestic abuse is encouraged
- Victims of domestic abuse are supported and protected
- Perpetrators of domestic abuse are identified, punished and re-habilitated.
- Staff members dealt with specified officers ensuring confidentiality

**7. LEGISLATION AND STATUTORY DUTIES**

Basildon Council has a responsibility for implementing and enforcing its legal obligations as a social landlord and will comply with all relevant legislation including:

Localism Act 2011

Housing Act 1985 (as amended)

Housing Act 1996 (as amended)

Crime & Disorder Act 1998 s17

Children’s Act 1989

The Adoption and Children Act 2002

Family Law Act 1996

Human Rights Act 1998

Anti-social Behaviour Act 2003

The Domestic Violence, Crime and Victims Act 2004

The Protection from Harassment Act 1997

Equalities Act 2010

**8. DEFINITION OF DOMESTIC ABUSE**

**Domestic Abuse means “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.”**

Family members are defined as mother, father, son, daughter, brother, sister and grand parents whether directly related, in-laws or step family.

It can include a range of behaviour:

- Physical violence – slapping, burning, beating, kicking, biting, knife wounds often leading to permanent injuries, and sometimes death.
- Sexual abuse – rape, forced sexual acts, sexual degradation.

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- Emotional abuse - intimidation, bullying, constant criticism, keeping someone locked up, and isolated from friends and family.
- Threats – to harm the family, to take the children away, to kill.

Intimidation can be degradation, mental and verbal abuse, humiliation, deprivation, systematic criticism and belittling.

This definition was developed by the Government’s Home Office and is also the definition used by Essex Police and other partner agencies operating in the Basildon Borough.

In September 2012, the Home Office announced that the definition of domestic violence would be widened to include those aged 16-17 and wording to reflect coercive control. The decision follows a Government consultation which saw respondents call overwhelmingly for this change. We will also be changing the title of the definition to “domestic violence and abuse”.

Any resulting homelessness caused to 16/17 year olds has a separate protocol accepted by Local Authorities and Essex County Council ensuring The “Southwark Judgement” case law is implemented.

The new definition will be implemented in March 2013 and states:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

“Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

“Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

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## 9. PARTNERSHIP WORKING

Tackling domestic abuse effectively requires a multi agency response bringing together the services and expertise of a wide range of organisations and partnerships. Basildon Council works with a range of partners in order to tackle domestic abuse. This includes partners from both the statutory and voluntary sectors.

When we make a referral to a partnership organization such as the Police, where appropriate we will continue to work jointly on the investigation to ensure a comprehensive service and consistent support is provided to the victim. We work in partnership with:

### 9.1 Community Safety Partnership (Basildon CSP)

The Basildon Community Safety Partnership is a multi-agency group with representatives from statutory, voluntary, community and business organisations from the Basildon Borough. All partners are fully committed to working together to reduce the harmful effects of crime, disorder and anti-social behaviour.

The following agencies are represented on the Partnership:

- Basildon Borough Council
- Essex Police
- Essex County Fire and Rescue Service
- Essex County Council
- Health service representatives

The Community Safety Partnership also works with others who have a key role, including community groups and registered providers.

Our participation in the Community Safety Partnership allows us access to data collected from our multi-agency partners on all reports of anti-social behaviour made in the Borough of Basildon. Analysis of the information identifies “hotspots” and trends within the Borough and enables more effective preventive action to be targeted at a specific area to address underlying causes and effects.

### 9.2 Essex Police

Essex Police have Domestic Violence Officers who can give advice to victims of domestic abuse. We work closely with the officers from the Domestic Violence Unit in order to get victims the support they need.

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### 9.3 Basildon Council Homelessness Team

When dealing with victims of domestic abuse across all tenures. The ASB Team works closely with the Council's Homelessness Team. Under S177 of the Housing Act 1996, as amended by the Homelessness Act 2002, a local authority has the responsibility to assess whether it is reasonable for a person to continue to occupy accommodation.

The Act states that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against them, or against:-

- 1) A person who normally resides with them as a member of their family
- 2) Any person who might reasonably be expected to reside with them.

Members of this team have a great deal of experience in dealing with domestic abuse and will deal with all calls in total confidence. They can offer advice on the options that are available and a designated Homeless Officer ensures that queries raised by the women or men about their re-housing are answered. The Homeless Team is on call 24 hours a day and operates an out of hour's emergency service. The Homeless Team also has access to emergency temporary accommodation.

The Homeless team and the ASB Team also consider victims of domestic abuse to be moved to alternative accommodation under a "Management Move transfer".

If a Council or RSL tenant has an urgent need for re-housing due to a confirmed risk to the personal safety of themselves or their household, or other exceptional factors, their landlord may agree a management transfer. They will only be agreed if other options are not available or not feasible.

The Estate Office responsible for the tenancy management agrees a Management Move transfer. In exceptional circumstances, the Estate Office can request temporary accommodation whilst the reason for a permanent move is investigated. If an applicant is an RSL tenant a homeless application may need to be taken to enable emergency temporary accommodation to be offered.

Because the circumstances are exceptional and re-housing considered urgent, the Management Transfer Scheme operates with the following restrictions:

- Only one offer of suitable permanent re-housing will be made.
- The offer will be on a "like for like" basis. This is based on property type and bedroom numbers. No account can be taken of room sizes or facilities such as gardens.

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- Areas of choice for re-housing cannot be considered but a Management Move Transfer will only be offered away from the applicant's current home. Area restrictions can only be considered if there are proven factors that pose a risk to personal safety relevant to the reason for transfer.
- Other medical and social factors which would normally qualify the applicant for a Housing Register Transfer will not be taken into account.

#### **9.4 Careline**

The Careline Domestic Violence Scheme is an initiative to help people who suffer violence in the home, set up in partnership between the Council and Essex Police.

The scheme utilises Careline by installing alarms into the homes of people at risk of domestic violence who are both living independently of their perpetrators and have access to a phone line.

Alarms are installed in the victim's property and connected to the telephone line. A remote pendant is supplied which can be operated from anywhere within the house or the garden. In an emergency situation, depressing the button activates a call to the Basildon Careline Central Control, which provides a 24 hours service. Once the alarm is activated the trained Careline operator will recognise the call as a domestic violence incident and will immediately contact the Police so that officers can attend the scene.

At no time is it necessary for the victim to make an emergency telephone call to the Police, as a microphone within the unit automatically records all the events that subsequently take place and this can be used as evidence in court cases. Ultimately, this may mean that more prosecutions are successful.

#### **9.5 Basildon Women's Aid**

Basildon Women's Aid (BWA) is a charitable organisation providing a refuge for women and their children who have been victims of domestic abuse.

Some women, despite suffering domestic abuse, do not wish to leave home, and they can be supported through the Parklands II Women's Centre.

#### **9.6 Women's Refuge**

The refuge offers an escape route from violence and abuse and a chance to seek alternatives to a life of danger, isolation and fear.

BWA offers temporary accommodation for women of all ages, races and cultures, with or without children. The refuge is a communal home with shared facilities for twelve families; residents give support to, and receive support from, each other helping to ease the feelings of loneliness and lack of confidence. There are also sixteen self-contained "move on" units of accommodation for families.

The Women's Refuge has access to specialist legal advisors and counsellors.

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### 9.7 Parklands II Outreach Women's Centre

Basildon's outreach service for domestic abuse is situated at the Felmores End shops. The aim of BWA's outreach service is to:

- To provide local facilities, where women suffering domestic violence are able to come for one to one and group support, and have the legal, housing and practical advice which will enable them to make choices
- To raise awareness of domestic violence issues in the community
- To raise awareness of domestic violence issues in schools
- To work both collectively and offer a complementary service to other local agency teams in order to provide a better range and quality of services to residents in the Basildon area
- To provide resettlement support to women moving on from the refuge

**BWA Contact Information:** Tel: **01268 581591** e-mail: [enquiries@basildonwa.org](mailto:enquiries@basildonwa.org)

### 9.8 Domestic Abuse, Stalking and Harassment and Honour Based Violence Risk Assessment (DASH)

The introduction of the new Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH 2009) Risk Identification, Assessment and Management Model means that for the first time all police services and a large number of partner agencies across the UK will be using a common checklist for identifying and assessing risk, which will save lives. The ASB Team fully use this assessment.

The purpose of the checklist is to give a consistent and practical tool to practitioners working with victims of domestic abuse to help them identify those who are at high risk of harm and whose cases should be referred to a Multi-Agency Risk Assessment Conference (MARAC) meeting - in order to manage the risk.

### 9.9 Domestic Abuse Multi Agency Risk Assessment Conference (MARAC)

This group meets on a monthly basis and enables agencies to share information on high-risk victims and plan appropriate support for victims whilst monitoring their perpetrators. The Council is represented at these meetings.

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## 10. PREVENTION AND EARLY INTERVENTION

Basildon Council supports the belief that it is better to prevent domestic abuse occurring in the first place wherever possible. Basildon Council is able to access data from its multi-agency partners on all reports of domestic abuse in the Basildon Borough. We will use this intelligence to help us design and deliver our services to those in greatest need and effectively work in partnership to prevent further domestic abuse where we can.

We are committed to taking positive action to deal with domestic abuse and as part of the signing up process for a Council property; new tenants will be made aware of the Council's Domestic Abuse Policy. This includes the clause relating to domestic abuse contained in their tenancy agreement. The standards of behaviour expected from Council tenants will be clearly outlined during this interview and reinforced in the Tenants' Handbook.

### 10.1 Allocation Policy

The Council's Allocation Policy includes the provision to exclude any applicant from the Housing Register on the grounds of unacceptable behaviour.

Unacceptable behaviour, is behaviour that affects the applicant's suitability as a tenant and has entitled the Council or other landlord to a Possession Order in the past, and, at the time of their housing application the Council is satisfied that this behaviour is continuing. Tenants who have been evicted or have abandoned their accommodation before or during possession proceedings for domestic abuse may also be excluded from the register.

### 10.2 Tenancies

In accordance with the localism Act 2011 Basildon Borough Council will issue tenancies that are compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community and the efficient use of the housing stock.

As from the 1 April 2013 the Council will be implementing the new flexible tenure.

#### (a) Introductory tenancies

The majority of Basildon Council tenants will be introductory tenants for the first year of their tenancy in line with Basildon Introductory Tenancy Procedure. New tenants who are transferring from another social or affordable home, whether with Basildon Council or another social landlord, will not normally be offered an introductory tenancy if they are a secure tenant or holds a flexible (fixed term) tenancy.

#### (b) Flexible tenancies

A flexible tenancy is a form of secure tenancy, which is for a fixed period. Although it contains many features of a secure tenancy, the main difference is a secure tenancy can only be brought to an end by the landlord if a court order is granted, and the court considered possession reasonable. With a

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flexible tenancy, the court has to award the landlord possession as long as the fixed term has expired, the correct notices have been served and any appeal has been considered.

The majority of flexible tenancies will be for a period of five years. Five year flexible tenancies provide a reasonable degree of security, for example for vulnerable people, and for people with children, while enabling Basildon Council to make best use of the housing stock for those in need.

There may be exceptional circumstances which may justify granting a flexible tenancy of less than five years. Examples of such types of circumstances are:-

- Where a tenant has not kept to an agreement to correct any breach of the tenancy agreement during the flexible tenancy

Flexible tenancies do not apply to all secure tenants prior to 1 April 2013.

### 10.3 Tenancy Agreement

The Council's Tenancy Agreement is a legally binding contract between the Council and its tenants. In this agreement and the accompanying Tenants' Handbook, the Council has set out the standards of behaviour that it considers to be acceptable. The Tenancy Agreement has been updated to reflect a number of changes in legislation and best practice and it contains specific clauses relating to domestic abuse. Under section 4 of the agreement, Community Responsibilities it states that you must not:

*“Use or threaten to use violence against anyone who lives with you, harass or use mental, emotional, physical or sexual abuse to make anyone who lives with you leave the home.”*

Tenants will be advised that they could lose their home if they are identified as perpetrators of domestic abuse.

Basildon Council's Tenancy Agreement has a specific clause stipulating that domestic abuse is a breach of tenancy (see section on tenancy agreement above).

Basildon Council will enforce this clause and any breaches will be taken seriously and acted upon promptly in accordance with service standards set out in this Policy. Breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the Housing Act 1985) or to an injunction requiring compliance with the terms of the agreement.

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#### **10.4 Tenancy Sign Up Interview**

We are committed to taking positive action to deal with all forms of anti-social behaviour and as part of the signing up process for a Council property, new tenants will be made aware of the Council's Anti-social Behaviour Policy and procedures and also the clauses relating to anti-social behaviour contained in Basildon Council's Tenancy Agreement. The standards of behaviour expected from Council tenants will be clearly outlined during this interview, and reinforced in the Tenants' Handbook.

All measures will be taken to ensure that those who contemplate causing nuisance and anti-social behaviour will be aware of the consequences that follow.

Tenants will be advised that they could lose their home if they are identified as perpetrators of ASB in any form (including Domestic Abuse and Hate Crime).

#### **10.5 Publicity**

Making people aware of how to recognise and report domestic abuse can have positive benefits for all residents. We will publicise widely our policy and procedures for dealing with domestic abuse.

We will send out a clear message that domestic abuse will not be tolerated and that all perpetrators will be challenged and dealt with through various forms of legal intervention and referral to support agencies that can help further re-offending. We will publicise successful legal actions against all perpetrators of domestic abuse.

Positive publicity also encourages the reporting of incidents by victims who feel that their complaints will be acted upon.

Forms of publicity will include press releases, articles in the Council's publication Housing News, website, attending local meetings, displaying posters about how to report incidents and how we deal with domestic abuse.

### **11. PROTECTION AND JUSTICE**

The Criminal Justice System and Civil and Family courts have a key role to play both in protecting victims and holding perpetrators to account and the Council will work closely with the Police and other agencies to collect intelligence and evidence in pursuing criminal prosecutions for domestic violence whilst ensuring victims are protected from further abuse.

It is recognised that victims of domestic abuse live in fear of repeat incidents. This frequently results in them having to move homes on numerous occasions, with the associated problems of moving away from support networks, family and friends. Many victims of domestic abuse would prefer to stay in their own homes if they had the option. The Sanctuary Scheme enables this to happen.

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### **11.1 The Sanctuary Scheme**

The Sanctuary Scheme is a victim centred initiative, which aims to make it possible for victims of domestic abuse to remain in their home and feel safe. The scheme enhances a person's property with physical security measures, which helps the family feel safe.

The main feature of the project is the creation of a "Sanctuary room". Every "Sanctuary" is tailored to accommodate the needs and circumstances of the individuals involved.

The Sanctuary room consists of having an internal door replaced with a solid core door and reversing it to open outwards so that the doorjamb acts as an additional barrier. Two locks are fitted to the top and bottom of the door as well as steel hinges, hinge bolts and a 180° door viewer. Fire precaution equipment is also provided. This provides a safe room or "Sanctuary" for victims to call for and await the arrival of police. Additional security can be provided as necessary, for example, locks on windows and doors. Officers from the Council's Anti-social Behaviour Team can make a referral to this scheme where appropriate.

### **11.2 Specialist Domestic Violence Court**

There are currently in excess of 100 specialist domestic violence courts across England and Wales. A specialist domestic violence court was established in Thurrock in April 2007 and deals with cases from the Basildon Borough. The court provides independent advisers for victims and dedicated prosecutors as well as magistrates, legal advisers and police officers that specialise in domestic violence cases. The specialist court gives victims confidence in the law and they are more equipped to bring offenders to justice.

Data from the Crown Prosecution Service indicates that these courts help increase the number of domestic violence incidents reported to police that result in a trial, reduces the number of cases before a case came to court and increases the number of convictions.

The courts operate on a fast-track system of domestic violence cases or a clustering system of cases together on a designated day each week or months to speed up justice for victims. The fast tracking of cases reduces the number of detraction statements and produces more "guilty" pleas saving court time and anguish for victims. There are also separate entrances, exits and waiting areas so that victims are not confronted by their attackers.

Independent Domestic Violence Advisers give professional support to victims throughout the process of their case. They also give expert advice on accessing essential services such as victim and witness agencies, housing, health, counselling and care. The Advisors refer victims to BWA Parklands II Centre for further support once the case has been heard.

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Essex Police takes domestic violence very seriously and officers do not necessarily need a victim's statement to prosecute perpetrators. If the Police have reasonable grounds, they will arrest perpetrators immediately - they no longer need a statement from the victim to make an arrest.

## 12. SUPPORT OF VICTIMS

Basildon Council recognises that domestic abuse incidents, whether they are physical or psychological attacks, are likely to leave the victim feeling vulnerable and they may be reluctant to report an incident. We will treat all complaints of domestic abuse seriously and provide a sympathetic and supportive service to all victims.

We will also explain the options available for:

- reporting the incident to the police for possible enforcement action
- referring the victim to other agencies who can provide practical help and support
- considering alternative accommodation; and
- carrying out security improvements to their home
- carry out a DASH Risk Assessment

Staff will maintain regular contact with the victim to advise and keep them informed of any developments and to support them. Where there is a language barrier an interpreter will be provided.

Victims will be supplied with information that will explain what will happen when a report of domestic abuse is made and it will also include details on the practical/emotional support and guidance offered by Basildon Council and its partner agencies.

Basildon Council will also work closely with its multi-agency partners to ensure the safety of victims. Referrals will be made to the relevant partners in the multi-agency partnership and supportive voluntary agencies.

Where the victim or witness is a tenant they will be encouraged and supported to stay in their home if at all possible. If the victim or witness feels that there is a risk to life, or feel threatened in any way, the ASB Officer will contact the Council's Homelessness team to request emergency accommodation. Management Move transfers will be considered in exceptional circumstances for Council tenants.

Where the victim or witness is a private resident we will ensure that we work with partner agencies to offer the best possible support. Under homelessness and housing legislation, Basildon Council has a duty of care to those who are fleeing violence regardless of tenure.

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Housing options at this stage are:

- to remain in the property with additional security and support;
- look for a mutual exchange;
- apply for a transfer;
- \* make a request for a management transfer;
- make an approach as homeless to Basildon Council;
- apply directly to another authority's waiting list.

All victims and witnesses will be advised of the options available to them. We will recognise that the ultimate choice lies with the victim and/or witness and will fully support their decision.

During an investigation into domestic abuse we will protect and support victims and witnesses by:

- providing a list of emergency and out-of-hours contact numbers including the police and emergency repairs/homelessness ;
- advising and updating on developments in the investigation;
- agreeing an action plan to jointly decide on a way forward; this action plan must be signed by the complainant, if it is not, action may not be taken in order to progress the case;
- Completing a Harm Based Risk Assessment to ensure that the appropriate support is in place;
- Installing surveillance cameras in or around the property, in compliance with relevant legislation (Regulation of Investigatory Powers Act 2000). Cameras may be used to gather evidence in certain circumstances but the legislation requires that directed surveillance is a last resort and that all other means of gathering evidence should be attempted first. The ASB Team has access to cameras when required;
- offering the use of a mobile phone and/or personal alarm where appropriate;
- accessing resources available from Essex Police and/or other agencies.
- Using our own ASB Officers or Community Wardens to gather evidence and act as professional witnesses wherever possible.
- offering the use of a panic alarm where appropriate
- accessing resources available from the local police and/or other agencies
- agreeing the preferred method of communication with an individual depending on their specific needs;
- arranging access to translation/interpreters in the appropriate language as required and welcoming the use of advocates by victims of domestic abuse.

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### **12.1 Support During Legal Proceedings**

If legal action is taken, victims and/or witnesses may need to attend court. We will aim to provide optimum support throughout the process. During legal proceedings the ASB Team will ensure that victims and witnesses are supported throughout the process by:

- ensuring they have access to their witness statement for reviewing before the court date;
- having the opportunity to meet with our legal representative to ask any questions about the proceedings;
- providing transport where necessary;
- doing our best to ensure a separate waiting room is set aside away from the defendant;
- accessing resources from Victim Support, Basildon Women's Aid or the Independent Domestic Violence Advisor, if appropriate;

### **12.2 Support Following Legal Proceedings**

At the conclusion of legal proceeding taken by Basildon Council, victims and witnesses will be formally advised of the outcome and given the opportunity to ask questions regarding any aspect of the proceedings that they may not have fully understood.

## **13. SUPPORT OF PERPETRATORS/TACKLING THE CAUSES OF DOMESTIC VIOLENCE**

Basildon Council aims to tackle perpetrators of domestic abuse by challenging their actions and enforcing legal sanctions to prevent further abuse. However, we also recognise the importance of giving perpetrators the opportunity to take responsibility for their actions and make positive changes to their behaviour.

Every effort will be made to bring about real changes and improvements in behaviour and to re-habilitate perpetrators in order to ensure that further action is not required. Such improvement and changes in behaviour are considered to be effective outcomes.

In considering the most effective options for the protection of residents from hate crime, Basildon Council will investigate each case to see if there is an underlying cause for the behaviour. Where appropriate, we will work with perpetrators and signpost them in the direction of specialist agencies that offer perpetrator programmes.

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## 14. IMPLEMENTATION OF THE POLICY

### 14.1 Reporting and Recording Incidents

All incidents of domestic abuse should be reported as soon as possible to the ASB Team. For non council tenants who are fleeing violence, they can report direct to the Homeless Team.

To report incidents of domestic abuse to the ASB Team these can be reported in writing, by telephone, by e-mail or in person at the Basildon Centre between the hours of 9am to 5.15pm, Monday to Friday. We also have an out of hours reporting hotline 01268 465191 for non-emergency incidents. Residents can leave brief details of the incident and an ASB Officer will make contact within 1 working day.

Alternatively residents can report incidents online via the council's website.

Crisis Incidents can also be reported to the Homeless team and they will deal with the incident immediately.

On initial receipt of a report of domestic abuse we will:

- Record the complaint on the Customer Relationship Management (CRM) system.
- Allocate a named officer to work on the case.
- Give advice on the options that are available and agree an action plan with the victim.
- Undertake a DASH risk assessment to identify any additional support needs for the victim

### 14.2 Case Investigation

Following the initial reporting of an incident, an interview will normally be arranged with the complainant. The purpose of this interview is to gather as much information as possible about the incident so that a proper investigation can be carried out and appropriate action taken. This may include the complainant completing diary sheets to gather evidence of the incidents.

The needs of the complainant will be considered prior to this interview. The interview will take place in private and in a place where the complainant feels safe. If necessary, home visits can be arranged at a mutually convenient time. Support needs for the complainant will also be identified from the DASH Risk Assessment.

The ASB Officer will give advice on the options that are available and an action plan will be agreed with the complainant.

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### 14.3 Monitoring cases

Regular meetings will take place (minimum monthly) between the ASB Officer and the Principal ASB Officer to monitor progress on individual cases of domestic abuse.

### 14.4 Case Closure

When a complaint of ASB is received, the Council aims to investigate, monitor and progress the case to its conclusion. There are a number of circumstances when a case will be closed including where:

- the ASB has ceased
- there is insufficient evidence to take any action
- following the initial investigation, the behaviour cannot be reasonably classed as ASB
- the perpetrator has moved
- no reports of ASB have been received for 6 weeks
- at the complainants request

If no complaints of domestic abuse have been received for 6 weeks, a letter will be sent to the complainant indicating the intention to close the case and inviting any comments within 10 working days. If there is no response within that time, the case will be closed. Should there be any further instances of domestic abuse at a later stage, the case will be re-opened and investigated according to the ASB procedures.

After the case has been closed the ASB Officer/Neighbourhood Nuisance Officer will write to the complainant to advise them that the case has been closed and explain the reasons for closing the case. An ASB customer satisfaction questionnaire will also be sent out for the complainant to complete and return. These questionnaires will help ensure that we learn from any compliments, comments or complaints, and consequently continually improve our service.

### 14.5 Data Collection

Basildon Council will produce figures quarterly in respect of the following performance measures:

- Number of new ASB cases
- Number/percentage of new Domestic Abuse cases
- Number/percentage of closed resolved ASB cases
- Number/percentage of closed unresolved ASB cases
- Number/percentage of closed resolved ASB cases for each main intervention that led to case resolution

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- Percentage of respondents satisfied with the way their ASB complaint was dealt with
- Percentage of respondents satisfied with the outcome of ASB complaint
- Identify repeat perpetrators

Data is collected from ASB customer satisfaction surveys once cases are closed. The Council's annual tenant and leaseholder surveys also include questions on issues such as crime and ASB, together with questions on general satisfaction levels.

This information is also entered onto Housemark as this enables the Council to compare this service against other local authorities and registered providers in respect of how well we are performing. This also enables the Council to share best practices with other organisations.

#### **14.6 Performance Management**

Basildon Council is aware that residents' satisfaction with their homes is closely linked with their experience and perceptions of ASB and how the landlord deals with these problems. The purpose of collecting the data detailed in the previous sections is to:

- Identify geographic "hot spots"
- Identify repeat perpetrators
- Target resources appropriately
- Establish comparative data
- Evaluate success of initiatives to combat domestic abuse
- Develop future service provision
- Highlight key priorities and areas of concern

Regular reports (at least monthly) will be taken from the CRM system to help identify any emerging trends and to allow us to appropriately resource our response.

The data collected will be entered onto the Council's Covalent database and discussed at the monthly Management Team Meeting and the Departmental Managers Team (DMT) meeting as appropriate. Reporting to DMT will be by exception only i.e. where agreed targets have not been met.

This information will be also shared with all staff at the ASB Team during their monthly Team meetings. Performance information is a standard agenda item on all Team meetings.

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Performance information will be made available to our customers through articles included in Housing News and on our website. We will provide a range of information to the Tenancy and Estate Management Customer Focus Group.

#### **14.7 Service Standards**

We have developed these standards following consultation with our Tenancy and Estate Management Customer Focus Group. The purpose of these standards is so that every resident that uses our services understands the level of service they can expect to receive from us.

We will monitor all service standards and regularly report the results via the Tenancy and Estate Management Customer Focus Group meetings and will publish the report in the quarterly Council publication Housing News.

We aim to provide the best possible service with the resources we have. When we cannot meet your needs ourselves, we try to refer you to other people and organisations that can help.

Our 5 promises are

- We will get the basics right
- We will provide value for money
- We will demand good public services from our partner organisations
- We will support and develop the local economy
- We will transform our borough

When offering our services we will treat everyone equally, regardless of their race, disability, gender, age, sexuality or religious beliefs.

##### **14.7.1 What can residents expect from the service**

- When you contact the Anti-social Behaviour Team we will start an investigation within a set time depending on the type of incident you are reporting (see response times).
- On receipt of your complaint we will write to you and tell you the name of the Officer who will deal with your case.
- After we have investigated your complaint we will write to you to:
  - Tell you about any action we have taken to deal with the problem: or
  - Tell you why we are not able to take action.
- We will contact you regularly to keep you up to date with the steps we are taking to deal with your complaint. We will do this by e-mail, by phone or by visiting you. We will agree with you how regular the contact will be.

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**We will:**

- Advise of the legal and housing options available to you
- Repair or make good any damage to your home within one working day
- Provide advice and assistance on extra security to your home if there is a risk of further abuse. Panic alarms can be provided.
- Provide ongoing support, with the help of partner agencies, if appropriate, to help you cope with the situation
- Work with the police and other agencies to protect you and any other witnesses
- Take action against those who are committing the abuse, using injunctions, possession proceedings or Anti-social Behaviour Orders, or supporting criminal prosecutions recommended by the police to the Crown Prosecution Service
- Work with other agencies to help perpetrators realise why they are acting in this way and to find ways of helping them avoid doing it again.

**You can help us by**

- Reporting any abuse to us quickly
- Keeping us informed of any changes in your circumstances
- Giving feedback on the services you receive from the Council

**14.7.2 The ASB Team Response Times**

**We will**

Evidence of danger to the household, at risk of serious assault and/or the household has been subjected to substantial and/or persistent harassment and is at risk of serious mental or physical harm on the grounds of vulnerability

**Level 1** – an interview will be offered to take place within one working day.

**The Homeless Team will respond to crisis incidents of domestic abuse immediately**

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### 14.7.3 Our Performance Indicators are:

Performance	Target	Measure	Where reported
% of respondents satisfied with the way their landlord handled their ASB	89%	Customer satisfaction surveys	Tenancy and Estate Management Customer Focus Group
% of respondents satisfied with the outcome of their ASB case	88%	Customer satisfaction surveys	Tenancy and Estate Management Customer Focus Group

### 14.8 Protection of Staff

The Council will not tolerate threats or violence against a member of staff or our partners. We will work with the police and other agencies to use legal remedies against any person using or threatening violence.

If that person is a tenant, there are specific powers in the Conditions of Tenancy to deal with threats or violence against employees of Basildon Council or its contractors. Where such behaviour can be proved to the satisfaction of the County Court then an injunction and/or a possession order will be obtained, which could lead to the tenant being evicted.

#### We will ensure:

- that perpetrators of threats, intimidation or violence against staff will be prosecuted and action will be taken against them under the terms of their tenancy agreement, where applicable and under the relevant civil or criminal legislation;
- injunctions will be obtained where necessary banning the person from contacting the officer threatened and/or banning them from the office or a specific area;
- that Health and Safety risk assessments are undertaken as it is recognised that the management of anti-social behaviour including hate crime, can pose an additional risk to staff;
- that staff report all incidents of verbal abuse, threats and assaults and appropriate action will be taken by line managers and/or the Anti-social Behaviour Team;
- that staff have access to protective equipment and clothing where necessary;
- that we work closely with the local police and ensure a police presence on visits, especially evictions, where the perpetrator is known to be violent or a risk of violence is perceived.

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## **14.9 Training**

We are committed to training our staff to ensure they have the confidence and knowledge to identify and deal with incidents of domestic abuse and are equipped to take the appropriate action. All relevant staff will be trained on our own domestic abuse policy and procedures to ensure consistency and accurate recording of incidents.

Staff will be required to attend internal and external training courses on domestic abuse and related subjects such as inclusion and diversity, as appropriate to their role. We will work closely with local organisations such as Basildon Women's Aid to ensure that staff within the Anti-social Behaviour Team, who deal directly with victims and perpetrators of domestic abuse, are kept up to date with any changes in legislation and best practice through attending sessions such as the community awareness workshops.

Training and/or information sessions on ASB including domestic abuse will be arranged for tenants, leaseholders and the wider community and will be delivered via the Tenant and Leaseholder Panel, Tenancy and Estate Management Customer Focus Group and other community forums as appropriate.

## **14.10 Record Keeping**

The Principal ASB Officer/Principal Neighbourhood Nuisance Officer will ensure that all case files and other relevant documents are stored in a secure environment. Disclosure request forms will be stored securely in accordance with the information sharing protocol.

## **14.11 Data Protection**

In order to tackle domestic abuse across the Borough, information will be exchanged lawfully between all agencies involved. We expect our staff to comply with the requirements of any new or existing relevant legislation, (such as the Data Protection Act 1998) and the council's policy, procedures and protocols on Data Protection.

## **14.12 Information Sharing**

The Crime and Disorder Act 1998 section 115 allows the exchange of information with other organisations provided it is for the purposes of preventing crime.

Basildon Council has signed up to a joint information sharing protocol. This protocol deals with the sharing of information between relevant local agencies in relation to incidents and perpetrators. Officers will ensure that any disclosure of information is lawful.

Under this protocol only the "designated officers" can either process or initiate requests for personal information and conviction data.

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### **14.13 Confidentiality**

All information provided by a victim of domestic abuse must be treated in strict confidence. Information cannot be exchanged without the consent of the victim who has provided the information. The ASB Officer should explain to the victim that we will continue to provide support, but that we may not be able to successfully resolve the case or take action against the perpetrator unless we are given permission to collect additional supporting evidence from other people.

Where permission is given by the victim an exchange of information can take place. If this is done at a multi agency case conference, all participants will be asked to agree to a declaration of confidentiality before the case conference begins.

## **15. INCLUSION AND DIVERSITY**

We will ensure compliance with our policies on inclusion and diversity when dealing with reported incidents of domestic abuse. This Domestic Abuse Policy will be subject to a Service Impact Assessment prior to being endorsed by the Housing Executive Board. Residents and stakeholders will be consulted on any identified negative impact to identify ways to minimise the negative impact.

In some households domestic abuse is underreported for many reasons e.g. language barriers, fear etc. However, these may be households where a disproportionately higher incident of domestic abuse occurs. There is evidence of these findings in a recent report from the National Society for the Protection of Cruelty to Children (NSPCC) on the experience of domestic abuse within South Asian communities and its impact on children.

Basildon Council aims to develop stronger relationships with such families to encourage reporting of domestic abuse, especially where women and children are the victims.

## **16. SERVICE IMPACT ASSESSMENT**

A Service Impact Assessment has been carried out on this document that demonstrates that it is robust and helps the Council to consider the actual or potential effects of its activities on:

- communities
- local economic conditions
- individuals
- vulnerable groups
- the environment

It also ensures that the Council delivers better value for money by focusing on the issues that are important to people in the Basildon Borough and ensures that what the Council provides is effective and accessible.

The findings of the Service Impact Assessment are shown at Appendix A.

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## 17. REVIEW OF THE POLICY

This policy will be reviewed every 3 years and/or when either internal or external influences prompt a review.

Internal prompts to review the policy include:

- Complaints
- Under Performance
- Internal Audit

External prompts to review the policy include:

- Change in legislation
- External Audit

We are committed to continuous improvement and best practice in this area.

The Home Office published a White Paper in May 2012 entitled “**Putting victims first – more effective responses to anti-social behaviour**”, which sets out a new approach to crime, policing and community safety and outlines the government’s focus of the needs of victims.

The government is proposing to amend the ASB legislation and the powers available to local authorities, social landlords and Police and it is anticipated that this legislation will come into force in 2014/2015.

This policy will be reviewed to incorporate any changes in legislation.

## 18. MONITORING THE POLICY

The policy will be monitored regularly to assess its effectiveness to determine whether any changes are needed. The Tenancy and Estate Management Customer Focus Group will be part of the monitoring process.

## 19. ACCESSIBILITY OF INFORMATION

This publication is available in different formats on request. For example, Braille, audio and different languages.

## 20. PUBLICATION

This policy will be made available on the Council’s website and an electronic or hard copy will be supplied upon request. The final approval and availability of this policy will be advertised in the Landlord Services publication “Housing News”.

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## 21. GLOSSARY

Term	Definition
ASB Officer	Anti-social Behaviour Officer
Basildon CSP	Basildon Community Safety Partnership
BWA	Basildon Women's Aid
CRM	Customer Relationship Management System
DMT	Departmental Management Team
Registered Provider	Registered provider of social housing

## 22. CONTACT US

If more information is needed about the work of the Anti-social Behaviour Team, please contact the Anti-social Behaviour Manager at Basildon Borough Council, St Martin's Square, Basildon, Essex, SS14 1DL.

Phone: 01268 465135.

E-mail: [asb@basildon.gov.uk](mailto:asb@basildon.gov.uk)

## 23. APPENDICES

Appendix 1 – Service Impact Assessment

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<b>Approved by:</b>		<b>Review Date:</b>	<b>December 2015</b>

## Service Impact Assessment

<b>Responsible Officer:</b>	<b>Anti-social Behaviour Team Manager</b>	<b>Version 2</b>	<b>August 2012</b>
<b>Approved by:</b>		<b>Review Date:</b>	<b>December 2015</b>