

**Westminster Housing Solutions Service (HSS)**

**Domestic Violence and Abuse (DVA)**  
**Procedure**

**Updated July 2021**  
**(Previous version September 2020)**

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## 1. INTRODUCTION

As a service, we recognise that DVA is a very complex and often contentious issue and is becoming more prevalent each year. This may be due to people becoming more aware of what DVA is, or that more people are plucking up the courage to report what they are being subjected to.

We understand that DVA can affect anyone regardless of ethnicity, religion, class, age, sexuality, disability, or lifestyle. It affects both men and women and can occur in a range of relationships including heterosexual, gay, lesbian, bisexual and transgender and within the immediate or extended family. Most victims of domestic violence are women and children, and women are also considerably more likely to experience repeated and severe forms of violence and sexual abuse.

**We also recognise the impact of the Covid-19 pandemic on DVA in terms of the escalation in the number of people seeking help and support.**

From a housing perspective, accepting a full duty because of DVA is not a foregone conclusion. Therefore, this guide gives the framework for how HSS deal with victims/survivors of DVA. It also gives guidance on how we deal with perpetrators of violence and abuse.

There is no blanket ruling, and we will treat each instance on its own merit.

## 2. HOME OFFICE DEFINITION OF DVA

'Any incident or pattern of incidents of controlling, coercive or threatening behavior, 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
- emotional
- physical or sexual
- violent or threatening behavior
- controlling or coercive behavior
- economic (financial)

'Controlling behavior 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 behavior'.

'Coercive behavior 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'.

This definition, which is not a legal definition, includes so called 'honor' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

### 3. OVERVIEW OF THE DOMESTIC ABUSE ACT EFFECTIVE 5 JULY 2021

#### The Domestic Abuse Act:

- Raises awareness and understanding about the devastating impact of domestic abuse on victims and their families.
- Further improves the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice.
- Strengthens the support for victims of abuse by statutory agencies.

#### Key points of the Act:

- Creates a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive, or controlling, and economic abuse.
- Provides the framework for a Domestic Abuse Commissioner, setting out the Commissioner's functions and powers.
- Introduces two new civil protection orders:

**Domestic Abuse Protection Notices (DAPN)**, to “secure the immediate protection of a victim from future domestic abuse carried out by a suspected perpetrator”

**Domestic Abuse Protection Orders (DAPO)**, creates “prohibitions or requirements for the purpose of preventing the perpetrator from being abusive towards his or her victim”

- Places a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and \*other safe accommodation.

*\*Bed and Breakfasts and general needs hostels are not considered relevant safe accommodation.*

- Ensures that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

**From 5 July 2021 all eligible homeless victims of DVA automatically have 'priority need' for homelessness assistance. This means that the vulnerability test for victims of DVA automatically confers priority need.**

#### **4. FURTHER DEFINITIONS OF DVA**

It is important that all HSS staff recognise DVA and so they are trained to see how it may manifest itself. Details below are covered:

##### **Domestic Violence**

*Behavior involving physical force intended to hurt, damage, or kill someone. It includes sexual assault and rape.*

*Abuser (male or female) is someone the victim is in a current intimate relationship with, or has had a previous intimate relationship, or is a member of the family/household.*

##### **Threats of violence**

*A verbal or written declaration of an intention to inflict physical force intended to hurt, damage, or kill someone.*

##### **Sexual abuse**

*When a person forces, coerces or entices another into engaging in sexual activity.*

Examples:

- rape
- sexual assault (including the use of objects to commit the assault)
- denying the use of contraception/forced pregnancy
- forced abortion
- coercing or forcing someone to commit a sexual act on another or watch a sexual act being committed
- forcing or coercing someone to prostitute themselves

##### **Emotional abuse**

*Words and/or actions to manipulate a person's emotions. There is no actual violence or threats, it is more a behaviour towards a person that seeks to hurt and humiliate emotionally to stay in control of the victim.*

Examples:

- blaming a person for problems in the relationship
- not resolving conflict
- controlling the relationship and person
- making a person constantly confused or insecure about where the relationship is going
- running hot and cold, flying into rages out of the blue and blaming person for them
- person feels trapped or cornered – but may not know why

- being put on a guilt trip for expressing an opinion - or person feels afraid to even express feelings or opinions
- person feels like they are always walking on eggshells for fear they will say the wrong thing
- everything being said or done is scrutinized or judged
- person feels worn down mentally and physically until they just give in

### **Controlling behaviour**

*Physical or verbal restraining, directing, dominating, or regulating of a person.*

Examples:

- taking money or not allowing the person to have any money
- not allowing a person to leave the home
- not allowing a person to have friends or family support/contact
- not allowing a person to use their own free will

### **Economic (Financial) abuse**

*When a person controls access to or the use of finances, so they cannot earn their own income or forcing someone to take on another's debts.*

Examples:

- perpetrator not giving person any money
- payments going directly to perpetrator's bank account
- not allowing person to have a bank account
- loans and credit cards taken out in person's name, so they are responsible for the debts
- not allowing person to get a job or have an education to lead them in to work
- coercing or blackmailing person to give perpetrator money or stealing money
- perpetrator not paying bills including rent
- perpetrator tracking all payments constantly
- perpetrator not making any contribution to children's needs

### **Honour based violence**

*Violence, threats, or emotional abuse committed to protect or defend the honour of the family or community.*

Examples:

- actual violence, threats or controlling behaviour
- being forced into marriage
- not being allowed to choose who they form relationships with
- violence from a family member e.g. a sibling
- punishment for going against culture, religion, and family's reputation

- taken or held against persons will

### **Forced marriage**

*Unlike an arranged marriage, forced marriage is when someone is forced to marry, i.e. the victim or victims do not or cannot consent to the marriage.*

Examples (of the key motives for forced marriage):

- to control behaviour and sexuality (includes perceived promiscuity, being lesbian, gay, bisexual, or transgender) particularly, but not exclusively of women
- to control behaviour such as alcohol and drug use, wearing make-up, or behaving in what perpetrator perceives to be a “westernised manner”
- preventing perceived unsuitable relationships outside the ethnic, cultural, religious or caste group
- protecting family honour
- family or peer group pressure
- attempting to strengthen family links
- to achieve financial gain
- ensuring land, property and wealth remain within the family
- protecting perceived cultural or religious ideals which are misguided
- ensuring care for a child or adult with special needs when parents or existing carers are unable to fulfil the role
- assisting claims for UK residence and citizenship
- long-standing family commitments

Warning signs:

- victim being told they will be married
- removal of passport
- victim told they have dishonoured the family and marriage is the only way this can be rectified
- victim found out they are going on “holiday” which was unplanned, and they must leave the country immediately
- victim pressured into a marriage they are unsure about
- victim’s family preparing the house for a ceremony with very short notice



## 5. WHAT HSS CONSIDERS IF A PERSON IS IN AN ABUSIVE RELATIONSHIP

HSS considers the important information below if a person is in an abusive relationship:

- There are many who suffer.
- Victims are not to blame.
- That DVA impacts on different survivors (e.g. those from a black and minority ethnic background or the LGBTQ+ community) in different ways.
- Pregnancy can escalate the behaviour of the perpetrator.
- Ignoring violence is dangerous.
- Victims should not have to deal the issue alone.
- It is a person's right to be free of violence and abuse.
- DVA affects children, too. *In 90% of domestic violence cases, children can be in the same or next room.* Children could feel isolated, scared, or confused when domestic violence is present within the home.
- That the point at which a victim/survivor tries to leave the perpetrator can be the most dangerous in terms of their personal safety and others in their household, especially children
- The first 12 months when separated from the perpetrator is the most dangerous.
- That the person's options may be limited by lack of resources or access to resources.

## **6. HSS COMMITMENT AND APPROACH**

### **Our Commitment**

- HSS does not condone DVA.
- We ensure that victims/survivors are given appropriate and timely support and advice to make informed choices about the options available to them.
- We prioritise the immediate safety of the victim/survivor and any children.
- We respect the choices of the victim/survivor.
- We believe and actively support victims/survivors without judgement.
- We treat victims/survivors and perpetrators of DVA with sensitivity and uphold confidentiality.
- We ensure our staff explore all DVA issues as an integral part of our best practice service delivery.

### **Our Approach**

- We recognise that victims/survivors of DVA are not to blame for what they suffer.
- We allow victims/survivors to explain what they are experiencing in their own words.
- The safety of the person, their children and all household members are paramount to us.
- All of our staff attend DVA awareness training and are regularly updated on DVA issues to ensure that they are conversant with the issues and are equipped to carry out their duties with tact and diligence.
- We utilise our DVA Champions across the service to support, guide and provide signposting to our staff.
- Staff introduce female victims/survivors to our Independent Domestic Violence Advisor (IDVA). She provides support to officers as well as training on domestic abuse, housing options, safety, planning and risk management.
- We make referrals to specialist agencies to assist with support and advice.
- We always have a non-judgemental, customer centred approach.
- We ensure that our use of language, questioning and entering of case notes and

all written correspondence is in line with our non-judgemental approach to victims/survivors.

- If we need to get corroborating information about the person's situation, we will sensitively explain why and allow the person to choose what to disclose about the details of any incidents.
- We do not contact the perpetrator or his/her family members or associates.
- We respect life choices and treat the person as an individual regardless of culture, age, gender identity, sexuality, immigration status, language, mental/physical health issues or substance misuse issues.
- We acknowledge the person's right to change their mind.
- We offer a fast-track service and customer protection.
- We always offer a private interview away from our public waiting areas.
- We ask whether a person wishes to see an officer of their gender of choice (*currently male or female only*).
- Our investigations are confidential except for instances where there is suspicion of child abuse or neglect.
- We offer a range of solutions for consideration.
- We recommend that those experiencing DVA always seek independent legal advice.
- We always give contact details of organisations and assist a person to contact them, as necessary.
- We have a non-judgemental approach when dealing with perpetrators of DVA.
- Whilst we do not condone or agree with DVA, we recognise that it takes courage for a perpetrator to admit that their behaviour is unacceptable and that they want to change.
- We always give the contact details of organisations that can help perpetrators who wish to stop.
- We will conduct customer feedback surveys with those who is safe to contact to help us improve our service delivery for those affected by DVA.
- We keep the wellbeing of our staff as a priority to ensure they are supported in dealing with the anxiety and stress that can occur when interacting with victims/survivors/perpetrators of DVA.

## 7. OUR PROCESS

### Housing and Homelessness

We know that having somewhere safe to live will be a top priority for a person when they decide to leave accommodation known to a violent person or persons. We understand that they may also wish to remain in their home, but have the violent person leave.

When someone flees, we can, in certain circumstances, provide accommodation. However, a housing assessment is required to see if the person meets the necessary criteria to be considered for assistance.

Most victims/survivors of DVA approach HSS having been made homeless by their experiences. Similarly, perpetrators of DVA may have become homeless because of their actions.

Before any housing assessment is made, we will as far as practicably possible ensure that our IDVA sees all female victims/survivors at the time of approach. If this is not possible, an appointment to see her will be made, or her input sought by officers as required.

We will go through the homelessness application process to be satisfied that the person is:

- Homeless: No accommodation in the UK or elsewhere, which the applicant is reasonably entitled to live in. In the context of domestic violence this means unreasonable to live in because of harassment, violence, or threats of violence.
- Eligible for Assistance: Those who are not subject to immigration controls and are EEA workers or are habitually resident in the UK.

If homeless and eligible, we must then decide if a Prevention or Relief duty is owed:

Prevention: Can reasonable steps be taken to help the applicant to secure that accommodation does not cease to be available to them. If not;

Relief: Can reasonable steps be taken to help the applicant to secure that suitable accommodation becomes available to them.

If applicant requires temporary accommodation, we have to be satisfied that the applicant or a member of his/her household is:

- In priority need: Those with dependent children, pregnant, those vulnerable because of; DVA, sexual or racial harassment, ex-military or discharged prisoner, old age, physical or mental illness, care leavers aged 18-21.

When considering the main housing duty we will also look into whether the applicant is:

- Not intentionally homeless: Was the homelessness caused by a wilful act or omission? Was the homelessness caused by an act of bad faith?

*We understand that it is unlikely that anyone fleeing DVA is intentionally homeless from their current accommodation. However, it is possible that a perpetrator could be.*

- Has a local connection: Was the applicant previously resident or, currently working in that borough or has family associations in the borough. In this context local connection is 6 out of the last 12 months or 3 out of the last 5 years.

HSS need confirmation of the following:

- Details of current address and tenancy agreement. If necessary, a 5-year address history will be requested.
- Household details.
- Details of income and savings.
- Medical details where appropriate (for all household members) and details of any injuries requiring medical attention.
- History of abuse and whether they have ever spoken to anyone else about the abuse e.g. DV Agency, Police, Health Visitor, GP, or Social Services.
- The person's agreement for us to speak to a third party.

We will always take DVA very seriously, but it may not be sufficient to constitute homelessness for the purposes of housing. If a person who has fled, or wishes to flee, does not meet the criteria above, we may be able to assist in other ways by providing advice and assistance.

### **What may happen?**

- Referrals to DV organisations.
- Hostel referrals.
- Checks for refuge vacancies.
- Providing contact details for help lines.
- Sign posting to other organisations.
- General homelessness advice.

## 8. OUR PROCEDURES

### Face to Face, Telephone, Self-Assessment Form and Email Contacts

#### FACE TO FACE:

We will as necessarily protect from public view whilst awaiting or undergoing any interview. There is a designated Interview Room in both of our offices for use for this purpose.

#### Reception staff will:

- Determine the reason for the approach to HSS. We will not *assume that the person is homeless and wants housing, even if in a DVA situation, as we understand that the person may just want some advice.*
- Check to see if person is already known to us and if so, take note of relevant computer records.
- Offer the DV Interview Room as a secure place to wait and ask the gender preference (male or female) for the officer who will see the person.
- If the IDVA is available, and the person identifies as female, ask her to see service user straight away.
- Ask for gender of choice (male or female) of interviewing officer.

#### The Initial Interview:

- If the person was initially seen by the IDVA, the interviewing officer will ask if there is anything relevant from that meeting that HSS needs to be aware of.
- The interview process will be explained and the fact that our line of questioning might appear intrusive but is a necessary part of our job.
- We will allow the person to explain what has been happening in their own words.
- We will ask if the person is already in contact with other services. *If so, depending on who they are, we will decide if this is relevant to our assessment.*
- We will assist the person to complete an online Self-Assessment Form (SAF), unless it was done beforehand, and explain that this links to our case management computer system.
- Will be non-judgemental and empathetic.

- If we are in any doubt that the person does not understand what is being said as English is not their first language, we will use an Interpreter.

If person is accompanied by a family member/friend/advocate who speaks his/her language and English, we will check (using an interpreter in the first instance), if the person wishes them to be present for the duration of the interview and if they are happy for the person to interpret. If we feel it is necessary, we will ask the other person to leave the room while we do this.

If we use a family member/friend/advocate to translate and at any point feel that they are not putting forward what we or the person is saying, we will ask them to leave the room and continue with an interpreter.

- We will establish whether a person's current accommodation is available to them and in so doing consider whether it is reasonable to return to.

**Note!** We understand that a property is not considered to be reasonable if it is probable that DVA has occurred or that it will lead to DVA against the person.

- We will establish if a person is likely to be significantly more vulnerable than an ordinary person who is made homeless, ensuring that all criteria is looked at and not just DVA i.e. pregnancy, dependent child(ren), ill health etc.
- We will consider what is it that the person can no longer do and why do they need the Council's help.
- We will explore what has occurred, such as:
  1. Is there is a history of DVA or was there a single incident?
  2. What is it about the acts of violence, abuse, harassment etc. that is impairing the person's ability to fend?
  3. Is there any evidence to support the claims?
  4. Does the person have a support network?
  5. Does the person work?
  6. Can the person carry out daily living tasks?
- If there are children in the household, we will explain that we may need to refer to Social Services if the children are in danger. If we decide to do this, we will contact the Duty Social Worker to advise of our dealings with the person.

- We will complete a SafeLives Dash Risk Assessment Checklist and if appropriate, refer to the Multi Agency Risk Assessment Conference (MARAC) Panel.
- We will use professional judgement in deciding if a referral should be made to MARAC even if following the assessment criteria and scoring, the person falls below the recommended threshold score for a referral to be made.

If a person does not have a local connection to WCC, the MARAC Panel in the area that they have a connection will deal with the case. After the risk assessments a direct MARAC referral will be made to the relevant borough. If the person leaves WCC before the MARAC hearing, then the WCC panel will forward the details to the relevant Borough.

- We will send a Risk Assessment Referral Form to our Risk Officer to complete a full risk assessment and flag the person's file "Pending Risk Assessment" on our computer systems.
- We will ask for all relevant documentation e.g. identification and place on file. We understand that if a person has fled their home, they may not have anything with them, or access to it.
- We will offer and provide relevant useful contact numbers (see Appendix 1).

### **Reason to believe homeless, eligible and in priority need:**

We will discuss a person's available housing options, including making a homeless application. DVA will be kept at the forefront of the discussion, even if priority need encompasses one of the other criteria e.g. dependent children or ill health.

Options include:

- Appointment with Homelessness Caseworker – homeless application
- IDVA appointment (females only)
- Referral to Westlets for assistance with private sector accommodation
- Placement into temporary accommodation (could bed and breakfast initially)
- Hostel referral
- Checks for refuge vacancies
- Referrals to DV organisations
- Provision of contact details for help lines
- Sign posting to other organisations
- General homeless advice

### **If a homeless application is taken and a full housing duty is accepted, we will explain that:**

- a. We may look to end our duty by an offer of a suitable private sector tenancy. This will be one offer only. The person will be able to ask for a review of this



offer, but if our decision is that the offer is suitable is upheld, we will no longer have a duty to house.

- b. If person is a studio or one bed need, we may look to end our duty by an offer of a suitable private sector tenancy or a direct offer of a tenancy with WCC or a registered provider (RP). This will be one offer only. The person will be able to ask for a review of this offer, but if our decision that the offer is suitable is upheld, we will no longer have a duty to house.

We will allow the person time to make up their mind.

### **Reason to believe homeless, but not eligible:**

If the person is likely to be found not to be eligible, they will be informed of this and offered advice and information to assist in their search for accommodation.

### **SELF-ASSESSMENT FORM (SAF)**

The WCC website contains information for those who require housing advice and assistance. People are directed to first register for housing advice and upon doing so, they are given access to the housing advice portal. This portal contains the SAF for completion. Upon completion, they are advised that an Advisor will contact them.

- A SAF or SAF's will be assigned to Advisors daily.
- The Advisor will check the details entered on the SAF and contact the person by phone to verify what has been entered and to gather any relevant additional information. If the officer is unable to reach the person by phone, an email will be sent asking to contact HSS asap.
- Upon speaking to the person/making contact, the Advisor will explain the assessment process and the fact that their line of questioning might appear intrusive, but it is a necessary part of their job.
- The Advisor will be are non-judgemental and empathetic.
- The Advisor will ask if the person is already in contact with other services. *If so, depending on who they are, this may or may not be relevant to the assessment.*
- The Advisor will explain that they will need to update the details entered on SAF as this links to our case management system.
- If English is not the person's first language and if the Advisor is in any doubt as to whether the person understands what is being said, we will make use of an interpreter.
- The Advisor will establish whether the person's current accommodation is available to them and in so doing will consider whether it is reasonable for the person to stay there or return.

**Note!** We do not consider a property to be reasonable if it is probable that DVA has occurred or that it will lead to DVA against the person.

- The Advisor will look at all of the other vulnerability criteria i.e. pregnancy, dependent children, ill health etc.
- The Advisor will explore what is it that the person can no longer do and why do they need the Council's help.
- The Advisor will seek to establish what occurred, e.g.:
  1. Is there is a history of DVA (using definitions above) or was there a single incident?
  2. Is there any evidence to support the claims?
  3. Does the person have a support network?
  4. Is the person working?
  5. Can the person carry out daily living tasks?
- If there are children in the household, the Advisor will explain that we may need to refer to Social Services if the children are in danger. If the Advisor decides to do this, they will contact the Duty Social Worker to advise of the dealings with the person.
- A SafeLives Dash Risk Assessment Checklist will be completed with the person and if appropriate, a referral will be made to the MARAC Panel.
- The Advisor will send a Risk Assessment Referral Form the HSS Risk Officer to complete a full risk assessment and flag the case as Pending Risk Assessment on our case management system.
- A summary note will be added against the person's case after every contact or attempt at contact with the person.
- Detailed notes will also be added when a full assessment is completed.
- The person will be asked for all relevant documentation e.g. identification to be uploaded via the portal or emailed in, for placement on file. We always bear in mind that if a person is fleeing their home, they may not have all documents.
- The Advisor will offer and provide relevant useful contact numbers.
- Where Homelessness, Eligibility and Priority Need is established:
  - The person will be allocated to a Homelessness Caseworker

- An appointment date and time will be given with the Caseworker
- If the person needs to flee on the day, and IF eligible, they will be advised to attend the HSS office straight away (must be able to reach either location by 4pm at the latest), for a temporary accommodation placement.
- If the client needs to flee on the day, and IF eligible and they cannot come to the office today, they will be provided with the emergency out of hours number (0207 286 7412) and advised to call after 5:30pm to ask for temporary accommodation overnight/weekend (if today is Friday).
- If the person is given the out of hours number, they will be advised to attend the relevant HSS office at 10am the following morning/Monday.

**If the officer is unable to contact a person who completes a SAF and/or the person does not engage, the case will not be closed until two weeks have elapsed where there have been regular attempts to contact them.**

## TELEPHONE

- We will determine the reason for the call to HSS. It will not be assumed *that person is homeless and wants housing, as they may just want some advice.*
- We will check to see if the person has previously approached us. If they have, relevant computer records will be checked.
- Once it is recognised that the caller may be experiencing DVA, we will check if the person is in a safe place to continue the call, or if they require a call back.
- We will ask for the gender of choice (male or female) of Advisor and transfer to another Advisor if necessary.
- We will establish whether current accommodation is available to the person and in so doing consider whether it is reasonable to stay there or return to.
- If the caller needs to flee today, we will check if they are a single person or have a family and advise to attend the appropriate HSS office straight away (must be able to reach either location by 4pm at the latest).
- If the caller is not fleeing today, or within the next few days, we will provide this link <https://www.westminster.gov.uk/homelessness> which will take them to the WCC website, where they can first register for housing advice and then complete a SAF. Upon completion, the person will be advised that an Advisor will be in contact within 24 hours.

## EMAIL

If we receive an enquiry for housing advice and/or homelessness, we will reply to the email on the day it is received or the following day if received later in the afternoon, enclosing the link above.

### Initial Placements into Temporary Accommodation

DVA clients who require a temporary accommodation placement will be dealt with as a priority.

- We will check all risk information regarding any placement e.g. areas to avoid.
- We will fast search for available temporary accommodation options.
- If applicable, we will check for available refuge vacancies.
- Will make an offer to the person of the most suitable accommodation we have on the day and advise them what will happen next, e.g. Homelessness Caseworker appointment (*checking gender preference before allocating to the Caseworker*).

### Homelessness Caseworker (Initial Interview)

- As soon as the case is allocated to a Caseworker, they will check the applicant's gender of choice for their Caseworker. If they are not the gender requested, they will refer to a Manager to allocate a different Caseworker.
- At the interview, the Caseworker will explain the interview process and the fact that their line of questioning might appear intrusive, but that it is a necessary part of our job.
- The Caseworker will be non-judgemental and empathetic.
- It will be explained that some of the questions asked may have also been asked within the SAF or by another officer, but that the Caseworker needs to make their own assessment, so it is necessary to sometimes duplicate questions.
- The Caseworker will allow the person to explain their circumstances in their own words and advise them that at an appropriate time, they will be asked to complete a statement.
- If the applicant's first language is not English and the Caseworker is in any doubt as to whether the person understands what is being asked, he/she will use an interpreter. We will never use a child in attendance to do this.

- If the applicant is accompanied by a family member/friend/advocate who speaks his/her language and English, the Caseworker will check (using an interpreter in the first instance), if they wish them to be present for the duration of the interview and if they are happy for the person to translate. If the Caseworker feels it is necessary, they will ask the other person to leave the room while this is done.

If a family member/friend/advocate is used to translate and at any point the Caseworker feels that they are not putting forward what they or the person is saying, the person will be asked to leave the room and the interview will continue with a formal interpreter.

- The Caseworker will establish whether the applicant has accommodation available and in so doing consider whether it is reasonable to occupy – i.e. a property is not considered to be reasonable to continue occupy if it is probable that this will lead to DVA.
- If the applicant also meets the other criteria, e.g. pregnant, dependent children, or ill-health, keeping DVA at the forefront of the application.
- If a person is fleeing from our temporary accommodation and is to be placed into alternative temporary accommodation, where the perpetrator remains, our Stage 2 Team Temporary Accommodation Team will be notified immediately. *They may, amongst other things, commence eviction proceedings for breach of tenancy.*
- The Caseworker will look at what occurred, for example:
  1. Is there is a history of DVA (using DV definitions above) or a single incident?
  2. What is it about the acts of violence, abuse or harassment that is impairing the person's ability to fend?
  3. Is there evidence to support the claims?
  4. Does the person have a support network?
  5. Is the person working?
  6. Can carry out daily living tasks?
- If there are children in the household, the Caseworker will explain that a referral must be made to Social Services if the children are in danger. If this is decided, the Duty Social Worker will be called to advise HSS dealings with the person.
- A SafeLives Dash Risk Assessment Checklist will be completed and if appropriate a referral to the MARAC Panel.
- A Risk Assessment Referral Form will be sent to the HSS Risk Officer to complete a full risk assessment and flag the case as Pending Risk Assessment on our case management systems.

- Other housing options available will be discussed, e.g. contacting a refuge through the DV helpline, or the Sanctuary Scheme.

**If a full housing duty is accepted, applicant is advised that:**

- ◆ We may look to end our duty by an offer of a suitable private sector tenancy. This will be one offer only. They will be able to ask for a review of this offer, but if our decision that the offer is suitable is upheld, we will no longer have a duty to house.
- ◆ If person is a studio or one bed need, we may look to end our duty by an offer of a suitable private sector tenancy or a direct offer of a tenancy with WCC or a registered provider (RP). This will be one offer only. The person can ask for a review of the offer, but if the decision that the offer is suitable is upheld, we will no longer have a duty to house.
- ◆ That they will not be placed temporarily or when housing duty is discharged, within an area where they are at risk of DVA.
- We will allow the applicant time to make up their mind.
- We will refer the person to the Independent Domestic Violence Advocacy (IDVA) service or another appropriate agency.

<b>Allocations Team</b>
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If we have a duty to rehouse a DVA applicant and the person has a family, we will have to place them in to second stage self-contained accommodation following the acceptance. However, a person could experience DVA after being placed into temporary accommodation, and after we have accepted the full housing duty. This could be related to the initial incidence of violence or be something entirely new.

Upon notification of a DVA issue, a Lettings Officer will see the client or contact urgently to discuss the housing options available, including making a homeless application (if not the main applicant on previous application).

Options include:

- Referral to Homelessness Caseworker
- Referral to the IDVA (if female)
- Placement into alternative temporary accommodation (may be a nightly booking initially)
- Referral to our private sector lettings team; Westlets
- Hostel referral
- Checks for refuge vacancies
- Referrals to other DV organisations
- Providing contact details for help lines

- Sign posting to other organisations
- General homeless advice

The applicant will be allowed time to make up their mind.

If the applicant is likely to be placed in alternative temporary accommodation because they cannot return to the self-contained accommodation and the perpetrator is still in occupation, we will advise that eviction proceedings will commence for breach of tenancy.

**If applicant wishes to remain in their current temporary accommodation, the Lettings Officer will:**

- Look into the possibility of using the Sanctuary Scheme (if in Westminster).
- Possible referral to a refuge (through the DV helpline).
- Discuss the option of changing the locks and advising to seek legal advice about pursuing an injunction and non-molestation or non-occupation order.
- Refer the person to the Independent Domestic Violence Advocacy (IDVA) service or another appropriate agency.

In all cases, Lettings Officer must:

- If there are children in the household, refer to Social Services (if this has not already been done by another Officer) as the children might be in danger. They must contact them and get a named contact and then send the referral by email to the named Social Services Officer.
- Complete a MARAC Risk Assessment Checklist and if appropriate, refer to the MARAC Panel (if this has not already been done by another Officer).
- Send a Risk Assessment Referral Form the HSS Risk Officer to complete or update a full risk assessment and flag the application accordingly on our case management system.

<b>Housing Register Team</b>
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- For WCC Council Tenants (they may or may not have an existing Transfer Application), if the reason for requesting a move/transfer is DVA, we will check with the relevant Housing Management Team to pursue a Management Transfer (see Housing Allocation Scheme). If this is not a viable option, then the person will be referred to our Housing Advice and Register Team.
- If a private tenant (Housing Register applicant) they will also be referred to our Advice and Housing Register Team.
- If there are children in the household, we will refer to Social Services (if this

has not already been done by another Officer) as the children might be in danger. We will phone Social Services to get a named contact and then send the referral by email to the named Social Services Officer.

## **Choice and Lettings Team**

### **Management Transfers (Westminster City Council Tenants)**

A WCC Housing Management Team (HMT) may identify that a tenant requires a move from their property due to DVA in accordance with the Management Transfer (MT) Procedures (see Housing Allocation Scheme). Or a secure tenant of the Council, may contact HSS for advice.

MT's relate to a secure tenancy and if accepted, the tenant will retain all their tenancy rights (eg. Right to Buy, Succession or Assignment etc.).

- The HMT will notify the Choice and Lettings Team directly of the requested MT via a Management Transfer Form.
- The Choice and Lettings Manager will consider the case and decide whether to allow the MT.
- MT's are considered where all other routes to appropriate accommodation have been explored and exhausted (e.g. the tenant is not able or is unlikely to be able to access housing through one of the other priority re-housing routes).
- Those approved for a MT will be able to bid under Choice Based Lettings (CBL) and will be in the Pressing Housing Need Priority Group. The resulting priority for re-housing within this group will be by points and the date the priority was agreed subject to consideration of any other grounds for priority.
- Applicants approved for a MT will have a time limit set (usually 3 months) from the date their application is approved to bid under CBL. If at the end of this time they have been unsuccessful in bidding or have not bid, one direct offer may be made. If this is unreasonably refused, the MT application will be closed or, if the applicant had an existing priority at the time the MT was agreed (e.g. overcrowding), they will be placed on the previous list. In some instances, the Director of Housing will give discretion to make a direct offer of housing immediately and the target for completing the re-housing will be 12 weeks depending on supply. The MT application will be closed if such an offer is unreasonably refused.
- A MT can be requested on the grounds of DVA from within or outside the home. When considering a request for a MT from a joint tenant 'victim/survivor', the Council will consider whether the person has left the property and served a Notice to Quit (NTQ) terminating the tenancy.



- In the case of joint tenancies, if either tenant serves a NTQ on the Council, the tenancy can be ended. If this happens, the Council can offer a new, sole tenancy to the person. The Council can bring proceedings to evict the perpetrator who remains in the property as an unlawful occupier.
- However, if the victim/survivor who is a joint tenant does not serve notice of termination, the tenancy continues as does the joint tenancy and they are jointly and severally liable to pay rent notwithstanding departure from the property. In these circumstances, the Council will be unable or unwilling to offer alternative social housing to the victim/survivor.

*For further details of the above, refer to the Housing Allocation Scheme. This gives alternative options including where the person can terminate the tenancy for the purposes of applying for a MT. The victim/survivor will need to get legal advice before pursuing this route.*

- Re-housing within the same area is allowed only in cases where the Council considers this to be in the best interests of (and safe for) the person.
- We will ensure that the HMT have completed a MARAC Risk Assessment Checklist and referred to the MARAC Panel if appropriate.
- We will ensure that the HMT has raised the appropriate Risk Flag.
- We will refer the person to the Independent Domestic Violence Advocacy (IDVA) service or another appropriate agency.

If a MT is deemed not to be appropriate, then a homeless application may be the best way forward. If the full housing duty is accepted and the person is placed into temporary accommodation, the perpetrator may be left in the home, either as a joint tenant, or as an occupier.

In either case, we must advise the person that they remain liable for the rent on the property they have left. They will be directed to an independent advice agency or the HMT to sort out their tenancy and rental liability. It may be the best option for the person to surrender their tenancy, however this will have implications for any joint tenant and the person will be advised to seek independent advice.

**If we have accepted a homelessness duty, this will not be conditional or dependant on the person surrendering their original tenancy. However, it is likely that doing so is in their best interest.**

## 9. ROUTES THAT A VICTIM/SURVIVOR CAN SEEK HELP

There are several organisations that can advise and assist in times of crisis. All these organisations provide different levels of support and exist to help a person when fleeing DVA. Our officers will advise on these routes to seeking help and/or signpost to them accordingly.

The person will be told that they can talk in confidence with someone at the agencies and that if English is not their first language, they can ask for an interpreter.

### Police

If a person is in immediate danger, they will be advised to contact the police by calling 999. They will also be told that they can go into a Police Station or Community Safety Unit (CSU) to report an incident.

They will be advised of what may happen, namely:

- I. The violent person (perpetrator) may be arrested.
- II. If injured, the victim/survivor may be taken to a doctor or A&E.
- III. A statement will be taken, which will have to be signed to say it is true.
- IV. The perpetrator can be kept in a cell overnight and taken to a Magistrates Court the next day to give a plea of 'guilty' or 'not guilty' to the allegations made. The victim/survivor will not need to be there.
- V. If the perpetrator says they are 'not guilty' he/she will be brought back to Court when more evidence has been collected by the police. In the meantime, he/she will either be in prison or on bail. If on bail, the Court can attach certain conditions to it: e.g. that person cannot go near the victim/survivor.
- VI. The police do not decide the next steps, the Crown Prosecution (CPS) does. They decide whether the evidence is sufficient to go to Court for prosecution.
- VII. If the CPS decides to go ahead and the perpetrator still says he/she is not guilty, the victim/survivor may need to go to Court to give evidence. The CSU will provide support.
- VIII. The Magistrate will decide if the perpetrator has been violent or not (having heard the evidence) and decide on any punishment.
- IX. The Court will decide on the sentence. If the perpetrator does not go to prison, then he/she can return home. If the victim/survivor does not want this to happen because they will be at risk, they can apply for a 'protection order' by seeking advice from a solicitor.

### Domestic Violence Protection Notices and Domestic Abuse Protection Orders (DVPN / DAPO)

**A DVPN ("secure the immediate protection of a victim from future domestic abuse carried out by a suspected perpetrator")** is a notice served by the police against an individual who is aged over 18, where the police reasonably believe that he or she has been violent or has threatened violence against a person and that the person needs to be protected from him/her.

The law allows the police to serve a DVPN on the person even if the victim does not agree to it. A senior police officer will review all the information and evidence and may decide for the victim's safety that a DAPO should be applied for. They also do not need permission to do this.

A DVPN places certain conditions on the person which may include:

- Stopping him/her from entering, and being within a certain distance, of the victim's home.
- Stopping him/her from making victim leave or excluding person from the home.
- Requiring him/her to leave the home.

If victim lives at the same address, the DVPN requires the perpetrator to leave immediately. They will be able to take any possessions that they need with them.

If the perpetrator does not follow the conditions of the DVPN the victim should call the police – if it is an emergency using 999. The perpetrator may be arrested, kept in police custody and then brought before a Magistrates' Court.

**A DAPO (“prohibitions or requirements for the purpose of preventing the perpetrator from being abusive towards his or her victim”)** is an order applied for by the police and made by the Magistrates' Court.

The order may include:

- Stopping him/her from entering, and being within a certain distance, of the victim's home.
- Stopping him/her from making victim leave or excluding person from the home
- Requiring him/her to leave the home.

The Magistrates' Court will hear an application for a DAPO within 48 hours (excluding Sundays and Bank Holidays) of the person being served with a DVPN by the police. If he or she does not attend the Magistrates' Court, then a DAPO can be made in their absence. The law allows the Magistrates to make a DAPO against the person even if the victim does not agree to it. In addition, the Magistrates will consider the welfare of anyone under 18 who the police consider will be affected by the DAPO.

### **Solicitor**

Free legal advice may be available, depending on the person's income and savings. They will be advised to ask a solicitor about their fees.

Below are a few organisations that a person will be given the details of who can help and where it may be possible to obtain Legal Aid.

Advance (legal advice surgery sessions on family law) 020 8741 7008

Paddington Law Centre:

020 8960 3155

They will be advised of what may happen, namely:

- I. Solicitor will ask for details of the violence and/or abuse and write a statement which will have to be signed.
- II. Solicitor can apply to the Court straight away for an emergency protection order, called a 'Non-Molestation Order'. This can include a power for the police to arrest the person if the order is breached.
- III. When victim/survivor goes to court their solicitor will seek an order, the perpetrator will not be there. The victim/survivor will not need to say anything: the solicitor will do the talking.
- IV. The Judge in the Court will make an order that the perpetrator does not use or threaten violence or contact the victim/survivor.
- V. The Judge can also be asked to order that the perpetrator does not continue to live at home. This is called an 'Occupation Order'. Papers telling the perpetrator what the Judge decides will be handed to him/her by a special officer.
- VI. The Court will make a date for another hearing when the perpetrator can attend and put his/her side of the situation. This will usually be after approximately 2 weeks.
- VII. In the Court the perpetrator can make a promise that he/she will not abuse/be violent to the victim/survivor again. If this is broken, the perpetrator can be sent to prison.
- VIII. If the Judge does not trust the promise, the 'Non-Molestation Order' which was given when victim/survivor first went to Court can be continued.
- IX. If the perpetrator breaks the order, he/she will be brought back to Court. The victim/survivor should check that their solicitor has informed the police about the order. Then if it is broken, they can perform an arrest.
- X. The victim/survivor can also apply for the tenancy of the home (if in the violent perpetrator's name, or joint) to be put into victim/survivor's sole name. This means the perpetrator person will no longer have a legal right to the home.

### **Housing Benefit (HB)**

If a victim/survivor is in receipt of HB for their current home, but must flee, in some cases, it is possible for HB to be paid against two rented homes for up to 52 weeks. Normally, this is where the person:

- Has left and remains absent from the former home through fear of violence by a person in the home of by a person who was formerly a member of the claimant's family.
- The victim/survivor must be liable for rent on both homes, and it is reasonable to meet the rent on both properties i.e. be the tenancy holder.

- However, the victim/survivor **must have an intention to return to their original home**. If not, it may be paid for up to 4 weeks, or be stopped altogether.
- If the victim/survivor has a Discretionary Housing Payment (DHP) in place, it would continue to be paid against the original home.
- If the victim/survivor's income changes e.g. they become subject to the Overall Benefit Cap, a DHP can be applied for to meet any rent shortfall. This may be awarded considering the DV, but it may be subject to restrictions and limitations.

## 10. SPECIALIST AGENCY DIRECTORY

Below are details of agencies that we as a service contact on behalf of a victim/survivor/perpetrator as appropriate or signpost a person to.

### Specialist Agencies

There is a partnership of organisations tackling violence against women and girls in Westminster, Kensington and Chelsea and Hammersmith and Fulham. Any female in these three boroughs can seek advice and support from this partnership, known as Angelou. Angelou will accept referrals for women considered to be at low, medium, and high risk of domestic and sexual violence and abuse.

#### Angelou Partnership

**Angelou is made up of 9 organisations:**

1. **Advance** – For women and girls (aged 15+) living in London Borough of Hammersmith & Fulham, Kensington & Chelsea, Westminster, and Brent experiencing domestic violence. 0208 741 7008  
<https://www.advancecharity.org.uk/>
2. **African Women's Care** – Creating access to the use of available health and social care resources to African refugee women and children. 0208 969 8389  
<http://africanibwdc.org.uk/>
3. **Women and Girls Network** – Free and confidential advice, advocacy, counselling and support group services for women and girls who have experienced gendered violence, including sexual and domestic violence. 0808 801 0600 <https://www.wgn.org.uk/>
4. **Woman's Trust** – therapeutic services including counselling and support group, self-development workshops and mother and children art therapy workshops for women who have experienced domestic services abuse. 0207 034 0303 <https://womanstrust.org.uk/>
5. **Solace Women's Aid** – support offering refuges, advice, counselling, advocacy, support groups and family & children's projects. 0808 802 5565  
<https://www.solacewomensaid.org/>
6. **Al Hasaniya** – *Support for* Moroccan and Arabic-speaking women and their families, providing support for health, welfare, education, and cultural activities. 020 8969 2292 <https://www.al-hasaniya.org.uk/>
7. **Hestia** – Largest provider of domestic abuse refuges in London, support for women experiencing domestic abuse. 0207 3783100  
<https://www.hestia.org/domestic-abuse>
8. **Standing Together Against Domestic Violence** – an umbrella organisation which supports access to services, partnership working and awareness training
9. **Galop** – LGBT anti-violence & abuse charity, advice and support to people who have experienced biphobia, homophobia, transphobia, sexual violence, or domestic abuse. 0800 999 5428 <http://www.galop.org.uk/domesticabuse/>

To refer someone to Angelou referrals can be made via Advance and Ascent:

0808 801 0600 (Freephone) – lines are open Monday-Friday 10 am – 4 pm and

Wednesday evening 6-9 pm.  
0208 741 7008 – lines are open Monday-Friday 10 am – 6 pm and until 9pm on a Thursday.

Email: [angelou@advancecharity.org.uk](mailto:angelou@advancecharity.org.uk) Or [advice@wgn.org.uk](mailto:advice@wgn.org.uk)  
Web site: [www.angelou.org](http://www.angelou.org)

### Angelou Directory of DV and VAWG services:

Information about different local and some national organisations:  
<https://angelou.org/local-services/>

**Services below will be helpful for client's not currently in Westminster or when support is needed for male victims, the LGBTQ+ community and where Harmful Practices (Honour Based Violence, FGM and Forced Marriage) and stalking and harassment are a concern.**

### Other Local and Pan London Support Services

<b>Victim Support</b> Support for victims of crime	0808 1689 111 <a href="https://www.victimsupport.org.uk/">https://www.victimsupport.org.uk/</a>
<b>Al-Aman Women's Support Services</b> (Arabic speakers service)	0208 563 2250
<b>Iranian and Kurdish Rights Women's Organisation</b> (IKWRO)	0207 920 6460 For out of hours emergencies call: - Kurdish/Arabic – 07846 275246 Farsi/Dari/Turkish – 07846 310157
<b>Women and Girls Network Advice Service</b>	0808 801 0660 (advice line) 0808 801 0770 (sexual violence helpline) <a href="https://www.wgn.org.uk">https://www.wgn.org.uk</a>
<b>Southall Black Sisters:</b> Advice and support for black and minority ethnic women experiencing all forms of gender-related violence	0208 571 0800/ Enquiries 0208 571 9595 <a href="https://southallblacksisters.org.uk/">https://southallblacksisters.org.uk/</a>
<b>Muslim Aid:</b> Community Support System	0207 377 4200 <a href="https://www.muslimaid.org/what-we-do/research-and-development/domestic-violence-and-community-support-system/">https://www.muslimaid.org/what-we-do/research-and-development/domestic-violence-and-community-support-system/</a>
<b>Childline:</b> Free 24-hour service for children in distress or danger	0800 1111 <a href="https://www.childline.org.uk/">https://www.childline.org.uk/</a>
<b>Respond:</b> Support for people with learning disabilities who have experienced trauma/abuse	0808 808 0700 <a href="https://respond.org.uk/">https://respond.org.uk/</a>

### Male Support Services

<b>Mankind Initiative</b> (male victims of domestic abuse)	01823 334244 (National Helpline)
<b>Men's Advice Line</b> (male victims of domestic abuse)	0808 801 0327 <a href="https://mensadviceline.org.uk/">https://mensadviceline.org.uk/</a>

### Lesbian, Gay, Bisexual and Transgender Support Services

<b>GALOP</b> – National DV helpline (lesbian, gay, bisexual, and transgender)	0300 999 5428 / 0800 999 5428
<b>GALOP</b> (Support for lesbian, gay, bisexual and transgender community – adults and under 25's)	0207 704 2040
<b>National LGBT+ Domestic Abuse Helpline:</b> Emotional and practical support for LGBT+ people experiencing domestic abuse	0800 999 5428
<b>Stonewall Housing</b> (lesbian, gay, bisexual and transgender – adults and under 25's)	020 7359 5767
<b>Albert Kennedy Trust</b> – Purple Door Housing Project (lesbian, gay, bisexual, and transgender 16-25-year-olds)	020 7831 6562

### Specialist Support Services

<b>Karma Nirvana</b> – (helpline for advice and support for victims of honour-based and forced marriage)	0800 5999 247 (Honour Network helpline) <a href="https://karmanirvana.org.uk/">https://karmanirvana.org.uk/</a>
<b>Forced Marriage Unit</b>	020 7008 0151 020 7008 1500 (Out of hours number – ask for the Global response Centre) +44 (0) 207 008 0151 (from overseas) Email: <a href="mailto:fmu@fco.gov.uk">fmu@fco.gov.uk</a>
<b>Deaf Hope</b> (supporting deaf female victims of domestic abuse)	0208 772 3241 (voice/textphone) 07970 350366 (SMS/Text) Email: <a href="mailto:deafhope@signhealth.org.uk">deafhope@signhealth.org.uk</a>
<b>Sign Health:</b> Domestic and sexual abuse support for the deaf community	020 3947 2600/ text 07970350366 <a href="https://signhealth.org.uk/">https://signhealth.org.uk/</a>



## Other National Support Services/Refuge Accommodation searches

<b>National Domestic Violence Helpline</b> (advice and support, including refuge search)	0808 200 0247 (free phone line) <a href="https://www.nationaldahelpline.org.uk/">https://www.nationaldahelpline.org.uk/</a>
<b>National Centre for Domestic Violence (NCDV)</b>	0844 8044 999
<b>Paladin – National Stalking Advocacy Service</b>	0207 840 8960 Email <a href="mailto:info@paladinservice.co.uk">info@paladinservice.co.uk</a>
<b>National Stalking Helpline</b>	0808 802 0300

## Domestic Violence Perpetrator Information and Support

<b>Domestic Violence Intervention Project (DVIP)</b>	Violence Prevention Programme (adults) – 0207 633 9181 Email: <a href="mailto:vpp@dvip.org">vpp@dvip.org</a> <a href="https://dvip.org/">https://dvip.org/</a>
	YUVA – Young Peoples Service – 0208 222 8281 Email: <a href="mailto:yuva@dvip.org">yuva@dvip.org</a>
<b>Respect phonenumber</b> - Support for perpetrators (male and female) to stop using abusive/violent behaviour (also has advice for staff working with perpetrators)	0808 802 4040 <a href="https://www.respect.uk.net/">https://www.respect.uk.net/</a>

**IN THE EVENT OF AN EMERGENCY – DIAL THE POLICE ON 999**