

Lambeth Housing Domestic Violence Policy

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1. Introduction

- 1.1** This document is aimed at housing officers of all social landlords in Lambeth and sets out the housing policy for people in need of housing services as a result of domestic violence. This document will be made available to the Council's Housing Department and Registered Social Landlords operating in the borough. This is an example of a housing policy that can contribute to crime reduction and prevention. The policy forms part of Lambeth's corporate strategy on domestic violence. It also reflects many of the recommendations contained in the Mayor for London's Domestic Violence Strategy proposals and the Home offices guidelines. These recommendations refer to minimum standards for all organisations and particular standards for housing services.

There can be no doubt that domestic violence is a major issue both nationally and in Lambeth. Many survivors will not approach agencies for months or even years. It is vital that when help is sought it is offered in a sympathetic, appropriate and consistent manner. Survivors will often need to approach a number of different agencies in order to resolve the situation and ensure that their needs and the needs of their children, where relevant, are met. It is therefore very important to work together to explore solutions to the myriad problems faced by survivors.

1.2 Multi-Agency Work

Lambeth Domestic Violence Forum is the principal vehicle for multi-agency domestic violence work in the Borough. The Borough's Domestic Violence Co-ordinator is based at Lambeth Crime Prevention Trust. The Forum brings together a number of statutory and voluntary organisations to address the issue of domestic violence and to exchange information. A number of sub groups of the forum have been established (including a housing sub group) in order to focus on particular areas of need. The Lambeth Domestic Violence Integrated Action Plan (DVIAP) is a multi-agency strategy, which has been developed as part of the overall Crime Reduction Strategy. It is via the sub groups of the Forum that much of the work of the DVIAP is progressed. The high level of priority placed on domestic violence in Lambeth is reflected in the fact that the Borough's Chief Executive is the domestic violence Champion in Lambeth.

Lambeth Housing Services aims to work in partnership with other social landlords as well as statutory and voluntary organisations to identify and improve customer services. All staff will promote a partnership approach to domestic violence issues and will assist with referrals to agencies and other Council departments. This may include help with housing benefit claims, contacting support organisations, and organising case conferences. The Housing Service will make every effort to participate in multi-agency training initiatives and actively promote joint training with other Council departments.

Lambeth Housing Services will be represented on the forum so that issues can be raised, addressed and fed back into the service. The Service will ensure, through liaison and co-operation with voluntary organisations such as Women's Aid, Lambeth Victim Support, women's voluntary organisations, and specialist advice and counselling services (e.g. Relate, Rape Crisis) that those experiencing

domestic violence have access to appropriate advice and support. The Service will also contribute to Lambeth's Community Safety Strategy by working with other statutory agencies, such as the Police, in order to ensure the safety and well being of victims.

The following list, which is not exclusive, sets out the Services multi-agency work:

- Housing Sub-Group of the Domestic Violence Forum
- Domestic Violence Forum
- Domestic Violence Murder Review Group
- Inter-departmental working.
- Domestic Violence one-stop-shop

1.3 Domestic Violence: Some Facts about Lambeth

- Lambeth has the third highest level of domestic violence when compared to all London boroughs.
- A recent survey of Lambeth Residents found that 33% of all respondents stated that domestic violence was a 'very' or 'fairly' serious problem.
- Lambeth police recorded 8278 domestic offences between 1999 and 2001, of which 2417 were identified as domestic violence.

1.4 Domestic Violence: National Facts

- Almost half (44%) of all incidents reported by women to the British Crime Survey were domestic violence incidents. (British Crime Survey 1996, Home Office).
- Domestic violence is the least likely violent crime to be reported to the police. Only one out of three crimes resulting in injury are reported. (British Crime Survey 1996).
- A number of local surveys in the UK show that between 1 in 3 and 1 in 4 women report having suffered domestic violence at some point in their adult lives.
- As many as 1 in 3 marriages that end in divorce involve domestic violence. (Borkowski, Murch and Walker 1983 Marital Violence: Tavistock).
- On average, two women per week are killed in England and Wales by their partners/ex-partners. (Criminal Statistics 1992 Home Office).
- One in three child protection cases show a history of domestic violence toward the mother. (Hester and Pearson 1998).
- In 90% of incidents involving domestic violence, the children are in the same or the next room. (Hughes 1992).

1.5. Domestic Violence: The Effects

Domestic violence can affect many aspects of the lives of survivors. In the most serious cases domestic violence can result in murder or suicide. Other effects include:

General	Health	Children
<ul style="list-style-type: none">▪ Homelessness▪ Economic instability▪ Loss of job opportunities▪ Geographic displacement	<ul style="list-style-type: none">▪ Physical injury▪ Depression▪ Eating Disorders▪ Alcohol/Drug dependency▪ Pregnancy complications	<ul style="list-style-type: none">▪ Poor educational performance▪ Harm to the unborn child▪ Psychosomatic illnesses▪ Increased levels of anxiety▪ Asthma▪ Enuresis (bed wetting)▪ Withdrawal and fear

It is crucial that housing officers appreciate the difficulties in ending a violent relationship. Either the reality or the prospect of the effects listed above can exacerbate these difficulties. Ending an abusive relationship is often a process rather than a single event and therefore survivors may present to Housing Services for advice/accommodation more than once.

2. A Definition of Domestic Violence

The Lambeth Domestic Violence Forum definition is:

“Any incident of threatening behaviour, violence or physical abuse (psychological, physical, sexual, financial or emotional) between persons who are or have been intimate partners or family members, regardless of age, gender or sexuality.”

This definition recognises that men may be victims of domestic violence. It should be noted, however, that all research, past and current, points to the preponderance of female victims and male perpetrators. Domestic violence may occur in same sex relationships and occurs regardless of race, creed, religion, culture, socio-economic group, or level of education. The housing service will be delivered in a manner that complies with the Council’s equal opportunities policy.

3. Housing Policy Statement

3.1 Aims

The policy aims to ensure:

- a sensitive, confidential, consistent and prompt response
- a flexible range of services to assist people to live in safety and security
- officers receive support and training to enable them to take appropriate action
- clarification of responsibility
- services are monitored
- a partnership approach within all relevant sections of Lambeth Housing Services, and other agencies
- a contribution to the Lambeth Domestic Violence Action Plan

3.2 Monitoring and service development

Social landlords will monitor their services by completing the common monitoring form produced by the Domestic Violence Forum. The aim of the common monitoring form is to standardise the information collated on domestic violence, including repeat victimisation. Completed common monitoring forms will be copied to the Domestic Violence Co-ordinator and evaluated regularly.

Lambeth Housing Service will regularly monitor and review our service to ensure continuous improvement. Monthly information will be collated by designated officers in Assessment and Customer Services (ACS) and Housing Crime & Anti-Nuisance Team (C&ANT) on the:

- number of applicants applying as homeless through domestic violence by case decision
- number of domestic violence cases reported to Housing Management.

The results will be used to inform future policy/procedure development and service delivery. The C&ANT and ACS will be responsible for monitoring progress. An annual monitoring report will be produced on the effectiveness of policies, procedures, training initiatives and the implementation of programmes. The information monitored will include:

- demand for the service e.g. numbers of individuals and number of repeat contacts
- outcomes e.g. transfer, no action, injunction etc
- where referrals come from e.g. self/other agency
- where cases are referred to

- complaints, as well as successes, in respect of the service

(This area is to be developed for housing associations).

3.3 Support

Officers in the C&ANT and Nuisance and Anti-Social Behaviour Officers at Area Officers will provide support and advice to front line staff at regular liaison meetings and on a day to day basis, as required. Formal training devised by the Councils' HR department, Community Safety Team and Domestic Violence Co-ordinator/Forum will be made available to frontline staff, including housing officers and service centre staff.

3.4 Training (Lambeth Housing Services)

Cases involving domestic violence require a complex set of skills for an advisor to effectively deal with a customer. To achieve the necessary skills, the relevant officers and managers will be provided with training opportunities, which cover technical aspects (e.g. legislation), as well as front line service delivery (e.g. interviewing skills) and strategy development issues. Registered Social Landlords are asked to provide a minimum training package for their staff.

The minimum training programme will include:

- security of tenure/legislation
- relationship breakdown, including emergency procedures
- general awareness training
- Council policy/procedure, including the allocations policy
- homelessness
- customer care and interviewing skills
- links with other agencies

3.5 Public Information

Our domestic violence policy, including details of agencies which provide advice and support, will be publicised through:

- the tenants' and lessees' handbook
- tenant newsletters
- information available in housing association, Housing and other Council reception areas
- a dedicated website
- through the Borough's women's one stop shop (currently in development)

4. Good Practice Guidelines for Housing Officers:

- Confidentiality is crucial. Give your name and assurance that any information given will remain confidential and will only be given to other agencies (e.g. the Police and Social Services), if the customer gives their written agreement, or a child is at risk. Check if it is all right to send letters or phone the person at home.
- Perpetrators have been known to be very persistent in their determination to find their former partners. Confirm the identity of a caller if not completely satisfied. Always ring them back to check the number given by the caller independently. If you have any concerns about the information requested, consult your line manager.
- Establish whether an interpreter needs to be arranged through Language Line, rather than wait for this to be requested. Young children should not be used for interpretation. If you are not able to supply the appropriate interpreter quickly enough, you can use private individuals/other family members in an emergency. You should, however, arrange an interpreter for any subsequent interviews.
- Adopt a victim centred approach - the safety of the customer is of paramount concern. Although initial action is not dependent on obtaining evidence, subsequent action against the perpetrator may be impossible without some evidence from third parties. For example, a judge will only grant a Possession Order if s/he thinks that it is reasonable to do so, based on the evidence submitted to the Court.
- It is important to be aware of the effects of being brought up in different cultures, for example, in some societies domestic violence may not be publicly acknowledged.
- Offer the customer an interview with an officer of the same sex.
- Conduct interviews in private (at a place of safety if required) and in a sympathetic and non-judgmental manner.
- Keep accurate and up-to-date records, including details of contact with any other agencies, and third party evidence with the customer's consent.
- Give the customer details of outside agencies who may be able to offer support and counselling – **see appendix 6.**
- In all cases (including customers only seeking advice) a Domestic Violence Common Monitoring Form should be completed - **see appendix 2.**

- Encourage the customer to report the matter to the Police. However this should not be a pre-condition for further action being taken.
- Establish whether there is an injunction against the perpetrator in force and, if so, encourage the customer to contact the Police to advise that it has been broken.

Procedural Guidelines for Lambeth Housing Services Staff

1. Arranging Security and Repairs

Council Tenants:

Check whether any security/repairs work is necessary to secure the property. For Council properties Housing Management will carry out repairs to victims' properties where a Police crime reference number is provided. In certain cases where we are satisfied that domestic violence has occurred, repairs can be carried out at the discretion of a senior officer (team leader or above) without a crime reference number.

Tenants requiring additional security measures will be referred to the Lambeth Crime Prevention Trust, which has a leading role in improving the security of victims of crime, referred to them by the Police or other agencies. The Trust will contact all people referred to them to offer a security assessment. The Trust can supply and arrange for the fitting of appropriate door viewers, door chains, locks, bolts and other security equipment to the homes of referred victims, as well as provide appropriate crime prevention literature and advice.

In extreme cases of domestic violence where the victim wishes to remain in the property, security measures such as fitting a fireproof letterbox can be carried out by Housing Management. In all such cases Police advice will be sought on the appropriateness of the measures taken.

Registered Social Landlord and private sector residents

Such initiatives should not just be considered for council tenants. The Lambeth Crime Prevention Trust also takes referrals from people in the private sector and Registered Social Landlord tenants.

Police Alarms

The Police have a number of PR (Personal Radio) Alarms that can be installed in the victim's home. This provides a link to the police control room via a portable panic button carried by the victim. When the alarm is activated there is an immediate response from the Police.

Availability of these alarms is subject to an assessment made by the Lambeth Police Community Safety Unit.

2. Dealing with specific Circumstances

2.1 Housing Services can offer assistance in various ways such as:

- general advice about housing options as well as agencies who can offer support and counselling
- emergency rehousing
- longer term housing
- help to resolve tenancy issues.

2.2 The type of help that will be appropriate will depend on personal circumstances, including current tenancy status, and the point at which people ask for help. To ensure that an appropriate service is given, each officer should make enquiries to determine:

- what service or assistance does the person want and need?
- who is best placed to deliver this service?
- is the client able to access the service?

The rest of this policy is intended to provide guidelines for officers in specific circumstances and to enable officers to understand their role and responsibilities. It covers advice seekers, homeless applicants, emergency matchlist transfers and resolving tenancy issues.

3. Advice Seekers

These are people who have no immediate need of rehousing (including non-priority homeless applicants), but need advice on their options to deal with domestic violence. Officers will respond positively and sympathetically to approaches made. All housing advice seekers should be offered clear advice and assistance on the full range of housing and legal options open to them, as well as a domestic violence information. Advice seekers should be given the phone numbers for the Women's Aid National Helpline (0845 702 3468); Lambeth Women's Aid Outreach Service (020 8678 6233); Police Community Safety Unit (020 8649 2632).

Information will be available in registered social landlord, Housing and other Council reception areas. It includes information on:

- statutory and voluntary agencies who can offer help, advice, or support (this includes Women's Aid and Victim Support - **see appendix 6**)
- emergency out of hours numbers including those for the Police and any local support groups.

4. Homelessness

4.1 Homelessness Facts

Official figures for households accepted as homeless in London due to domestic violence or relationship breakdown indicated that 11% of applicants gave this reason as the main cause for the loss of their last settled home. Violent relationships alone accounted for 5% of all homeless families accepted in Lambeth during 2004/05.

4.2 Assessing Homelessness Claims due to Domestic Violence

Where people have made a homelessness application due to domestic violence the Council will need to consider the risk of violence or threats of violence from inside or outside the home in assessing the needs of the applicant. Homeless application forms are kept for at least a year.

4.3 Advice on Legal remedies – See 9 for summary of legal options

The Homeless Assessment Officer should outline the legal remedies available to an applicant and strongly encourage them to seek independent legal advice on a range of issues including their homeless application. However, failure to pursue legal remedies should not lead to a decision of intentional homelessness. A list of solicitors should be given to the applicant and an appointment made for a solicitor of the applicant's choice if requested. A second follow up interview should be booked with their homeless case officer to review progress. For priority need households, temporary accommodation may be provided for a short time period whilst an applicant seeks independent legal advice. This can give the applicant an opportunity to consider all their options.

Applicants should be advised of the role of the Lambeth Police Community Safety Unit, which deals with all hate crime in the Borough.

4.4 Collating Evidence

- It is always very difficult to prove that violence has taken place, therefore the word of the applicant should always be believed unless there is firm evidence to the contrary.
- Case officers should not ask the applicant for proof of domestic violence but should ask for names of agencies who can help the applicant's case e.g. their doctor, police (if called) social worker, etc. Information from relevant agencies can often speed up an applicant's assessment. Third party evidence from family and friends should never be requested if it may put the applicant at further risk.
- If a case officer strongly suspects that an applicant may want to move for reasons other than domestic violence, they should investigate these concerns, but the applicant must receive full and sensitive consideration until firm evidence is available to confirm that domestic violence is not the issue. Such

cases should be discussed with a senior manager before any investigation takes place. A written explanation should be placed on file.

4.5 Temporary Accommodation

The Assessment and Customer Services Team will, if necessary, arrange for temporary accommodation to be provided pending further enquiries to any household that it believes may have a priority need.

Housing Benefit can be paid in certain circumstances, on both a tenancy and temporary accommodation, under regulation 5 of the Housing Benefit Regulations.

4.6 How will Lambeth Assess Whether to Accept the Applicant as Homeless Has the applicant got a priority need for accommodation?

Lambeth recognises that someone without children can still be considered vulnerable under homelessness legislation as a result of violence or abuse. A number of cases are accepted as having a priority need through this category each year. The Government is also keen to emphasise that Councils should consider if someone is vulnerable as a result of suffering domestic violence. Neither the Government nor Lambeth Council is saying that single people will automatically be considered vulnerable as a result of domestic violence but there is an expectation that the full test for vulnerability should be applied to this group.

Single applicants who are not assessed as having a priority need could nevertheless be given priority under the Council's single homeless scheme for any available accommodation. This may include assistance in finding social housing through local authorities and registered social landlords outside of London. The Housing Service is currently exploring housing opportunities throughout the country for both families and single people. A single homeless strategy is also being developed and it is hoped further housing opportunities will become available for non- priority single people.

Cases where there are families with children or there is a clear priority need

It is the responsibility of the Council to investigate a claim of homelessness due to domestic violence using legislation, the Homelessness Code of Guidance, and the relevant case law. The basic test to be applied is best summed up by the Code of Guidance when deciding whether to accept somebody as homeless as a result of domestic violence:

“The authority will need to consider the seriousness of the violence, or threats of violence, the frequency of occurrence and the likelihood of recurrence”

Domestic violence is not confined to a person who normally resides with the applicant but can include threats from outside of the home from a previous association.

The case officer's approach to investigation should be sympathetic and believing. As described above, all options should be fully explored with the applicant including extra security, legal remedies, and possible referrals to the Police, solicitor etc. The homelessness investigation should follow a step by step

procedure with clear information given to the applicant on how their case will be processed.

4.7 Step By Step Homelessness Investigation Procedure

Case officers should take a full statement from the applicant, which the applicant should sign. Include details and dates of:

- outreach/refuge involvement
- threats of or actual assault
- property damage
- police involvement
- hospital or GP involvement
- social worker or probation officer involvement
- any history of previous incidents and requests for rehousing.

NB The case officer must be aware that the applicant may be too upset to provide all the above at a first interview. Applicants may require a place of safety first with a follow up interview arranged. Where applicants have fled the home in an emergency they may not be able to provide personal documentation to confirm status or identity. In such circumstances status/identity should be checked with the Department of Social Security, Housing Benefit, GP's etc. A standard applicant consent form for disclosure of information from such agencies should be used.

The case officer should contact all agencies listed by the applicant and investigate:

- how serious was the incident or incidents (incidents can involve threats as well as physical abuse)
- is the perpetrator known to the agency
- is there a history of abuse
- how likely are these incidents to reoccur
- is any agency recommending an immediate move and if so, on what basis.

Having considered the seriousness of the violence or threats, the frequency of incidents and the likelihood of recurrence the Council will notify the applicant of its decision. If the decision is to find the applicant not homeless they should be fully informed of their right to a statutory review of that decision. In some instances the Council may advise an applicant to pursue any available legal remedies. This should never be done as a matter of policy but on the merits of each individual case. The need to ensure the proper safety of the applicant should always be taken into account. For those applicants not accepted as homeless or in priority need who claim domestic violence, clear advice and assistance must be given.

5. Council Tenants Claiming Domestic Violence

Council tenants who are victims of domestic violence should be supported to remain in their property if this is at all possible and if it is what the tenant wants. All of these options would need to be carefully worked through with the victim. In very extreme cases an emergency transfer or reciprocal arrangement with another Borough or housing association may be appropriate. All emergency transfers must be referred to the emergency matchlist panel (see emergency matchlist procedure).

6. Rent Arrears

Any rent arrears that accrue after a tenant flees their home following domestic violence may be considered for write-off if they are solely responsible for the arrears. Arrears that existed before the tenant left will be pursued in accordance with our procedures on recovering former tenant arrears, although we would be mindful of the circumstances in which they had to leave their home. The debt would not be transferred to the rent account of any new tenancy granted. In some circumstances, Housing Benefit may be claimed on two addresses where the claimant has fled domestic violence i.e. the property being fled (if intending to return to the property) and the temporary accommodation (**see appendix 4**).

7. Housing Association Tenants

Again the main concern is that housing association tenants do not lose out on security of tenure or social rents through no fault of their own. Housing associations have been encouraged to adopt domestic violence policies which support victims and take action against perpetrators.

Lambeth Council would normally expect housing associations to resolve domestic violence situations by offering a transfer within their own stock or arranging a reciprocal move with another housing association. Housing associations have been asked to produce detailed procedures in this respect.

The Council would only accept a case after credible confirmation that they cannot make such arrangements. This would normally only apply to small housing associations. It is essential that housing associations like local authorities take responsibility to support and protect their tenants who suffer domestic violence. A referral to Housing Assessments will often only be appropriate if emergency accommodation is required for a short period whilst arrangements are being made. Strict timescales need to be built into any protocol with housing associations.

8. Tenancy Issues

Domestic violence presents particular difficulties for resolving tenancy issues. Legal remedies are available although they can aggravate violent situations and victims may feel unable to use them for fear of reprisals. When trying to reach the best solution to the tenancy situation the Housing Management Officer should establish:

- the safety needs of the victim and any children involved
- whose names are on the tenancy agreement
- the need to provide a home for the customer
- community networks, personal or support networks.

8.1 Victim and perpetrator are joint tenants

A victim of domestic violence who is a joint tenant may want to take action to terminate the tenancy. In this instance the Housing Management Officer will:

- remain impartial
- advise the victim that s/he can sign a Notice To Quit which will end the tenancy for both joint tenants (McGrady v London Borough of Greenwich 1982)
- recommend that the victim seeks advice from the Citizens Advice Bureau or Housing Advice centre prior to ending the tenancy
- advise the victim that they will initially be housed in temporary accommodation.

If the victim still wants to terminate the tenancy, the Housing Management Officer will:

- give the victim a Notice To Quit form (**appendix 3**) to complete in his/her presence
- refer the victim to the assessment and customer services team
- process the Notice to Quit
- Take appropriate action to repossess the property

8.2 Victim is the sole tenant & perpetrator lives in same property

A victim of domestic violence who is a sole tenant may want to remain in the property and take legal action against the perpetrator to prevent them from returning to the property. Alternatively, the victim may want to terminate their tenancy.

The Housing Management Officer will:

- establish the course of action the victim wishes to pursue and present the options available
- recommend that the victim seeks independent advice regarding the surrender of the tenancy
- recommend that the victim seeks legal advice regarding the possibility of legal action e.g. an injunction against the perpetrator (**see 9 - summary of legal options**)
- discuss what additional security measures the victim would require in order to feel able to remain in the property (**see 1 - security/repairs**)
- advise the victim that they will initially be housed in temporary accommodation if they leave the property.

If the victim decides to terminate the tenancy and the perpetrator remains in the property:

- refer the victim to the assessment and customer services team
- initiate possession proceedings against the perpetrator upon expiry of the Notice To Quit to evict them from the property as the unauthorised occupant.

8.3 Emergency transfers to alternative accommodation

Emergency transfers are only granted in exceptional circumstances where a significant and insurmountable problem associated with the current tenancy. All emergency transfer cases must be referred to the emergency matchlist panel for

approval. All at risk cases normally require a statement from the police confirming that:

1. the victim is at risk and must be moved
2. areas where they are at risk

Council tenants could obtain a property in another borough through reciprocal arrangements or via the HOMES nominations scheme. Wherever possible if a case is serious enough to be accepted as homeless then an emergency transfer may well be the best option for a tenant so they do not lose out on security of tenure and a social housing rent. Temporary accommodation may be appropriate whilst an emergency transfer is pursued.

8.4 Other possible options relating to tenancy issues

Victim	Perpetrator	Action for Victim	Action against perpetrator
Tenant	Non tenant who is not living with victim	Install additional security measures to enable the victim to remain at home <i>Or</i> Obtain a Surrender of tenancy (as it takes effect immediately) and rehouse as homeless depending on level of evidence	None by landlord
Non-tenant	Tenant who is living with victim	Refer to the assessment and customer services team.	Initiate possession proceedings (using Ground 2A, schedule 2, Housing Act 1985) if victim co-operates and they, or other witnesses, provide evidence which will stand up in court
Non-tenant	Tenant who is not living with victim	Refer to section 3 for advice seekers or a joint interview should be carried out by the assessment and customer services team and Housing Management Officer (this will depend upon the locality of the incidents)	Initiate possession proceedings if in breach of tenancy conditions (Ground 2A doesn't apply here, but it may be possible to use the

			harassment clause of the tenancy agreement)
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Note:

- (1) Legislation concerning domestic violence is normally interpreted as applying to people who live in the same dwelling. However the threat of violence from someone who does not live at the same address can be relevant (*Regina v Broxbourne Borough Council* 1989).
- (2) Whether a couple is married may have a material effect on the action that can be taken.

9. Summary of Legal Options

9.1 The Family Law Act 1996

There are two types of orders available under this Act:

- Non-molestation orders prevent the perpetrator from molesting the applicant or a relevant child.
- Occupation orders deal with the occupation of the dwelling and can define occupation rights including the exclusion of the perpetrator from the property or an area around it. There are stricter requirements with regard to obtaining an occupation order, and therefore care should be taken not to raise the customer's hopes.

9.2 Protection from Harassment Act 1997

This Act allows a victim of domestic violence to obtain a civil protection order against someone who has been harassing them. Breach of civil protection orders is an arrestable offence that could lead to a prison sentence.

9.3 Injunctions

- Injunctions can be taken out under the Family Law Act Part IV and the Children Act 1989.
- Injunctions are temporary measures. They are usually granted for a three-month period that can allow time for both parties to make permanent arrangements.
- Injunctions may be inappropriate where the victim of domestic violence does not speak English as they may be unable to communicate that it is being broken.
- Not all injunctions carry powers of arrest. The Housing Act 1996 makes provision for the power of arrest to be attached to some injunctions issued.

Note: Both the Housing Management Officer and Housing Assessment Officer should be aware that injunctions can aggravate a violent situation and a refusal to obtain an injunction should not be a pre-condition for further action being taken.

9.4 Property Adjustment Order

Property Adjustment Orders can be obtained in divorce or separation proceedings under matrimonial law for married women, or alternatively under the Children Act 1989 for unmarried women with children. Property Adjustment Orders provide a long-term measure as they direct who should be given the tenancy. They may be appropriate in instances where the victim of domestic violence has remained in the property and taken legal action to prevent the perpetrator from returning.

9.5 Crime and Disorder legislation

Anti-Social Behaviour Orders (ASBOs) can be sought under the Crime and Disorder Act 1998. In broad terms an ASBO is likely to be relevant where there is behaviour of a criminal nature which causes or is likely to cause harassment, alarm or distress to other people. The main test is that there is a pattern of behaviour which continues over a period of time but cannot be dealt with easily or adequately through the prosecution of those concerned for a single "snapshot" or criminal event. An ASBO may not be the most appropriate way of dealing with domestic violence given the other options available. The use of ASBOs is dealt with in more detail in Lambeth Housing Management's Nuisance procedure.

**PRIVATE & CONFIDENTIAL
DOMESTIC VIOLENCE MONITORING FORM**

CLIENT DETAILS

DATE:

Agency: _____ Reference First Part of Post Code & DOB: _____ Female/ Male

Age: Under 16 16 - 21 21 - 39 40 - 59 60 - 79 80 +

Does client live with alleged perpetrator? Yes No

Relationship with alleged perpetrator:

Divorced/Separated Partner/Married Ex-partner Same sex

Other, Please specify _____

Telephone interview Interview in person

REPORTED BEFORE

Yes / No

Which agency: Police Social services Housing
Women's Aid Women's Centre other _____

Filled in form before: YES/NO

Which agency: Police Social services Housing
Women's Aid Women's Centre other _____

ETHNICITY

What do you consider to be your ethnic group?

ASIAN OR ASIAN BRITISH	Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Any other Asian background <input type="checkbox"/> Please specify _____	BLACK OR BLACK BRITISH	African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any other Black background <input type="checkbox"/> Please specify _____	WHITE	British <input type="checkbox"/> Irish <input type="checkbox"/> Any other White background <input type="checkbox"/> Please specify _____
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CHINESE OR OTHER ETHNIC GROUP	Chinese <input type="checkbox"/> Any other <input type="checkbox"/> Please specify _____	MIXED	White & Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/>	Any other Mixed background <input type="checkbox"/> Please specify _____
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Not recorded Not known

Interpreter needed: YES / NO If YES which language?

DISABILITY

None

Yes - Visually impaired Hearing impaired Mobility disability Learning disability

OTHER NEEDS

Communication Mental health Alcohol/ Drug dependency

LEVEL OF VIOLENCE / RISK

Length of relationship: _____ How long has abuse been ongoing : _____

Physical Abuse

Using Culture/ religion to abuse

Intimidation/Threatening Behaviours

Abuse by other members of Family

Emotional/ Psychological Abuse

Harassment

Abuse of pets

<input type="checkbox"/>	Isolation	<input type="checkbox"/>
<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>
<input type="checkbox"/>	Economic Abuse	<input type="checkbox"/>
<input type="checkbox"/>	Children affected	<input type="checkbox"/>
<input type="checkbox"/>	Verbal Abuse	<input type="checkbox"/>
<input type="checkbox"/>	Other, please specify _____	
<input type="checkbox"/>	Other, please specify _____	

Which of the following apply? *Please tick*

- | | |
|--------------------------|--|
| <input type="checkbox"/> | First instance of violence |
| <input type="checkbox"/> | Number of repeated incidents |
| <input type="checkbox"/> | Damage to property |
| <input type="checkbox"/> | Damage to vehicle |
| <input type="checkbox"/> | Frequency of attacks has been increasing |
| <input type="checkbox"/> | Previous injuries have been very serious needing medical attention |
| <input type="checkbox"/> | Alleged perpetrator has used weapons or threatened to use one |
| <input type="checkbox"/> | Abuse has become more brutal/dangerous |
| <input type="checkbox"/> | Alleged perpetrator has threatened to kill |
| <input type="checkbox"/> | Other, please specify _____ |

All forms to be sent to the Domestic Violence Co-ordinator

Based at:

Lambeth Crime Prevention Trust

2 – 6 Atlantic Road

London SW9 8HY

Tel: 020 7733 0101

Multi-agency Guidelines for the Completion of the Domestic Violence Common Monitoring Form.

The information on this form will be stored and retrieved by the Domestic Violence Co-ordinator. Please ensure that all staff read these guidelines before completing the Domestic Violence Common Monitoring Form.

Aim of exercise:

To standardise the collection of information on domestic violence for monitoring purposes.

Objectives:

- To provide information for future service planning and delivery.
- To ensure that all the relevant statutory and voluntary agencies are monitoring domestic violence.
- To provide information on repeat victimisation

General points to consider

Please be sensitive to the client's immediate needs in relation to domestic violence and give reassurance that the form will facilitate your ability to meet those needs.

Please stress the confidential nature of the form and explain to the client that a unique reference code will be used that will enable us to track the services approached without revealing the identity of the client. In order to enable clients to feel some control over this process please complete the form in the presence of the client where possible and respect the client's choice to leave questions blank. Please note that all sections of the form refer to the victim and not the perpetrator.

The form largely refers to adults regardless of whether or not a child is the agency's primary client. However there may be circumstances in which the form needs to be completed on an adult and a young person in the same family i.e. where mother and daughter are being abused. Separate forms should be completed in this instance.

Page One

Client Details:

This is obviously the most important section. If nothing else on the form is filled in we will still have some valuable data if the agency and the reference code sections are completed.

Reported Before:

In order to avoid duplication of the entire form it is important to ask this before continuing. However the first section of the form i.e. date, agency and unique reference code should be completed on every occasion. Providing information regarding which agency was involved will minimise the time spent tracking cases.

Ethnicity:

Please allow clients to self identify ethnic origin. If the category does not correspond to any of those on the form then use 'other'.

Page Two

Disability:

It may not be possible to ascertain all the information in a first interview. Please complete as much as possible.

Level of Violence/Risk:

Please complete as far as possible.

This section is relevant to all incidents in the history of the current abusive relationship and not just the latest incident.

When completing the box on repeat incidents please apply the police definition of repeat victim i.e. more than one incident in the last twelve months. A victim may have been beaten on numerous other occasions prior to this but for the purposes of consistent data collection this definition must be adhered to.

Please email completed form to Lambeth's Domestic Violence Co-ordinator, Marianna Tortell, marianna@lcpt.org.uk; tel: 020-7733-0101.

Information for Customers Completing the Common Monitoring Form

Thank you for helping us to participate in this monitoring exercise. The information on this form will be stored and retrieved by the Domestic Violence Co-ordinator for the London Borough of Lambeth. A unique reference code will be used that will enable us to track services you have accessed without revealing your identity.

Aim of exercise

- To standardise the collection of information on domestic violence for monitoring purposes.

Objectives

- To provide information for future service planning and delivery.
- To ensure that all relevant statutory and voluntary agencies are monitoring domestic violence.
- To provide information on repeat victimisation.

You may omit any questions you do not want to answer but the more information we have, the more effective the exercise will be.

Thank you for your co-operation.

You may wish to contact the following organisations:

NOTICE TO QUIT GIVEN BY A PERIODIC TENANT

To: EXECUTIVE DIRECTOR OF HOUSING
LONDON BOROUGH OF LAMBETH
HAMBROOK HOUSE
PORDEN ROAD
LONDON
SW2 1RP

I HEREBY GIVE YOU NOTICE THAT I
SHALL QUIT AND DELIVER UP POSSESSION OF
..... [JOINTLY] HELD BY ME AS
YOUR TENANT ON THE DAY OF200.. OR AT
THE END OF THE PERIOD OF MY TENANCY WHICH WILL EXPIRE
NEXT AFTER THE EXPIRY OF FOUR WEEKS AFTER THE SERVICE
OF THIS NOTICE ON YOU.

DATED THIS DAY OF 200..

SIGNED

NAME

Housing Benefit Claims on Two Properties – Guidance

Normally Housing Benefit (HB) is only payable in respect of a rental liability on one home. The following paragraphs set out the circumstances in which the claimant must be treated as occupying two dwellings as a home and thus potentially entitled to HB for both of them.

Fear of Violence

The authority must treat the claimant as occupying two dwellings for a maximum period of 52 weeks where there claimant has left and remains absent from the former dwelling through fear of violence:

- ◆ in that dwelling; or
- ◆ by a former member of the claimant's family.

This duty only applies however if:

- ◆ It is reasonable that HB should be paid in respect of both the former dwelling and the present dwelling occupied as the home, and
- ◆ The claimant intends to return to occupy the former dwelling as a home.

Actual violence need not have occurred, however, for the above conditions to be met. The claimant has only to be afraid of violence occurring. If the authority do not consider, however, that the fear of violence is one that is reasonably held or that the claimant brought it upon themselves, for example as a result of criminal activity, it may consider it unreasonable that HB should be paid in respect of both homes.

The feared violence in the home need not be related to a family or former family member. It could be related to anyone, e.g., a neighbour, so long as it is feared that violence could occur in the home. Where the fear is of violence outside the home it must be a former member of the claimant's family who poses the threat of violence. This would include not only an ex partner but also an adult child.

Authorities are advised to check regularly that the claimant intends to return to the previous home (A24/98. para. 10) if the claimant subsequently decides not to return HB on the former home should stop. The HB paid on the former home whilst the claimant had the intention to return will have been properly paid and should not be treated as an overpayment.

Good Practice Dos and Don'ts

Do	Don't
<ul style="list-style-type: none"> ▪ Give priority to immediate safety ▪ Offer same sex interview/first language where possible ▪ Take the customer seriously ▪ Believe the customer ▪ Reassure the client that the violence is not their fault ▪ Remember that their problems may be compounded by language, cultural barriers and racism ▪ Let the customer know that s/he is not alone in experiencing abuse ▪ Consult with specialist agencies particularly Women's Aid ▪ Check where mail can be safely sent -confidentiality is crucial ▪ Listen to what s/he needs to resolve the situation ▪ Ensure that s/he knows your name and when/how you can be contacted 	<ul style="list-style-type: none"> ▪ Be judgmental ▪ Ask what s/he did to provoke the violence ▪ Ask for proof of violence ▪ Make decisions for the customer ▪ Ask why s/he hasn't left earlier ▪ Ignore your intuition if you suspect the customer is experiencing abuse – ask them ▪ Give out their address for any reason ▪ Be casual or cynical ▪ Expect an immediate decision ▪ Offer to be intermediary between the customer and the abusive partner ▪ Assume that the children's needs are being met

Important Telephone Numbers:

- Lambeth Police Community Safety Unit - 020 8649 2632
- Women's Aid National Domestic Violence Helpline – 0845 702 3468
- Women's Aid Lambeth Outreach Service - 020 8678 6233
- Refuge Domestic Violence Helpline – 08705 995 443
- National Child Protection Helpline (NSPCC) - 0800 800 500
- Victim Support Line - 0845 30 30 900
- Lambeth Victim Support – 020 7820 0007/8
- DIWA Asian Women's Network – 020 8427 6796
- Asha – Asian Women's Project – 020 8769 6294
- Solas Anois – Irish Women's DV Project 020 8664 6289
- **Lambeth Housing Assessment Team - 020 7926 4343**
- **Lambeth Housing Management – 020 7926 6000**
- Lambeth Social Services - 020 8863 5544/8861 3242

IN AN EMERGENCY, DIAL 999