

Identifying and Working with Victims of Domestic Violence

Policy

The NSW Government has worked together with Government Agencies and community organisations to develop the Domestic and Family Violence Framework for Reform, It Stops Here: Standing together to end domestic and family violence. Community Housing Providers are a key component of the integrated response to improve policy and service delivery to victims of domestic and family violence

Housing Plus recognises that domestic and family violence can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic and family violence affects both male and female victims, including those in lesbian, gay, bisexual, transgender, intersex and queer relationships. We are committed to supporting victims of domestic and family violence regardless of gender or sexuality.

Housing Plus takes domestic and family violence seriously and is committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic and family violence.

Housing Plus is committed to building our skills, capacity and practice to identify indicators of domestic and family violence and to work with victims to assist them to manage their housing and support situation.

Housing Plus will take appropriate action that balances the rights and wishes of the victim with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.

Housing Plus will also work with support services and other partners to assist victims and deal with perpetrators as domestic and family violence cases require a multi-agency approach. This policy covers all tenants and applicants of Housing Plus.

- This policy applies to all clients (including applicants, former tenants and existing tenants) who accept accommodation in properties owned or managed by Housing Plus
- This policy describes the organization's objectives and policies regarding *Identifying and Responding to Victims of Domestic and Family Violence*.

Acknowledgement

This Policy has been adopted from the policy outlined in the Strengthening practice in responding to domestic and family violence Toolkit: a partnership between NSW Federation

of Community Housing, Domestic Violence NSW, Homelessness NSW and NSW Family and Community Services.

References

- It Stops Here: Standing together to end domestic and family violence
- Residential Tenancies Act 2010 (NSW)
- Strengthening practice in responding to domestic and family violence: A TOOLKIT FOR COMMUNITY HOUSING PROVIDERS.

Definitions

Term: Domestic and Family Violence

Definition: Domestic and family violence is any behaviour that causes physical, sexual or emotional harm, or causes someone in the relationship to live in fear.

Responsibilities

Executive

- Establish policy objectives

Management

- Develops policies and procedures to achieve policy objectives
- Coordinates and implements policy for *Identifying and Responding to Victims of Domestic and Family Violence*
- Oversees training and ensures adoption by all employees responsible for *Identifying and Responding to Victims of Domestic and Family Violence*
- Reviews policy and procedure on biannual basis to ensure compliance with legislation and adopts accordingly

Employee Responsibilities

- Understand and comply with Housing Plus policies regarding *Identifying and Responding to Victims of Domestic and Family Violence*

Procedure

Housing Plus will support and resource our staff across all aspects of community housing provision to have an understanding of domestic and family violence. Staff will utilise the Domestic and Family Violence Pathways tools to understand their internal reporting and support structures. Through understanding our role in identifying indicators of domestic and family violence and referring to tenancy management staff for further investigation, Housing Plus will develop and enhance their early intervention approach to vulnerable tenancies and victims.

In order for Housing Plus to effectively identify and respond to domestic and family violence we will:

- Ensure all staff across all divisions receive training on identifying and responding appropriately to domestic and family violence.
- Enable residents to report domestic and family violence to us in different ways, including in person, in writing, over the phone and online.
- Investigate all reports of domestic and family violence that we receive. Reports of antisocial behaviour might also be related to incidents of domestic and family violence and will also be investigated.
- Give victims the opportunity to opt for a staff member of the same gender to deal with their case wherever practicable.
- Ensure that victims know that they can meet staff in confidence at Housing Plus' offices or at an agreed safe venue. We will also agree to the method of contact that the victim wishes us to use to stay in contact with them.
- Work with partner agencies to ensure co-ordinated services to prioritise the victim's (including children's) safety.
- Advise victims of external agencies who can offer further advice and support (for advice on tenancy issues, legal advice for example) and make referrals on their behalf and with their consent if required.
- Encourage victims to engage with domestic and family violence support and advocacy services and make referrals on their behalf and with their consent if required.

Provisions Within The Residential Tenancy Act (2010) To Respond To Domestic And Family Violence

The Residential Tenancy Act 2010 has provisions aimed at giving some protection to tenants who have been victims of domestic and family violence. A victim of domestic and family violence might want to end their tenancy agreement with the perpetrator of that violence. They might want to:

- 1) Stay at the rented premises and have the perpetrator leave, or
- 2) Leave and end their legal liability.

Staying will mean taking action to end the tenancy of the perpetrator by getting a final apprehended violence order (AVO) against them that includes an exclusion order or taking other action under tenancy law which may involve taking action in the NSW Civil and Administrative Tribunal.

Section 79 of the Residential Tenancy Act 2010 allows for the termination of a co-tenant's tenancy where that person has been prohibited by a final AVO from accessing the property.

As a tenant, a victim can change the locks, without the landlord's consent, if any occupant has an AVO with an exclusion order (interim, provisional or final) against the perpetrator. They can withhold copies of the new keys or opening devices from the excluded occupant. The cost for this is paid for by the tenant. The tenant also needs to provide a copy of the keys to the landlord where required.

Leaving means ending a victim's tenancy with or without ending a perpetrator's tenancy.

A victim's tenancy status affects their options:

Co-tenant: the victim's name and the name of other tenants are on the residential tenancy agreement for the premises. They share rights and obligations with the other co-tenant. **Head-tenant:** the victim is the tenant identified in the residential tenancy agreement for the premises.

Section 100(1)(d) of the Residential Tenancies Act (2010) provides an option for a tenant to terminate an agreement with two weeks' notice and without further compensation to the landlord, if a co-tenant or co-occupant is prohibited by a final AVO from having access to the residential premises.

Working With Perpetrators

Housing Plus will take appropriate action (where evidence is available) against anyone responsible for domestic and family violence. The appropriate response to the perpetrator will depend on the situation. This may include:

- 1) Contacting the Police and other emergency services if the situation requires an immediate response due to safety.
- 2) Refer to support workers who provide services to men (or women where relevant) to assist perpetrators to gain support in addressing their issues.
- 3) If the perpetrator is the head tenant or co-tenant, negotiate with the perpetrator to relocate them to another property if this is the desire of the victim and if it is safe to do so (such as with the Staying Home Leaving Violence program), which will require the perpetrator to agree to being relocated.
- 4) If it is not considered appropriate/safe to relocate the perpetrator and if the RTA 2010 supports the situation, terminate the tenancy for the perpetrator allowing the victim to become the head tenant.

If it is not considered appropriate/safe to relocate the perpetrator or terminate the perpetrator's tenancy, relocate the victim(s) to a safe property. Due to the circumstances, this may be to crisis or transitional accommodation with a plan in place with support worker(s) to obtain long term, stable and affordable accommodation. Assess for suitability of housing assistance, particularly the Start Safely program (which is a rental subsidy that helps people escape domestic and family violence) or the Rentstart Bond loan products to assist victims to be re-housed in private rental.

Housing Plus will monitor domestic and family violence incidences across our housing portfolios to support identification of perpetrators and monitor the success of our actions in supporting victims. This will assist Housing Plus by prioritising areas or individuals affected by repeated domestic and family violence and other antisocial behaviour.

For information relating to men's behaviour change programs, refer to the following website which includes the Men's Behaviour Change Program providers in NSW: <http://www.mbcn-nsw.net/>

Work Health And Safety

Housing Plus utilise a robust risk assessment process to maintain safety for all staff and contractors. We ensure that all workers and contractors check tenant alert registers before conducting any home visits to manage tenants or their visitors who may pose a risk to staff and contractors.

Partnering With Other Domestic And Family Violence Responses

Housing Plus collaborates with a range of partners across our communities in a variety of ways to support and better manage domestic and family violence. Through It Stops Here: Standing together to end domestic and family violence, we are key players in assisting to meet the housing need of victims of domestic and family violence.

We also collaborate with services delivering the Staying Home Leaving Violence program that is operating in Dubbo, Orange and Bathurst to assist victims of domestic and family violence remain in their home with the perpetrator excluded from the property.

Housing Pathways Products

There are a variety of Housing Pathways products available to assist people affected by domestic and family violence. These resources can be found at <http://www.housingpathways.nsw.gov.au/ways-we-can-help/domestic-and-family-violence>

DV Toolkit: <http://www.communityhousing.org.au/DFVToolkit/DV%20toolkit%20-%20SECTION%201.pdf>