

# FAMILY VIOLENCE

## Policy Statement

Eastcoast Housing was committed to playing its part in the community-wide response to family violence.

Family violence can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity.

Eastcoast Housing is committed to:

Providing a sensitive and confidential response to tenants and applicants seeking assistance in cases of family violence,

Taking appropriate action that balanced the wishes of the victim with the responsibilities of Eastcoast Housing as a social landlord to protect its property and the safety and wellbeing of other household members and neighbours and

Working with support services and other partners to assist victims and deal with perpetrators, as family violence required a multi-agency approach.

Eastcoast Housing will:

Apply consistent approaches to identification, escalation, reporting and referral processes for instances of family violence occurring in tenancies managed by Eastcoast Housing,

Support staff across all aspects of its housing provision to have an understanding of family violence,

Seek to create safe tenancies from the outset and

Manage tenancies fairly in response to family violence to avoid further prejudicing victims.

This Policy covers all tenants and applicants of Eastcoast Housing.

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## 1. Purpose

The purpose of this Policy is:

- To reduce the incidence and impact of domestic and family violence experienced by tenants of Eastcoast Housing,
- To ensure that staff can identify risks and signs of family violence and
- To guide staff where they suspect family violence was or had occurred within properties under the management of Eastcoast Housing.

## 2. Definitions

Family violence can take many forms. In this Policy Eastcoast Housing defined it as behaviour by a person towards a family member of that person if that behaviour:

- Was physically or sexually abusive,
- Was emotionally or psychologically abusive,
- Was economically abusive,
- Was threatening,
- Was coercive or
- In any other way controlled or dominated the family member and caused that family member to feel fear for the safety and wellbeing of that family member or another person
- Or behaviours by a person that caused a child to hear or witness, or otherwise be exposed to the effects of any of the above.

Family violence can occur in any familial relationship – for example, between current or former intimate partners who are or were married or in de facto relationships, in heterosexual and same-sex relationships, between parents (or step parents) and children, between siblings and between grandparents, grandchildren, uncles, aunts, nephews, nieces and cousins. It can also occur in relationships that were considered to be family-like – for example, in certain cultural traditions or between a person with a disability and their unrelated carer.

In this Policy:

- “Family Violence Safety Notice” means a notice issued by the police if a person needed immediate protection, which protects an adult from a family member who was using family violence,

- “Intervention Order” means a family violence intervention order (but not an interim order),
- “Staff” included employees, contractors and volunteers and
- “Tenant” included members of the named tenant’s household.

### 3. Responsibilities

The Board had ultimate responsibility for ensuring compliance with legal and regulatory requirements, and was responsible for ensuring that appropriate and effective policies and systems were in place. This Policy was implemented in accordance with that responsibility.

The Managing Director was responsible for:

- Ensuring all staff were aware of the Family Violence Policy,
- Leading a culture where all staff understood the importance of and support for an organisation-wide response to family violence and
- Providing support for staff to undertake their responsibilities under the Policy.

All managers and supervisors are responsible for:

- Informing staff about their responsibilities under the Policy,
- Educating employees about the identification and potential responses to family violence,
- Facilitating the reporting of suspected family violence where appropriate and
- Being familiar with the types of family violence that might occur to tenants in their area of responsibility and be alert for any indications of such conduct.

All staff share in the responsibility for the identification of family violence, and must:

- Familiarise themselves with the Policy and comply with its requirements,
- Report any suspicion that a tenant’s safety may be at risk to their manager or supervisor (or to the responsible person in the organisation) and
- Provide an environment that was supportive of victims’ emotional and physical safety.

## 4. Identification, Escalation, Reporting and Referral

Eastcoast Housing will:

- Accept reports of or concerns about instances of family violence in different ways, including in person, in writing, over the phone and online,
- Take seriously all reports of family violence that it received,
- 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 the office or at an agreed choice of safe venue,
- Agree to the method of contact that the victim wished to use to stay in contact with them,
- Monitor and document family violence incidences across its housing portfolio to :
  - Support identification of perpetrators and
  - Prioritise areas or individuals affected by repeated family violence and other antisocial behaviour

Once aware of risk to a person from family violence, Eastcoast Housing will:

- Ensure all appropriate reports to law enforcement, other Government agencies and supports were made to protect the safety of people impacted by family violence,
- Work with family violence support services and other services wherever possible to ensure co-ordinated services to prioritise the victim's, including children's, safety,
- Offer information on support services to victims, for further advice and support (for advice on tenancy issues, legal advice) and make referrals on their behalf and with their consent, if required and
- Encourage victims to engage with family violence support and advocacy services and make referrals on their behalf and with their consent, if required.

## 5. Building Capacity and Capability

Eastcoast Housing will:

- Ensure all staff who were in contact with tenants and applicants received training on identifying and responding appropriately to domestic and family violence,
- Train staff in the use of the (CRAF tool), to provide a common approach to identification of issues and risk assessment and

- Collate data on the instances of family violence occurring in properties managed by Eastcoast Housing in order to better understand the effectiveness of responses under this Policy.

## 6. Creating Safe Tenancies from Day One

Eastcoast Housing will:

- Ensure that information about family violence and support services was included in introductory material for new tenants,
- Participate, in conjunction with support services, in risk assessments for new tenants and
- Conduct follow up meetings to check if there were any safety issues and to reinforce details of relevant support organisations.

## 7. Managing Tenancies Fairly in Response to Family Violence

Eastcoast Housing will:

- Where a tenancy agreement was in the name of the perpetrator explore, in conjunction with victims, options to end the tenancy agreement under Section 233A of the Residential Tenancies Act.

This enabled a person to apply to VCAT for an order terminating an existing tenancy agreement and requiring the landlord to enter into a new tenancy agreement with a specified person.

This option was only available if there was a final order in place. In addition, the application can only be made by a protected person and only if the order contained a condition excluding a tenant from the rented premises.

A protected person may avail themselves of this procedure if they were a tenant of the rented premises or if they were listed as a resident on the lease agreement.

- Allow victims to change the locks and install additional security measures on properties owned or managed by Eastcoast Housing where practicable (and to allow tenants to leave such alterations in place at the end of their tenancy unless the modifications involved unreasonable ongoing costs to Eastcoast Housing),
- Refer victims to services that may assist them in obtaining a family violence intervention order to exclude a perpetrator from a property,

- Assist (or refer to an agency that can assist) victims to make application to VCAT to take the perpetrator off the tenancy agreement where a family violence safety notice or intervention order excluded a perpetrator from a property owned or managed by Eastcoast Housing,
- Allow victims to end a tenancy agreement without giving the required period of notice where a victim needed to relocate immediately as a result of family violence and
- In conjunction with support services, explore options for victims of family violence to relocate to other suitable properties owned or managed by Eastcoast Housing where the relocation was necessary for the safety of the tenant.

Eastcoast Housing would ask that requests made under this part of the Policy be accompanied by reasonable supporting evidence from the tenant or their support provider. Tenants were strongly encouraged to engage with support services to assist with the verification on these requests.

## 8. Reporting

Any staff member who had grounds to suspect family violence in relation to a tenant must immediately notify their supervisor. Where the staff member having the suspicion does not believe that the matter was being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision (i.e. the Board).

Reports of antisocial behaviour might also be related to incidents of family violence and should be assessed.

Managers and supervisors must report complaints of suspected family violence, and actions taken, to:

- The Police where there was serious and imminent risk to safety of the victim or others,
- The Police or the Department of Health and Human Services where the family violence also involved concerns about child abuse (see Child Safety Policy for further details),
- Where consent to share personal information was in place, to relevant supports of the tenant and
- DHHS, if required, under the DHHS incident reporting guidelines.

The Managing Director must be informed of any notifications made under the above.

If Police decide to conduct an investigation, all staff must co-operate fully with the investigation.

## 9. Making the Property Safe for the Victim

Victims should be offered support to stay in their own home as the preferred outcome.

A victim may need to take steps to make a property secure for themselves, including:

- Change the locks and
- Install additional security.

The tenant must give a copy of any new keys to the landlord. Staff must not give keys to the perpetrator if Eastcoast Housing had received a copy of the intervention order. Staff must maintain privacy of any intervention orders provided by the victim.

Where there was no intervention order, but where the perpetrator was a party to the tenancy agreement, staff should also consider if any other enforcement action against a perpetrator under the Residential Tenancies Act was appropriate, such as:

- An immediate notice to vacate (e.g. For endangering the safety of occupiers of neighbouring premises or for malicious damage), or
- Issuing a breach of duty notice and seeking compliance order (e.g. for damaging the rented premises or interfering with the reasonable peace, comfort or privacy of any occupier of neighbouring premises).

These actions may provide a means by which a perpetrator can be excluded from the property without an intervention order. Victims should however be advised that:

- This can be a lengthy process, that VCAT may not grant Eastcoast Housing an order of possession, and that the victim should seek an intervention order if there were more urgent risks to safety and
- Where the victim was a party to the tenancy agreement they may be named as a party to the VCAT proceedings, but that, consistent with this Policy, Eastcoast Housing would :
  - Enter into a new tenancy agreement with the victim if VCAT grants Eastcoast Housing an order of possession so that the victim and any impacted family members can remain in the property.

## 10. Where a Victim cannot stay in the Property

Where it was not possible for the victim to safely stay in their own property, they may seek to:

- Leave the property immediately or before the end of the fixed term tenancy,
- Be absent from the property temporarily or
- Seek to transfer to another property.

Staff should offer assistance, as far as practical, including options within and outside of Eastcoast Housing's properties. This may also include referrals to services offering assistance with private rental brokerage or relocation costs.

## 11. Advice to Victims of their Options under this Policy

Victims should be given immediate advice about their options under this Policy to request that Eastcoast Housing agree to:

- Modifications to the home to make it more secure such as security doors or locks
- The early termination of a tenancy agreement without the required notice under the Residential Tenancies Act and
- Explain temporary absence from the property for a period of time of up to one month including concessional rent during the period of absence.

Decisions in relation to these matters were to be made by the Managing Director. Victims should be asked to provide supporting evidence, while being sensitive to any ongoing trauma being faced by the victim. It was another reason to ensure victims were appropriately linked to support services to assist with this supporting evidence if they wished.

## 12. Responses to Perpetrators

An intervention order may require the perpetrator to move out of the property. If a perpetrator was not on the tenancy agreement then no further action was required. If a perpetrator was on the tenancy agreement, the victim can be supported to have the perpetrator's name taken off the lease as set out in this procedure.

Care must be taken to ensure that the personal information of the victim was not provided to the perpetrator under any circumstances.