

Domestic Abuse Policy



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Approved By	Harbour Light Board
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Policy Owner/Dept	Tenancy & Housing Management
Policy Author	Peter McEleavey
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Version Number	1.0

Version	Date	Changes	Approver

Relevant National Standards or Regulations	• Regulator of Social Housing - Neighbourhood and Community Standard, effective from 1 April 2024; • Regulator of Social Housing - Consumer Standards Code of Practice; • Home Office - Domestic Abuse: statutory guidance issued under the Domestic Abuse Act 2021, as updated; • Care and Support Statutory Guidance, including adult safeguarding and multi-agency working; • Homelessness Code of Guidance for Local Authorities, as relevant to domestic abuse and housing options; and • Housing Ombudsman Complaint Handling Code.
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Relevant Legislation	• Domestic Abuse Act 2021; • Housing Act 1988 and other applicable tenancy and possession legislation; • Housing Act 1996, Part VII (homelessness), as amended; • Serious Crime Act 2015, including controlling or coercive behaviour provisions; • Protection from Harassment Act 1997; • Care Act 2014; • Mental Capacity Act 2005; • Equality Act 2010; • Human Rights Act 1998; and • Data Protection Act 2018 and UK General Data Protection Regulation.
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Domestic Abuse Policy



1. Purpose

Harbour Light Assisted Living CIC (Harbour Light) is committed to recognising and responding effectively to domestic abuse affecting its tenants. This is a regulatory policy required by the Regulator of Social Housing's Neighbourhood and Community Standard. It explains how Harbour Light will respond to disclosures or concerns, work with Support Companies and other agencies, consider housing options, and take landlord action where appropriate.

Harbour Light provides supported accommodation to adults who may have mental health needs, learning disabilities, autism or other vulnerabilities. Support Companies are therefore central to the immediate practical response. At most Harbour Light properties, Support Company staff are on site 24 hours a day and are usually best placed to understand the tenant's current presentation, support needs and risks, and to put immediate support or mitigation in place.

Support Companies are not the landlord. Harbour Light remains responsible for all housing and tenancy-management decisions, including any internal move within the Harbour Light estate and any formal action against a tenant who is alleged to have perpetrated domestic abuse.

The aims of this policy are to:

- recognise domestic abuse and respond in a way that prioritises immediate safety;
- provide a clear and accessible route for tenants and others to raise concerns;
- work closely with Support Companies, commissioners, local authorities, police, safeguarding services and other relevant agencies;
- take account of disability, mental health, learning disability, autism, communication needs, capacity and other vulnerabilities without dismissing or automatically accepting an allegation;
- support access to appropriate specialist domestic abuse advice and services;
- consider safe housing options, including an internal move where this can be agreed and safely supported;
- ensure that a person experiencing domestic abuse is not treated as being in breach of tenancy merely because abuse has occurred at or around their home; and
- ensure any landlord enforcement against an alleged perpetrator is evidence-based, lawful, reasonable and proportionate.

2. Scope

This policy applies to all Harbour Light tenants and all Harbour Light properties in England. Harbour Light predominantly houses single adults, but domestic abuse can occur whether people live together, live in separate Harbour Light properties, or live elsewhere. The policy therefore applies to abuse involving current or former partners, spouses, civil partners and family members, including relatives who may share accommodation.

The Domestic Abuse Act 2021 applies where the people concerned are aged 16 or over, are personally connected and the behaviour is abusive. Harbour Light houses adults aged 18 and over, but the statutory definition remains relevant to any domestic abuse affecting a tenant.

This policy should be read alongside Harbour Light's Anti-Social Behaviour Policy, Adult Safeguarding Policy, Mental Capacity and Consent Policy, Eviction Policy, Eviction Procedure,

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Complaints Policy and THM01-F01 Possession Action Proportionality and Vulnerability Assessment.

2.1 What Harbour Light means by domestic abuse

Harbour Light uses the definition in the Domestic Abuse Act 2021. Domestic abuse may consist of a single incident or a course of conduct and may include:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse; and
- psychological, emotional or other abuse.

People may be personally connected because they are or have been married or civil partners, have agreed to marry or enter a civil partnership, have had an intimate personal relationship, share parental responsibility for a child, or are relatives. They do not need to live together for the behaviour to amount to domestic abuse.

2.2 Recognising domestic abuse

Domestic abuse is not limited to physical violence. Indicators may include fear of a partner or relative, unexplained injuries, threats, repeated unwanted contact, monitoring or restriction of movements, isolation, control of money or benefits, damage to belongings, pressure about medication or care, intimidation, harassment, sexual abuse, or a person appearing unusually anxious about another person.

A person with care and support needs may be particularly vulnerable where an intimate partner or family member also provides care, manages money, controls access to services, or uses the person's disability, mental health or dependence on support to exert control.

2.3 Conflicting, mistaken or unreliable accounts

Harbour Light recognises that mental ill-health, learning disability, autism, cognitive impairment, memory difficulties, communication needs or distress can sometimes affect how events are perceived, remembered or described. This can result in conflicting or inaccurate accounts. It does not mean that a disclosure or report will be dismissed.

Harbour Light will consider immediate safety first and then assess the available evidence and context. The relevant Support Company will normally be involved because it is often most familiar with the tenant and the current situation. A diagnosis or vulnerability on its own is not evidence that an allegation is inaccurate, and Harbour Light will not assume that an allegation is proven solely because it has been made.

3. Responsibilities

3.1 Harbour Light Board

The Board is responsible for approving this policy and obtaining assurance that Harbour Light complies with the Neighbourhood and Community Standard. The Board will receive appropriate

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information about significant themes, serious incidents, landlord action, complaints and learning while protecting individual confidentiality.

3.2 Chief Executive

The Chief Executive has overall executive responsibility for this policy and for ensuring that serious or high-risk cases are managed appropriately. The Chief Executive must authorise any decision to serve a possession notice or commence possession action against a Harbour Light tenant arising from domestic abuse or associated tenancy breaches.

3.3 Estate Operations Manager

The Estate Operations Manager is responsible for Harbour Light's housing-management response to domestic abuse cases. This includes coordinating with Support Companies and external agencies, considering housing and security options, deciding whether formal tenancy action is appropriate, approving any internal move within the Harbour Light estate and escalating cases where legal or possession action may be necessary.

3.4 Harbour Light staff

Harbour Light staff must:

- take disclosures and concerns seriously and consider immediate safety;
- record information accurately and distinguish allegations, verified facts, professional opinion and hearsay;
- use safe methods of communication and avoid disclosing information in a way that could increase risk;
- normally involve the relevant Support Company promptly, subject to the exceptions in this policy;
- consider safeguarding, mental capacity, vulnerability and reasonable adjustments;
- avoid promising a particular housing or enforcement outcome before the case has been assessed;
- keep appropriate records of decisions, actions and reasons; and
- escalate serious or high-risk concerns to the Estate Operations Manager.

3.5 Support Companies

Support Companies are the primary day-to-day route for most domestic abuse concerns because they are usually best placed to respond immediately, understand the tenant's support needs and current presentation, and manage on-site risk within their support role. They may:

- receive disclosures and record concerns factually;
- take immediate support and welfare action within their own procedures;
- contact emergency services where there is immediate danger;
- review support plans and risk assessments and put practical mitigation in place;
- support a tenant to communicate with Harbour Light, police, safeguarding services or specialist domestic abuse services;
- provide Harbour Light with relevant incident records, risk information and professional context;
- participate in joint case discussions and housing planning; and



- request that Harbour Light consider tenancy or other landlord action where appropriate.

A Support Company cannot make a landlord decision, serve a Harbour Light tenancy warning, move a tenant unilaterally to another Harbour Light property, alter a Harbour Light tenancy or commence possession action. If an emergency raises the possibility of a move within the Harbour Light estate, the Support Company must contact Harbour Light to discuss the safest lawful option.

4. Legislation and Regulations

This policy is informed by the legislation, regulatory standards and statutory guidance listed in this document, as applicable to the circumstances of each case.

The Regulator of Social Housing's Neighbourhood and Community Standard requires registered providers to have a policy for how they recognise and effectively respond to cases of domestic abuse. It also requires registered providers to work co-operatively with other agencies tackling domestic abuse and to enable tenants to access appropriate support and advice.

The Domestic Abuse Act 2021 recognises physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse and psychological, emotional or other abuse. The people involved do not need to live together. Harbour Light will also have regard to the Home Office statutory guidance, including its emphasis on housing providers recognising abuse, working with other agencies and considering safe housing options.

Where a tenant has care and support needs and may be unable to protect themselves from abuse or neglect because of those needs, adult safeguarding duties under the Care Act 2014 may also be engaged. Harbour Light will follow its Adult Safeguarding Policy and local safeguarding procedures where appropriate.

5. Procedures

5.1 Reporting or disclosing domestic abuse

The preferred route for most Harbour Light tenants is to raise a concern with their Support Company in the first instance. This is because Support Company staff are usually familiar with the tenant and, at most properties, are available on site around the clock to assist immediately with support, risk management and practical mitigation.

A tenant may always contact Harbour Light directly. Harbour Light will accept and assess a direct disclosure or report and will not require the tenant to obtain the Support Company's permission before contacting us. Reports may also be made by an advocate, appointee, family member, social worker, health professional, police officer or other representative, subject to appropriate confidentiality and information-sharing considerations.

Where Harbour Light receives a direct report, it will normally inform the relevant Support Company promptly because of the Support Company's immediate support role and knowledge of the circumstances. Harbour Light will not automatically do so where this could increase risk, compromise a safeguarding or police investigation, undermine safe communication, or where the concern involves the Support Company or its staff. In those circumstances Harbour Light will decide the safest route and may seek safeguarding or police advice.



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5.2 Immediate danger and initial safety

If there is an immediate risk to life or serious harm, the emergency services should be contacted on 999. Support Company staff may take immediate support and risk-management action within their role and procedures while emergency help is obtained.

Harbour Light will not require a person experiencing domestic abuse to confront the alleged perpetrator and will not use mediation between them where this could increase risk or create an unacceptable power imbalance. A police report is not a condition of Harbour Light accepting a disclosure or considering housing action.

Harbour Light and the Support Company will consider, according to the circumstances, safe communication arrangements, immediate safeguarding, separation from the alleged perpetrator where this can be achieved safely, property or security measures, specialist advice, police involvement and whether an urgent housing discussion is required.

5.3 Assessing the report and evidence

Harbour Light will respond according to risk rather than applying a fixed response time. Urgent safety matters will take priority. The initial assessment will consider what is alleged to have happened, whether behaviour is ongoing, the relationship between the people involved, immediate risk, previous incidents, vulnerability, support needs, safeguarding concerns and what action the Support Company or other agencies have already taken.

Harbour Light will not treat an allegation as proven solely because it has been reported. Equally, a report will not be discounted because the person has a mental health condition, learning disability, autism, cognitive impairment or another vulnerability. Where appropriate, Harbour Light will obtain contextual information from the Support Company and other relevant professionals, consider available evidence and assess consistency, reliability and risk.

Where it is safe and appropriate to do so, an alleged perpetrator who is a Harbour Light tenant will be given an opportunity to understand and respond to the concerns before formal tenancy action is taken. This may be modified where urgent action is required or disclosure could increase risk or prejudice an external investigation.

5.4 Confidentiality and information sharing

Domestic abuse information can be highly sensitive. Harbour Light will use safe communication methods and will share information only where there is a lawful basis and the sharing is necessary and proportionate. The person reporting abuse will be told, as far as possible, who information may need to be shared with and why.

Harbour Light cannot promise absolute confidentiality. Information may need to be shared without agreement where there is an immediate or serious risk of harm, an adult safeguarding concern, risk to another person, a legal obligation, or another lawful safeguarding or crime-prevention basis. Reasons for sharing, or for deciding not to share, will be recorded.

5.5 Support and specialist services

Harbour Light is a housing provider and does not provide domestic abuse support services. It will work with the Support Company and relevant agencies so that the tenant can access appropriate

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advice, safeguarding, advocacy, health, police or specialist domestic abuse services. Specialist services will be signposted according to the person's needs rather than relying on fixed contact details in this policy.

Where appropriate, Harbour Light will participate in multi-agency discussions with the Support Company, commissioner, local authority, safeguarding services, health professionals, police and other relevant agencies. The tenant's wishes will be taken into account, subject to safeguarding, capacity and other legal considerations.

5.6 Accommodation and moves

Where a tenant cannot safely remain in their current accommodation, Harbour Light will actively work with the Support Company, commissioner and local authority to identify a safe and suitable housing option. An internal move within the Harbour Light estate may be considered, but it is not automatic and may be constrained by the availability of suitable accommodation and the need to maintain an appropriate support arrangement.

Any internal move requires agreement between Harbour Light, the relevant Support Company, commissioner and local authority. Changing Support Company can be difficult and may make an otherwise available Harbour Light property unsuitable. The joint assessment may therefore conclude that the appropriate alternative accommodation is outside the Harbour Light estate.

A Support Company must not move a tenant unilaterally from one Harbour Light property to another. In an emergency, the Support Company should contact Harbour Light as soon as possible to discuss options. Where an agreed move outside the Harbour Light estate is required because of domestic abuse or an immediate safety risk, Harbour Light will not require the tenant to serve a notice period before leaving. The tenancy end date and any necessary administrative arrangements will be agreed and documented as part of the move.

Harbour Light will not assume that the person experiencing abuse must be the person who moves. Where safe, lawful and realistic, the options considered may include action affecting the alleged perpetrator instead. The appropriate approach will depend on the evidence, tenancy rights, risk, support arrangements and availability of suitable accommodation.

5.7 Where the alleged perpetrator is a Harbour Light tenant

Where the alleged perpetrator is a Harbour Light tenant, Harbour Light will consider separately whether the behaviour amounts to anti-social behaviour, harassment, criminal conduct or another breach of tenancy. Support Company action under a support plan is separate from landlord enforcement. Only Harbour Light may issue a formal tenancy warning, seek an injunction or commence possession action.

Formal action will depend on the seriousness of the behaviour, evidence, risk, recurrence, impact, vulnerability, disability, support needs, reasonable adjustments and the availability of less restrictive measures. Harbour Light will not delay urgent action solely because support interventions have not yet been exhausted where there is a serious risk of harm.

Before a decision to serve a possession notice, Harbour Light will complete the THM01-F01 Possession Action Proportionality and Vulnerability Assessment, or any replacement approved form. The Chief Executive must authorise any decision to serve a possession notice or commence

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possession proceedings. Harbour Light will follow its Anti-Social Behaviour Policy, Eviction Policy, Eviction Procedure and current possession law.

Where the alleged perpetrator is not a Harbour Light tenant, Harbour Light may still consider reasonable tenancy, property or security measures, work with the Support Company and police, and obtain legal advice where necessary to protect the tenant or other residents.

5.8 Safeguarding, mental capacity and reasonable adjustments

Domestic abuse may also be an adult safeguarding concern. Where the Care Act safeguarding criteria may be met, Harbour Light will follow its Adult Safeguarding Policy and work with the relevant local authority safeguarding service. Where a person may lack capacity in relation to a relevant decision, Harbour Light will have regard to the Mental Capacity Act 2005 and its Mental Capacity and Consent Policy.

Harbour Light will make reasonable adjustments for disabled tenants and will adapt communication or involvement in the process where needed. This may include accessible information, additional time, involving an advocate or appointee, changing meeting arrangements or using the Support Company to help explain information, provided this is safe and appropriate.

5.9 Children encountered in connection with a case

Harbour Light does not house children, but staff may occasionally become aware of a child who is affected by domestic abuse, for example during a visit or through a tenant's family contact. Any concern about a child's safety will be treated as a safeguarding matter and referred to the appropriate statutory service where required. Harbour Light staff will not attempt to investigate child safeguarding concerns themselves.

5.10 Recording, case review and complaints

Harbour Light will keep proportionate records of disclosures, reports, risk information, evidence, decisions, referrals, adjustments, housing discussions, landlord action and outcomes. Records must distinguish allegations, verified facts, professional opinions and decisions.

Domestic abuse cases will be reviewed as circumstances change, particularly after further incidents, changes in support arrangements, police or safeguarding involvement, or a proposed move. A case may be closed when immediate housing actions are complete or the matter is being managed appropriately by another agency, but relevant history may be considered if further concerns arise.

A complaint about how Harbour Light has handled a domestic abuse case is separate from the underlying allegation. Tenants may use Harbour Light's Complaints Policy if they are dissatisfied with Harbour Light's communication, service, delay or decision-making process. Making a complaint will not automatically stop necessary safety or tenancy-management action.

6. Review and Updates

This policy will normally be reviewed at least every three years. It will be reviewed sooner where there is a significant change in legislation, regulatory standards, statutory guidance, Harbour Light's operating model, local partnership arrangements or learning from serious cases, safeguarding concerns, complaints or legal proceedings.

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The next scheduled review is September 2029, subject to earlier review as above. The Policy Owner is Tenancy & Housing Management. Any substantive revision will be approved through Harbour Light's policy governance arrangements.

Related Harbour Light documents

THM04 Anti-Social Behaviour Policy; THM06 Eviction Policy; HL Eviction Procedure; THM06-F01 Possession Action Proportionality and Vulnerability Assessment; STW01 Adult Safeguarding Policy; STW02 Mental Capacity and Consent Policy; Complaints Policy and Procedure; and relevant tenancy agreements and support arrangements.