

Resident domestic abuse policy

Introduction

This policy outlines the council's housing approach to domestic abuse. Housing staff are committed to a survivor-led, non-judgemental approach to supporting applicants.

This policy adheres to the Domestic Abuse Housing Alliance (DAHA) framework which aims to improve the housing sector's response to domestic abuse.

Women and girls are disproportionately impacted by domestic abuse and other forms of VAWG (Violence Against Women and Girls). This is due to gender inequality and misogyny which is still prevalent in society.

The Resident Domestic Abuse Policy will be supported by the Resident Domestic Abuse Procedure which will provide guidance on how staff can respond to cases of domestic abuse.

The Domestic Abuse Act 2021

The Domestic Abuse Act 2021 defines domestic abuse as the behaviour of a person towards another person if both are each aged 16 or over and are personally connected to each other; and if the behaviour is abusive.

Definition of personally connected:

- They are or have been married to each other
- They are or have been civil partners of each other
- They have agreed to marry one another (whether the agreement has been terminated)
- They have entered into a civil partnership agreement (whether the agreement has been terminated)
- They are or have been in an intimate personal relationship with each other.
- They each have or there have been a time when they each have had a parental relationship in relation to the same child.
- They are relatives.
- A person has a parental relationship in relation to a child if the person is a parent of the child or the person has parental responsibility for the child.

Behaviour is abusive if it consists of any of the following:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse

Women experiencing domestic abuse may also be experiencing other forms of VAWG such as forced marriage, female genital mutilation and honour-based violence.

The Domestic Abuse Act 2021 also recognises that children who have witnessed domestic abuse are now considered victims in their own right.

Context

This policy has been drafted to sit within the following national, regional and local framework. This policy outlines TWBC's legal and statutory duty to respond to incidents of domestic abuse.

National context

- [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2021/32/contents)
- [Housing Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1996/42/contents)
- [Homelessness Reduction Act 2017](https://legislation.gov.uk/ukpga/2017/12/contents)
- [Anti-social Behaviour, Crime and Policing Act 2014](https://legislation.gov.uk/ukpga/2014/12/contents)
- [Equality Act 2010](https://legislation.gov.uk/ukpga/2010/15/contents)
- [Human Rights Act 1998](https://legislation.gov.uk/ukpga/1998/41/contents)
- [Data Protection Act 2018](https://legislation.gov.uk/ukpga/2018/12/contents)
- [Tackling violence against women and girls strategy - GOV.UK](https://www.gov.uk/government/strategies/tackling-violence-against-women-and-girls)

Regional context

- [Domestic Abuse Strategy - Kent County Council](#)

Local context

- [Tunbridge Wells Borough Council Strategic Plan 2024-32](#)
- [Housing, Homelessness and Rough Sleeping Strategy 2021 - 2026](#)
- [Community Safety Partnership Action Plan 2025-26](#)
- [Safeguarding Policy](#)
- [Data Protection Policy](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Housing Register Allocation Scheme](#)

Domestic Abuse Housing Options

Housing staff should be alert to domestic abuse, which may be identified through disclosures, an application for housing assistance or other factors such as anti-social behaviour complaints or frequent repairs within temporary accommodation provided by the Council.

Housing staff will provide victim/survivors with a comprehensive list of available housing options, as outlined in the Resident Domestic Abuse Procedure.

Presenting as homeless due to domestic abuse

- Victim/survivors fleeing domestic abuse can approach any local authority for housing assistance, they do not need a local connection to the area.
- A person who is eligible for assistance and homeless as a result of domestic abuse, has a priority need for accommodation.
- Housing staff will work collaboratively with the victim/survivor to create a Personal Housing Plan (PHP) which reflects their housing and support needs.
- A victim/survivor does not need evidence of domestic abuse to make an application. Housing staff will not use a blanket approach when assessing the application and understand that evidence of domestic abuse can be provided by multiple sources including from friends, family or a statement from the victim/survivor.

Housing Allocation

- In accordance with statutory regulations, an applicant for social housing who is or has been a victim of domestic abuse carried out by another person, who needs to move for reasons connected with that abuse, including from accommodation initially occupied on a temporary basis, will not be required to meet the qualifying local connection criteria to join the Council's Housing Register.
- The Council recognises that survivors of domestic abuse often need to flee their home and move away from their local area. Survivors who have fled their home and moved into a refuge or safe accommodation, within the Tunbridge Wells borough, are provided with additional preference for an allocation of social housing. This enables survivors to secure a permanent home quicker to rebuild their lives.
- Where a victim of domestic abuse is a lifetime tenant and is granted a new tenancy for reasons connected with the abuse, they will retain their lifetime security of tenure. The protection also applies to victims of domestic abuse who have a joint lifetime tenancy and who wish to continue living in their home after the perpetrator has left. The provisions apply to lifetime tenants of local authorities and private registered providers of social housing.
- More information can be found in the [Housing Register Allocation Scheme](#)

Holding Perpetrators to Account

Perpetrators are responsible for their abusive behaviour and will be held accountable. Housing can often be used by perpetrators as a method of control. Housing staff recognise this and will provide victims/survivors with support around their housing options and seeking enforcement options against perpetrators if necessary.

Housing staff will not contact the perpetrator and will not disclose any information relating to domestic abuse to the perpetrator.

TWBC will not charge the victim/survivor for property damage caused by the perpetrator while in temporary accommodation.

Victim/survivors will be provided with information and guidance on how to pursue legal options and protections from the perpetrator.

If a perpetrator has an active application and recognises their behaviour as abusive, staff can signpost to local perpetrator services and programmes if requested.

Training and Resources

Housing staff will be equipped with the knowledge to respond to DA cases effectively and consistently. This will include specialist training on other forms of VAWG such as female genital mutilation and honour-based violence.

TWBC will jointly fund the specialist Housing IDVA role. They will provide specialist DA advice and complete DASH risk assessments and safety planning. TWBC will also jointly fund the Domestic Abuse Co-ordinator role who will provide operational and strategic direction.

Housing staff will be well informed on referral pathways to local DA services, Multi-Agency Risk Assessment Conference (MARAC) and understand the DASH risk assessment.

Housing staff will also have access to the Women's Aid Goldbook and the internal services directory.

Intersectionality and Barriers to Support

Adherence to the Equality Act 2010 will be essential in the implementation of this policy. TWCB are committed to meeting the needs of people from diverse backgrounds and have due regard to protected characteristics. All staff are required to complete mandatory unconscious bias training as part of their induction.

- Victim/survivors from the Global Majority may face additional challenges in reporting DA to statutory services due to fears of institutional racism.
- Disabled women are twice as likely to experience domestic abuse and are less likely to access support.

- Elderly victims/survivors may face additional challenges in accessing support due to reduced mobility and social isolation.
- Victim/survivors from the LGBTQIA+ victim/survivors may also experience challenges in accessing support.
- There may be occasions where applicants have No Recourse to Public Funds (unable to access benefits) or have insecure immigration status. In this case, staff can utilise the NRPF Guidance Document, which provides advice on how to approach victim/survivors who do not have recourse. [Guidance on NRPF.docx](#)

Data Protection

Information provided from the victim/survivor will be kept confidential, and we will strive to build trust in our services. TWBC staff will inform the victim/survivor of their right to confidentiality and will not share any information without explicit consent of the victim/survivor.

TWBC recognises that there will be instances where confidentiality will need to be breached lawfully in accordance with the GDPR and Data Protection Act 2018.

Where there is a significant safeguarding concern for the victim/survivor or related persons, staff can share information with appropriate services to fulfil safeguarding obligations. This could include referrals to relevant safeguarding team or to MARAC.

TWBC are committed to making safeguarding personal. Where appropriate, the victim/survivor will be informed when information needs to be shared without their consent. Information sharing should be conducted with sensitivity and consider whether this increases risk to the victim/survivor.

Records on domestic abuse cases will be kept up to date on TWBC case management system. All records should show a clear outcome of the case and flag referrals.

Compliance, monitoring and review

This policy will be reviewed every three years, or sooner if there are any significant changes in national policy before this time.

This policy will be reviewed in response to any Domestic Homicide Reviews, Safeguarding Adults Reviews or any Serious Case Reviews.