

Item: 16

Education, Leisure and Housing Committee: 7 June 2023.

Domestic Abuse Policy for Housing Services.

Report by Corporate Director for Education, Leisure and Housing.

1. Purpose of Report

To consider a Domestic Abuse Policy for Housing Services.

2. Recommendations

The Committee is invited to note:

2.1.

That, as the Council has significant requirements in respect of homelessness, its prevention and provision of advice and information, a broad structure of strategic planning is in place.

2.2.

That domestic abuse, whether violent or non-violent, is a significant contributor to homelessness both locally and nationally.

2.3.

That, during 2022/23, 15 households became homeless in Orkney as a result of domestic abuse.

2.4.

That legislative changes over recent years have increased the provisions available for those experiencing domestic abuse, as well as defining and criminalising the issue.

2.5.

That as a result of the legislative changes referred to at paragraph 2.4 above, there is now a need for a policy for the Housing Service to assist both tenants and other service users who are experiencing domestic abuse.

It is recommended:

2.6.

That the Domestic Abuse Policy for Housing Services, attached as Appendix 1 to this report, be approved.

3. Introduction

3.1.

The Council's Housing Service has a range of responsibilities in respect of domestic abuse.

3.2.

The Council has duties in the prevention and alleviation of homelessness. One of the key reasons for homelessness is family breakdown including domestic abuse. This can involve both rehousing households who are fleeing domestic abuse or alternatively endeavouring to assist them to remain where they are perhaps by putting in safety measures such as CCTV and working with other agencies who can support them directly including Women's Aid Orkney.

3.3.

In addition, the Council has duties in the provision of advice and information about the prevention of homelessness and any services which may assist in the prevention of homelessness must be available free of charge to any person in the authority's area.

3.4.

The Council also has requirements in relation to the strategic planning for homelessness and its prevention including provision of a Homelessness Strategy and a Rapid Rehousing Transition Plan.

3.5.

In the Rapid Rehousing Transition Plan 2019 to 2024, domestic abuse was identified as a significant cause of homelessness in Orkney. In its update for 2022, the Rapid Rehousing Transition Plan included an action to expand the joint processes for those who experience domestic abuse including development of policy documentation.

3.6.

The Chartered Institute of Housing introduced its "Take a Stand" campaign which asked social housing providers and related agencies to sign the pledge against domestic abuse. Doing so required certain steps to be taken including the introduction of a policy on domestic abuse and also an HR policy on the same topic. It is anticipated that a policy to assist Council staff who may be experiencing domestic abuse will be developed later in 2023 and accordingly the pledge can be signed in due course.

3.7.

The Council has in place a broad range of information to assist those who are experiencing domestic abuse available in paper copy and from the [Council website](#).

3.8.

Forthcoming changes to the legislation underpinning domestic abuse means that there will be additional protections for social housing tenants who are experiencing domestic abuse and changes to the Scottish Secure Tenancy Agreement.

3.9.

For the reasons set out above, it would be helpful to develop a policy which incorporates the changes outlined in section 3.8 above and effectively enhances the provisions available to those who are experiencing domestic abuse. This may include removal of the perpetrator from the family home in some situations.

4. Domestic Abuse

4.1.

Domestic abuse is a significant cause of homelessness in Orkney, as it is across Scotland.

4.2.

In Orkney in 2022/23, 15 households presented to the Council as homeless because of domestic abuse. This was the third most frequent reason for homelessness and this proportion has been fairly consistent over the years.

4.3.

It is recognised that the figures above do not represent the total number of homeless applicants who have experienced domestic abuse, as another reason for their homelessness is often provided, such as relationship breakdown. This is also the case nationally.

4.4.

Particular challenges can face those experiencing domestic abuse in an Orkney context as a result of it having many small, rural and remote communities. This can lead to a lack of visibility of the issue.

4.5.

The Housing Service makes arrangements to assist those who seek help and are based in locations which make it difficult to attend office appointments. In addition, Housing Services works with other agencies including Police Scotland and Women's Aid Orkney, to assist where travel requires to be facilitated to ensure the safety of a household.

4.6.

While a broad range of structures are already in place to assist those fleeing domestic abuse, forthcoming legislative changes have necessitated an enhancement to those structures and accordingly a policy has been developed to assist the Council's tenants and other service users.

4.7.

Additional legislative changes are expected in the near future which will interlink with changes relating to domestic abuse. This includes a new prevention of homelessness duty which will require all public bodies work together to prevent homelessness.

5. Domestic Abuse Policy for Housing Services

5.1.

It is recognised that domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members.

5.2.

The draft policy, attached as Appendix 1 to this report, adopts the Scottish Government's definition of domestic abuse (as does the Orkney's Domestic Abuse Forum/Violence Against Women Partnership), as follows:

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends)”.

5.3.

The Orkney Partnership for Action Against Gender Based Violence and Abuse has an action plan for the period 2022 to 2026 which aims to work to Scotland's Equally Safe Strategy whose vision is “A strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it”.

5.4.

In April 2023 the Chartered Institute of Housing, Scotland and Scottish Women's Aid, published a review of Scottish social landlord's domestic abuse policies called [“Policies Not Promises”](#). One of the key findings was that almost 50% of policies of social landlords did not use the Scottish Government definition of domestic abuse but instead used a definition that did not recognise domestic abuse as gender-based violence. It highlighted that the adoption of a gender blind approach meant that existing inequalities experienced by women are effectively repeated and reinforced. They highlighted that this meant that policies and services would not be designed and delivered to meet the rights and needs of survivors of domestic abuse.

5.5.

At an operational level there is a need for two policies on domestic abuse. One for Housing Services to use, to assist tenants and other service users who are

experiencing domestic abuse, and one to assist Council staff who are experiencing domestic abuse.

5.5.

The policy for Housing Services' use builds on the significant provisions already in place and ensures that the forthcoming legislative changes are planned for.

5.6.

The content of the policy includes anticipated changes to the Scottish Secure Tenancy Agreement which can facilitate removal of the perpetrator from the household in certain circumstances (and providing this is the choice of the remainder of the family concerned), the use of management transfers where possible rather than existing tenants having to present as homeless, and adjustments to internal processes to try and limit the impact of financial abuse in certain circumstances.

5.7.

The policy also includes certain more strategic measures including the establishment of a fund to provide grants for security measures for those who do not live in the social housing sector and do not wish to move.

5.8.

If approved, the actions within the policy will be taken forward both by the development of operational procedures for use by Housing staff and also by aligning these changes with the annual update to the Rapid Rehousing Transition Plan.

6. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

7. Island Communities Impact

An Island Communities Impact Assessment has been undertaken and is attached as Appendix 3 to this report.

8. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

9. Financial Implications

There are no financial implications arising directly from this report.

10. Legal Aspects

10.1.

The Domestic Abuse (Scotland) Act 2018 introduced a specific offence that defined and criminalised domestic abuse – covering for example physical and psychological abuse and coercive and controlling behaviour perpetrated against a partner or ex-partner. The significant correlation between domestic abuse and the impact on the safety and wellbeing of children is recognised in the Act and thus the offence is aggravated where there is a child involved.

10.2.

The Domestic Abuse (Protection) (Scotland) Act 2021 became law in May 2021 but the substantive provisions are not yet in force. This Act provides the police with powers to remove a perpetrator from the home by issuing Domestic Abuse Protection Notices and by seeking Domestic Abuse Protection Orders in the courts. It also provides social landlords with powers to end the tenancy of a perpetrator of domestic abuse by seeking their eviction – only if the victim/survivor wishes to continue to live in the house.

11. Contact Officers

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12. Appendices

Appendix 1: Domestic Abuse Policy.

Appendix 2: Equality Impact Assessment.

Appendix 3: Island Communities Impact Assessment.



Domestic Abuse Policy for Housing Services

This policy can be made available, free of charge, in a range of formats including large print, audio, Braille, and community languages, on request.

Version Control

| Document Reference. | Rev. | Issue date. | Reason for issue. | Reviewer. |
|----------------------------|-------------|--------------------|--------------------------|---|
| HDPOL137 | Draft | 25/04/2023 | New. | Head of Community Learning, Leisure and Housing |
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Contents

| | |
|--|----|
| 1. Purpose..... | 4 |
| 2. Context..... | 5 |
| 3. Definition | 6 |
| 4. Equalities / Human Rights | 8 |
| 5. Scope | 9 |
| 6. Law and Guidance | 9 |
| 7. Prevention | 10 |
| 8. Housing Options..... | 11 |
| 9. Homelessness..... | 12 |
| 10. Actions Against Perpetrators..... | 13 |
| 11. Confidentiality / Information Sharing..... | 13 |
| 12. Support..... | 14 |
| 13. Partnership Working..... | 14 |
| 14. Consistent Approach | 15 |
| 15. Training | 15 |
| 16. Information and Advice..... | 16 |
| 17. Risk Management | 17 |
| 18. Monitoring and Review..... | 17 |
| 19. Legal and Guidance Framework | 18 |
| 20. Equally Safe | 19 |
| 21. Scottish Social Housing Charter..... | 20 |
| 22. Contact Details | 22 |

1. Purpose

Orkney Islands Council's Housing Service has a specific role in relation to homelessness and the prevention of homelessness, as well as functioning as a social housing landlord.

Accordingly, the Council provides services to those fleeing domestic abuse whether through our homelessness service, our advice and information service or assisting our existing tenants.

The introduction of the Domestic Abuse (Scotland) Act 2018, has, in effect, expanded the rights of those experiencing domestic abuse and accordingly a policy has been produced to outline our enhanced response.

The purpose of this policy is to set out how Orkney Islands Council's Housing Service responds to and supports those who have experienced or been impacted by domestic abuse, including any children, or those who are at risk of domestic abuse.

We aim to ensure that we:

- Provide a sensitive, supportive, non-judgemental and confidential service, and, by creating a safe environment victim-survivors, children and young people feel able to approach the Council and that they are listened to.
- Work in partnership with other internal and external services and agencies to best meet the needs of victim-survivors and any children and young people, and, to take steps to try and prevent future domestic abuse.
- Assist victim-survivors to access information, advice and support on the range of housing options available to enable them to make informed choices, including the possibility of sustaining their current accommodation safely and to prevent homelessness where possible.
- Continue to assess the need for, and where appropriate, develop, or support the development of, further services.
- Hold the perpetrators of domestic abuse to account.

This policy takes a gendered approach, as it follows the lead of the Scottish Government in relation to their strategic guidance on domestic abuse¹.

We recognise that domestic abuse has a significant, disproportionate impact on women, and while this policy takes a gendered approach, it applies equally to any person suffering from, or threatened with, domestic abuse. A gendered approach does not exclude men, but rather recognises that women and girls are disproportionately affected by particular forms of violence that they experience because they are women and girls.

¹ Scottish Government and COSLA "Equally Safe: Scotland's Strategy to Eradicate Violence Against Women" (2018) <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

We are clear that domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members.

Domestic abuse incidents recorded by the Police² in 2021/22 highlighted that 81% of incidents involved a female victim and a male accused. 15% of incidents involved a male victim and a female accused (where gender information was recorded). In the remaining 4% of cases, the victim and accused were the same gender.

2. Context

In 2021/22 21 applicants presented to the Council as homeless because of domestic abuse. This was the third most frequent reason for homelessness and this proportion has been fairly consistent over a number of years.

It is recognised by the Council's Housing Service (as elsewhere) that this does not represent the total number of homeless applicants who have experienced domestic abuse, as another reason for their homelessness is often provided, such as relationship breakdown. This is also the case nationally.

Domestic abuse is a significant cause of homelessness in Orkney, as it is across Scotland.

In Orkney, in 2021/22, the rate of domestic abuse recorded by Police Scotland stood at 40 incidents per 10,000 of population (compared to 51³ the previous year). Prior to this incidents were recorded as the overall number being 118 and 127 in the previous two years)⁴.

In Scotland, in 2021/22, in 81% of incidences of domestic abuse recorded by Police Scotland, the perpetrator was a man and the victim a woman. This was similar to the previous two years at 80% and 82% respectively⁵.

The Domestic Abuse (Scotland) Act 2018 made domestic abuse a criminal offence and introduced into legislation, in the form of an aggravation, the ability to impose harsher sentences when children are involved.

² Scottish Government "Domestic Abuse: Statistics Recorded by the Police in Scotland 2021/22" Available from: <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2021-22/pages/2/>

³ Incidents of domestic abuse recorded by the police, by local authority, 2009-10 to 2021-22; <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2021-22/documents/>

⁴ Incidents of domestic abuse recorded by the police, by local authority, 2009-10 to 2020-21; <https://www.gov.scot/publications/domestic-abuse-recorded-police-scotland-2020-21/documents/>

⁵ Table 6: Incidents of domestic abuse recorded by the police, by gender of victim and accused, Scotland, 2009-10 to 2021-22; *ibid*.

In 2021/22 a statutory child aggravation was recorded against 290 (16%) reported under the Domestic Abuse (Scotland) Act 2018⁶. This is in comparison to 346 or 22% in 2020/21. In 96% (1,710) of the Domestic Abuse (Scotland) Act cases where charges were reported, the accused was male.⁷

We recognise the particular challenges that victim-survivors face when living in the Orkney Isles in small, rural, often remote, communities. Such challenges, highlighted in a number of reports including a Scottish Women's Aid⁸ report, include:

“Poor infrastructure; distance and cost; shame and blame associated with violence against women and compromises to women's ability to participate generally, and the extent to which they can make choices, leave or recover from abuse, and, in the case of domestic abuse, live independently”.

Rural areas, such as Orkney, can in effect reduce the visibility of domestic abuse⁹. We will explore with our partners how best to address such challenges.

This policy will contribute to the Housing Service meeting the following (current) Outcomes and Standards in relation to the Scottish Social Housing Charter for example Equalities; Communications; Access to Housing and Support; Access to Social Housing; Tenancy Sustainability; Homelessness – see appendix 3 for a fuller account of these standards).

3. Definition

This policy adopts the Scottish Government's definition of domestic abuse (as does the Orkney's Domestic Abuse Forum / Violence Against Women Partnership).

⁶ Crown Office and Procurator Fiscal Service “Domestic Abuse and Stalking Charges in Scotland 2021/22” <https://www.copfs.gov.uk/media/xg1iwhm3/domestic-abuse-publication-2021-22-final.pdf#:~:text=Domestic%20Abuse%20and%20Stalking%20Charges%20in%20Scotland%202021,compared%20to%20the%202020-%202021%20total%20of%2033%2C425.>

⁷ Domestic Abuse and Stalking Charges in Scotland 2020-21; September 2021; <https://www.copfs.gov.uk/media-site-news-from-copfs/1976-domestic-abuse-and-stalking-charges-in-scotland-2020-21>

⁸ Scottish Women's Aid, Participating in Equally Safe in the Highlands and Islands: Consulting Women <https://womensaid.scot/wp-content/uploads/2019/09/Participating-in-Equally-Safe-in-the-Highlands-and-Islands-Consulting-Women-Digital.pdf>

⁹ National Rural Crime Network (2019) “Captive and Controlled: Domestic Abuse in Rural Areas”. <https://www.northyorkshire-pfcc.gov.uk/content/uploads/2019/07/Domestic-Abuse-in-Rural-Areas-National-Rural-Crime-Network.pdf>

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends)”.¹⁰

The gendered nature of domestic abuse is emphasised further in the Scottish Government’s and COSLA’s Equally Safe: Scotland’s strategy to eradicate violence against women (the Strategy).

“A function of gender inequality and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.¹¹

As explained in the Strategy their particular approach taken:

“Brings a strategic focus to the issue of men’s violence against women and girls, as underpinned by the definition we have adopted, which is in turn based on the principles of international law. A gendered analysis does not exclude men, but rather recognises that women and girls are disproportionately affected by particular forms of violence that they experience because they are women and girls. Many men and boys are victims of violence and abuse”.

The Orkney Partnership for Action Against Gender Based Violence and Abuse has an action plan dated 2022 to 2026 which aims to deliver the vision of Scotland’s Equally Safe Strategy which is “A strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it.”¹²

In April 2023 the Chartered Institute of Housing, Scotland and Scottish Women’s Aid, published a review of Scottish social landlord’s domestic abuse policies called “Policies Not Promises¹³”. One of the key findings was that almost 50% of policies of

¹⁰ Scottish Government “Responding to Domestic Abuse – Guidelines for Health Care Workers in NHS Scotland” (2003) <https://www.gov.scot/publications/responding-domestic-abuse-guidelines-health-care-workers-nhsscotland/pages/4/>

¹¹ Scottish Government “Equally Safe: Scotland’s Strategy to Eradicate Violence Against Women” (2018) <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

¹² Scottish Government and COSLA “Equally Safe: Scotland’s Strategy to Eradicate Violence Against Women” (2018) <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/>

¹³ “Policies Not Promises: A Review of Scottish Social Landlord’s Domestic Abuse Policies” (2023) <https://www.cih.org/media/znmnr0u2/policies-not-promises.pdf>

social landlords did not use the Scottish Government definition of domestic abuse but instead used a definition that did not recognise domestic abuse as gender-based violence. It highlighted that the adoption of a gender-blind approach meant that existing inequalities experienced by women are effectively repeated and reinforced. They highlighted that this meant that policies and services would not be designed and delivered to meet the rights and needs of survivors of domestic abuse.

It is also important to note that children and young people who live with domestic abuse are, themselves, experiencing abuse.

This policy applies to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and non-binary people.

Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members.

4. Equalities / Human Rights

Our policy takes an equalities and human rights approach. This is consistent with Equally Safe, and with the Orkney Islands Council's Housing Services' Equality and Diversity policy.¹⁴

It adopts a victim-survivor centred approach and recognises that domestic abuse contravenes human rights by denying women their rights including the right not to be treated in an inhuman and degrading way (Article 3); the right to respect for private and family life (Article 8) and the right to life (Article 2). Moreover, human rights are denied if public services do not respond to such abuse for example by having policies which seek to prevent it.¹⁵

We recognise that domestic abuse also contravenes children and young people's human rights including the right to be properly cared for and protected from violence, abuse and neglect by their parent (Article 19).¹⁶

This policy is also consistent with our Public Sector Equality Duty¹⁷ to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010.

¹⁴ Orkney Islands Council Housing Services "Equality and Diversity Policy"
<https://www.orkney.gov.uk/Service-Directory/H/strategy-and-policy.htm>

¹⁵ European Court of Human Rights "Factsheet – Domestic Violence"
https://www.echr.coe.int/Documents/FS_Domestic_violence_ENG.pdf

¹⁶ United Nations "Convention on the Rights of the Child"
<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁷ Equality Act 2010 Section 149(1)
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

- Advance equality of opportunity and good relations between persons who share a relevant protected characteristic and persons who do not share it.

We recognise that the differing and intersecting needs of people with different protected characteristics, such as, disabled women, ethnic minority women, LGBTI+ can increase their level of risk of experiencing violence and abuse. Other factors may also increase someone's vulnerability to abuse, such as experience of child abuse and neglect, poverty, homelessness and insecure immigration status.

The principles of this policy will also be applied to offer support and guidance to applicants and tenants who have been victim-survivors of sexual violence, for example where they need to move house or when offering housing.

5. Scope

We recognise that domestic abuse has a significant, disproportionate impact on women however it applies equally to any person suffering from or threatened with domestic abuse.

Those who fall within its scope include those living in or applying to live in one of our properties, those who are homeless or at risk of homelessness, those seeking information and advice in relation to domestic abuse, having particular regard to housing and housing options.

The policy provides information on how Orkney Islands Council's Housing Service will hold perpetrators to account.

It applies to those working in the Housing Service including housing options, homelessness, allocations and estate management staff. It includes also our housing support service.

This policy will apply also to those who have been the victim of sexual violence, where there are measures we can take in relation to their housing circumstances which would increase their safety and wellbeing.

To ensure that the impact of domestic abuse is addressed across all our housing services we will ensure that the appropriate aspects of this policy are incorporated within other relevant policies/procedures such as Homelessness, Housing Allocations, Rent Arrears, Antisocial Behaviour and Repairs and Maintenance.

6. Law and Guidance

This policy takes account of recent legislative developments such as:

- The Domestic Abuse (Scotland) Act 2018 which introduced a specific offence that defined and criminalised domestic abuse – covering, for example, physical and psychological abuse and coercive and controlling behaviour perpetrated against a partner or ex-partner. The significant correlation between domestic abuse and the impact on the safety and wellbeing of children is recognised in the Act and thus the offence is aggravated where there is a child involved.

- The Domestic Abuse (Protection) (Scotland) Act 2021 became law in May 2021 though the substantive provisions are not yet in force (as at May 2023). This Act provides the police with powers to remove a perpetrator from the home by issuing Domestic Abuse Protection Notices and by seeking Domestic Abuse Protection Orders in the courts. It also provides social landlords with powers to end the tenancy of a perpetrator of domestic abuse by seeking their eviction - only if the victim/survivor wishes to continue to live in the house.

This policy also takes account of relevant strategies and guidance such as the Scottish Government “Equally Safe: Scotland’s National Strategy for Preventing and Eradicating Violence against Women and Girls”; “Guidance including Domestic Abuse: A Good Practice Guide for Social Landlords, Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse”, and other Scottish Government guidance regarding housing allocations and homelessness. See Appendix 1 for a fuller list of relevant legislation and guidance.

7. Prevention

The Housing Service is committed to working with other services and organisations to assist in preventing domestic abuse from occurring.

We will participate in awareness raising activities and in challenging attitudes and behaviours in relation to domestic abuse and violence against women and we will continue to support the delivery of actions which have been identified in Orkney’s Domestic Abuse Forum/Violence Against Women Partnership’s Action Plan.

We will make use of management transfers, where possible, as an option to support victim-survivors to make planned moves and avoid homelessness.

We will consider, jointly with relevant services, how best to ensure that victim-survivors are provided with information about housing options and additional protective orders where the police issue domestic abuse protection notices or where domestic abuse protection orders¹⁸ have been granted.

We will include in our tenancy agreements, including for our temporary accommodation, a new clause highlighting the consequences to anyone perpetrating domestic abuse.

We will, jointly with other relevant services consider how best to develop an ‘eyes and ears’ approach where a range of staff members such as maintenance and support staff report any concerns relating to domestic abuse to the ‘responsible’ housing staff member.

We will continue to ensure that our leaflets containing information for instance, how and where victim – survivors can access help and support are regularly reviewed, kept up to date and are widely circulated.

¹⁸ When the Domestic Abuse (Protection) (Scotland) 2021 is fully in force.

We will try and ensure a perpetrator is not allocated housing in an area where the applicant perpetrated an act of domestic abuse against someone living in that area, as far as reasonably practicable considering the context of Orkney.

8. Housing Options

We recognise that one of the most dangerous times for victim-survivors is when they try to leave their abuser. Leaving does not necessarily mean that victim-survivors are safe and abuse can continue after they leave their abuser. We take account of this in our responses to victim-survivors.

We will work with Orkney Housing Association Ltd and any other appropriate housing provider to maximise choice and safety through a housing options approach and, where possible, to prevent homelessness occurring, for instance, using management transfers as an option.

We will ensure that victim-survivors are provided with information and advice about their housing options including their right to either stay in their own home safely or to seek alternative accommodation.

Where the victim-survivor remains in the property/tenancy after the perpetrator has left we will continue to support them in sustaining their accommodation, for example, by installing security measures, linking /referring them (with their consent) to relevant services/organisations for assistance and support.

The Council will continue to fund security measures for victim-survivors who wish to remain, return or move into one of our properties.

We will seek with our partners, to establish a fund to provide grants for security measures, for those who do not live in, or move to housing within the social housing sector.

We will, where possible, attempt to identify those fleeing/experiencing domestic abuse before a tenancy begins and ask about any history of domestic abuse at pre allocation stage. If a history is disclosed, we will consider additional safety and security measures within the property.

Where a security audit is undertaken on a property and there are measures recommended that fall outwith the usual list of measures these will be discussed with relevant partners such as the police.

As financial abuse can play a major role in domestic abuse we will review/amend our housing management policies and procedures, for example on rent arrears, allocations and rechargeable repairs so victim-survivors are not adversely affected by housing debt incurred because of the perpetrator's actions, for example, by refusing rehousing until there are repayment arrangements in place.

We will review our allocations policy and consider including domestic abuse as a specific housing needs group and to ensure that a high level of priority is awarded to anyone who is experiencing domestic abuse. This includes those who have left their

home and or are wishing to move home because of domestic abuse. This approach may enable victim-survivors to avoid approaching our homelessness service. This is in line with the Scottish Government's practice guidance on Social Housing Allocations.¹⁹

The approach and level of priority should enable the victim to avoid approaching statutory homeless services if that is their choice, if the victim would prefer to move home or has already left the home and does not wish to return, landlords should still consider them to be eligible for any domestic abuse-related housing priority.

We will ensure that victim-survivors are not charged for any damage to the property caused as a result of domestic abuse.

Victims are often in debt (incurred by the perpetrator and financial abuse) and leave their home with few or no possessions. Waiting for a Scottish Welfare Fund payment to buy furnishings delays their ability to move and additional rent costs adds to their debt.

Ensuring that victims are not charged for the damage which the perpetrator has caused to the property. Policies that detail what repairs will be recharged to the tenant should state that, in certain circumstances, when damage is caused by domestic abuse, the victim will not be charged.

Use all relevant and appropriate legislation to support the rehousing choices of the victims of domestic abuse.

9. Homelessness

We will seek to prevent homelessness where possible and when that is not possible to reduce its impact and resolve their homelessness as quickly as possible.

We will ensure that victim-survivors who present as homeless are provided with information on actions that can be taken to enable them to return to their home safely, such as the availability of protective orders and the actions the Council can take - such as eviction of the perpetrator, installing security measures, rehousing the perpetrator.

We will ensure that it is clear to victim-survivors that they have the right to choose to make/proceed with a homeless application rather than return to their home.

We will link victim-survivors, with their consent, with appropriate support services including Women's Aid Orkney (which may include also refuge accommodation), Men's Aid and Victim Support Orkney and the Council's housing support service.

As victim-survivors who present as homeless may have suffered financial abuse we will ensure they have access to financial advice, guidance and support.

¹⁹ Scottish Government "Social Housing Allocations in Scotland: Practice Guide" (2019) <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>

Social landlords may hold women who have lost their home responsible for arrears incurred by a partner's actions and refuse rehousing until there is a repayment arrangement.

We will ensure that victim-survivors are aware that the Council will provide temporary accommodation while action is taken to enable them to return to their home safely.

We will carry out a risk assessment regarding the location of the proposed property (either temporary accommodation or a permanent tenancy) to assess if it is in an area close to the perpetrator's family and its location in relation to other factors such as social networks and any child's schools.

10. Actions Against Perpetrators

There are a number of actions that the Housing Service will consider regarding the perpetrators of domestic abuse these include:

- Amending our Scottish Secure Tenancy Agreement.
 - So it is clear that the Council treats domestic abuse as a breach of tenancy with the potential to instigate legal action for recovery of possession against a perpetrator where other members of the household have left the home because of domestic abuse.
 - To reflect the changes introduced in the Domestic Abuse (Protection) Act 2021 regarding grounds for repossession allowing for possible action to evict or otherwise take action to end their tenancy such as ending their interest in a joint tenancy.
- Ensuring that there is information in our tenants' handbooks and other sources, such as newsletters on the sort of actions we can undertake against perpetrators.
- Supporting the victim/survivor in any actions taken including legal action required for a transfer of tenancy to them and rehousing the perpetrator.

We will establish protocols with the police in relation to any actions they take regarding Domestic Abuse Protection Notices and Domestic Abuse Protection Orders.

Where there are complaints to the service regarding domestic abuse they will be dealt with as complaints about domestic abuse and not as complaints about anti-social behaviour.

11. Confidentiality / Information Sharing

We are very conscious of the need for victim-survivors to feel confident in approach the Council and we do not require disclosure by a victim-survivor for the reason for their visit/appointment nor will any discussion take place in public areas. Interviews take place in a private interview rooms. We will ensure that this continues to be widely publicised.

We treat information provided to us in line with the Data Protection Act 2018, UK General Data Protection Regulations. Information provided by the victim/survivor will be dealt with in confidence and will respect their need for anonymity where possible.

We will encourage victim-survivors to allow us to share relevant information with other services/organisations. We will explain about why, what, how, and with whom we are seeking to share information with. We will seek their consent before doing so. The exception to requiring their consent is where there is a child at risk or an adult at risk. In these situations the member of staff will refer to Orkney's Child Protection or Adult Support and Protection procedures and our Confidentiality Policy.

Any information shared will be necessary, proportionate, accurate and up to-date. It will be timely, shared securely and only with those who need to have the information in line with our policy on Confidentiality.

12. Support

Separation is a time of increased risk for victim-survivors and we will continue to work, in partnership, alongside relevant third sector agencies and statutory services to ensure that those experiencing domestic abuse receive appropriate, consistent and effective support.

We will ensure that support is available whether the victim-survivor:

- Remains in their own home.
- Is in temporary accommodation.
- Is rehoused.

We recognise the need to ensure that support, where needed, is provided in the longer term to ensure better outcomes for victim-survivors and children and young people.

13. Partnership Working

The Council's Housing Service has good and positive working relationships with services both internal to and outwith the Council and recognises the importance of partnership working to ensure that victim-survivors and children and young people receive the help and support they require.

The impact that domestic abuse has on children is well documented²⁰ and we are aware that housing plays an important role in responding to children at risk. The Housing Service will ensure:

²⁰ Scottish Government "Domestic Abuse (Protection)(Scotland) Bill: CRWIA
<https://www.gov.scot/publications/domestic-abuse-protection-scotland-bill-crwia/>

Cedar Network "Impact of Domestic Abuse on Children"
<https://www.cedarnetwork.org.uk/about/what-is-domestic-abuse/impact-of-domestic-abuse-on-children>

- Staff are kept up to date with any relevant developments in this area.
- That liaison with appropriate services including Orkney Health and Care (Social Work Services) continues.
- That all relevant staff continue to receive training in National Guidance on Child Protection as well as Orkney Health and Care’s child protection procedures²¹ and Orkney’s Inter-agency Guideline Getting it Right Guidance for Professionals.²²

We will regularly review what systems are in place for making referrals to appropriate services and organisations; update them jointly with the relevant service/organisation where required and develop in partnership new protocols/procedures where relevant. We will assist victim-survivors in accessing and engaging with services.

The Housing Service recognises the value of joint training with other Council services external services/organisations in breaking down organisational barriers and building trust, in gaining an understanding of the services provided and how to access them.

14. Consistent Approach

To ensure that there is a consistent approach in policy and practice when implementing this policy, we will develop procedures including those for assessment and referral arrangements. All relevant staff will receive training in these procedures.

Guidance and advice to staff will be provided to support them in implementing this policy. The Service Manager (Housing, Homelessness and Schoolcare Accommodation) will be the officer who will oversee the implementation and monitoring of the policy and the point of contact over any unclear practice issues, for example, in housing management, again this should aid with a consistent approach. This officer will be also the point of contact for other services/organisations if they have any issues regarding the policy and its implementation.

15. Training

The Housing Service recognises the value of joint training with other Council services external services/organisations in breaking down organisational barriers and building trust, in gaining an understanding of the services provided and how to access them.

²¹ Orkney Health and Care “Social Work Child Protection Procedures”
https://www.orkney.gov.uk/Files/OHAC/Child_Protection/Social%20Work%20Child%20Protection%20Procedures.pdf

²² The Orkney Partnership “Inter-Agency Guideline Getting It Right Guidance for Professionals in Orkney”
https://www.orkney.gov.uk/Files/OHAC/Child_Protection/Getting%20it%20Right%20Guidance%20for%20Professionals%20in%20Orkney.pdf

All staff that are likely to come into contact with those who have experienced domestic abuse will receive awareness raising training on domestic abuse and other forms of violence against women. This will assist in an 'eyes and ears' approach.

Specific training on our domestic abuse housing policy will be mandatory for housing staff and staff who will be responsible for implementing this policy. We will ensure that any new staff recruited to the Service receives appropriate training and awareness training is included in our induction training.

Housing staff will be kept up to date with any legislative and guidance development that impact on our service responses and the information and advice we provide. We will ensure refresher training sessions takes place.

The Housing Service will ensure that training on this policy, and any other relevant training courses, is open to other Council and Orkney Health and Care Services, Orkney Housing Association Ltd and third sector organisations and will encourage their participation.

It is important that we continue to work in partnership with Women's Aid Orkney and the Domestic Abuse Forum/Violence Against Women Partnership in our training programmes.

16. Information and Advice

We will continue to ensure that the information and advice we provide is accurate and kept up to date. We will continue to utilise different methods including online, written materials and using local media where appropriate.

We will continue to make information available in various formats and ensure there is access to interpreting and translation services when required.

The provision of information includes:

- Our commitment to confidentiality.
- The right to request a member of staff member of the same gender.
- Our housing options and homelessness services.
- What support services and organisations are available including information about national and local domestic abuse and sexual violence support services.
- Relevant legal remedies and we will support victim-survivors in seeking access to solicitors who are experienced in child and family law including domestic abuse. This could include accessing those based on the mainland.

We will publicise our policy and other relevant information widely and encourage those experiencing domestic abuse to disclose incidents of domestic abuse.

17. Risk Management

We understand that victim-survivors can be best placed in understanding the risk to them and their children including their knowledge of the abuser's behaviour and likely reaction.

Housing staff will be provided with training to enable them to identify and assess risk and to ensure our approach is consistent and systematic. Any concerns will be shared with the Team Manager (Housing and Homelessness) and, if necessary, be provided with advice regarding any particular case.

The Housing Service has procedures in place to refer victim-survivors to both the Multi Agency Risk Assessment Conference (MARAC) and Multi Agency Tasking and Co-ordination (MATAC). We will ensure our continued involvement in MARAC and MATAC meetings and that all relevant information relating to the housing circumstances of the victim-survivor, perpetrator or other relevant persons is shared with our partners.

The Housing Service staff follow relevant child protection procedures where there is a child at risk due to domestic abuse.

18. Monitoring and Review

The Housing Service will use the experiences of victim-survivors, along with other relevant services and organisations, including Women's Aid Orkney and the Domestic Abuse Forum in assessing how well this policy is being implemented.

The policy will be reviewed with our partners every five years and updated/amended where required.

19. Legal and Guidance Framework

Domestic Abuse (Protection) (Scotland) Act 2021.

Domestic Abuse (Scotland) Act 2018.

Domestic Abuse (Scotland) Act 2011.

Adult Support and Protection (Scotland) Act 2007.

Children (Scotland) Act 2020.

Protection from Abuse (Scotland) Act 2001.

Housing (Scotland) Act 1987.

Housing (Scotland) Act 2001.

Homelessness etc. (Scotland) Act 2003.

Human Rights Act 1998.

Data Protection Act 2018.

Equality Act 2010.

Matrimonial Homes (Family Protection (Scotland) Act 1981.

Protection from Harassment Act 1997.

Guidance

Code of Guidance on Homelessness 2019.

Equally Safe Strategy and Implementation Plan 2017.

Domestic Abuse: A Good Practice Guide for Social Landlords 2019²³.

Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse 2020, Scottish Government Working Group Report²⁴

Social Housing allocations in Scotland: Practice Guide²⁵

²³ Chartered Institute of Housing “Domestic Abuse: A Good Practice Guide for for Social Landlords” <https://www.cih.org/media/1gqp31pe/domestic-abuse-guidance-for-social-landlords-final.pdf>

²⁴ Chartered Institute of Housing; “Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse” <https://www.cih.org/publications/improving-housing-outcomes-for-women-and-children-experiencing-domestic-abuse>

²⁵ Scottish Government “Social Housing Allocations in Scotland: Practice Guide” <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>

20. Equally Safe

The Scottish Government's approach to tackling domestic abuse and other forms of violence against women and girls is set down in the updated (2016) Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls. The Strategy has four priorities.

Priority 1: Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls.

Priority 2: Women and girls thrive as equal citizens: socially, culturally, economically and politically.

Priority 3: Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people.

Priority 4: Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response.

21. Scottish Social Housing Charter

Outcomes and standards – some relevant examples²⁶

1: Equalities

Social landlords perform all aspects of their housing services so that:

- they support the right to adequate housing;
- every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

2: Communication

Social landlords manage their businesses so that:

tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

Access to housing and support

7, 8 and 9: Housing options

Social landlords work together to ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.
- tenants and people on housing lists can review their housing options.

Social landlords have a role to prevent homelessness and should ensure that:

- people at risk of losing their homes get advice on preventing homelessness.

10: Access to social housing

Social landlords ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

²⁶ Scottish Government “The Scottish Social Housing Charter”
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/11/scottish-social-housing-charter-november-2022/documents/scottish-social-housing-charter/scottish-social-housing-charter/govscot%3Adocument/scottish-social-housing-charter.pdf>

11: Tenancy sustainment

Social landlords ensure that:

- tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

12: Homeless people

Local councils perform their duties on homelessness so that:

people who are homeless or at risk of homelessness get prompt and easy access to help, advice and information; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

22. Contact Details

Organisations/Service Contact Details

Housing Services

- Council Offices, School Place, Kirkwall.
- Telephone: 01856873535.
- Fax: 01856886530.
- E-mail: housing@orkney.gov.uk
- Emergency out of hours repairs service: 01856873430.
- Emergency out of hours homelessness officer: 07921582962.

Housing Benefit Section

- Finance Services, Council Offices, School Place, Kirkwall.
- Telephone: 01856873535, extension 2116 or 01856886312 (direct dial).
- Fax: 01856876158.
- E-mail: benefits@orkney.gov.uk

Rent Section

- Finance Services, Council Offices, School Place, Kirkwall.
- Telephone: 01856873535, extension 2115 or 01856 886311 (direct dial)
- Fax: 01856876158.
- E-mail: revenues@orkney.gov.uk

Council Tax Section

- Finance Services, Council Offices, School Place, Kirkwall.
- Telephone: 01856873535, extension 2133 or 01856 886322 (direct dial).
- Fax: 01856876158.
- E-mail: revenues@orkney.gov.uk

Orkney Health and Care

- Council Offices, School Place, Kirkwall.
- Telephone: 01856873535.
- Fax: 01856886453.
- Emergency out of hours duty social worker service, Telephone: 01856888000.

Other Useful Contacts

Jobcentre Plus

- West Tankerness Lane, Kirkwall.
- Telephone: 01856885300.
- Fax: 01856872392
- E-mail: inga.craigie@dpw.gov.uk

Police Scotland

- Burgh Road, Police Station, Kirkwall.
- Emergency Telephone: 999.
- Report a crime Telephone: 101.

National Organisations

Scottish Domestic Abuse Helpline

- Telephone: 08000271234.
- Website: <http://www.scottishdomesticabusehelpline.org.uk>
- E-mail: info@scottishdomesticabusehelpline.org.uk

Third Sector

Citizens Advice Bureau Orkney

- Anchor Buildings, 6 Bridge Street, Kirkwall.
- Telephone: 01856875266.
- E-mail: bureau@orkneycab.casonline.org.uk

Men's Aid

- 7th Floor, Coventry Point, Market Way, Coventry, CV1 1EA.
- Telephone: 08712239986.
- Helpline: 03335670556.
- E-mail: help@mensaid.com
- Website: www.mensaid.com

Orkney Blide Trust

- 54 Victoria Street, Kirkwall, Orkney, KW15 1DN.
- Telephone: 01856 874874 or 07840198022.
- E-mail: admin@blidetrust.org

Relationships Scotland

- 1st Floor, Kirkwall Travel Centre, West Castle Street, Kirkwall, Orkney.
- Telephone: 01856877750.
- E-mail: enquiries@rsorkney.gov.uk
- Website: www.orkneycommunities.co.uk/RSO

Victim Support

- Voluntary Action Orkney, 6 Bridge Street, Kirkwall, KW15 1HR.
- Telephone: 01856871965.
- E-mail: victimsupport.orkney@victimssupportsco.org.uk
- Website: www.victimsupport.scot

Voluntary Action Orkney

- Anchor Buildings, 6 Bridge Street, Kirkwall, KW15 1HR.
- Telephone: 01856872897.
- Fax: 01856873167.
- E-mail: enquiries@vaorkney.org.uk

Women's Aid Orkney

- Junction Road, Kirkwall, KW15 1AX.
- Telephone: 01856877900.
- E-mail: info@womensaidorkney.org.uk
- Website: www.womensaidorkney.org.uk



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

| 1. Identification of Function, Policy or Plan | |
|--|---|
| Name of function / policy / plan to be assessed. | Domestic Abuse Policy. |
| Service / service area responsible. | Housing Services |
| Name of person carrying out the assessment and contact details. | Frances Troup, Head of Community Learning, Leisure and Housing, Ext 2450 Email frances.troup@orkney.gov.uk . |
| Date of assessment. | 24 April 2023. |
| Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly). | New. |

| 2. Initial Screening | |
|---|---|
| What are the intended outcomes of the function / policy / plan? | To set out how Orkney Islands Council's Housing Service responds to and supports those who have experienced or been impacted by domestic abuse, including any children, or those who are at risk of domestic abuse. |
| Is the function / policy / plan strategically important? | Yes. It links to the Scottish Government's priority to end homelessness. Domestic abuse is a significant factor in homelessness. It is statutorily required by the Domestic Abuse (Scotland) Act 2018. |
| State who is, or may be affected by this function / policy / plan, and how. | Anyone experiencing domestic abuse, including any children, or those who are at risk of domestic abuse. |

| | |
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| <p>How have stakeholders been involved in the development of this function / policy / plan?</p> | <p>Stakeholders have been involved in the development of the Rapid Rehousing Transition Plan and more recently through the review of the Homelessness Strategy and development of the Advice and Information Strategy. A consultation took place covering the broader remit of homelessness, in between August and November 2022 and a wide range of agencies were involved.</p> |
| <p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p> | <p>Yes. The Scottish Government and COSLA's "Equally Safe: Scotland's Strategy to Eradicate Violence against Women" refers to gender inequality and an abuse of male power and privilege. A gendered approach does not exclude male victims of domestic abuse but rather recognises that women and girls are disproportionately affected by particular forms of violence that they experience because they are women and girls. Equally the publications recognises that many men and boys are victims of violence and abuse.</p> <p>Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members.</p> |
| <p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.</p> | <p>There is significant research in this policy area.</p> <p>This includes research around the economic and social costs of domestic abuse published by the UK Government. This looks at the impact including physical and emotional harm to those experiencing domestic abuse, the impact on a broad range of services including health services, Police, cost to employers for time taken off work through the largest element is the physical and emotional harm suffered by the victims themselves.</p> |
| <p>Could the function / policy have a differential impact on any of the following equality areas?</p> | <p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> |
| <p>1. Race: this includes ethnic or national groups, colour and nationality.</p> | <p>No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. Domestic abuse can be more prevalent in some cultural groups. The</p> |

| | |
|--|--|
| | Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 2. Sex: a man or a woman. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. Statistically women and girls are significantly more likely to be affected by domestic abuse than males. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 4. Gender Reassignment: the process of transitioning from one gender to another. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 5. Pregnancy and maternity. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. Pregnancy can be a time when a woman is more vulnerable to domestic abuse. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 6. Age: people of different ages. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 7. Religion or beliefs or none (atheists). | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. Domestic abuse can be more prevalent in some cultural groups. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 8. Caring responsibilities. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse |

| | |
|---|---|
| | Policy seeks to provide preventative and responsive actions to assist. |
| 9. Care experienced. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 10. Marriage and Civil Partnerships. | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 11. Disability: people with disabilities (whether registered or not). | No significant impact identified. Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. The Domestic Abuse Policy seeks to provide preventative and responsive actions to assist. |
| 12. Socio-economic disadvantage. | Domestic abuse can occur in all relationships, including same sex relationships, and can also be perpetrated by other family members. Domestic abuse is disproportionately prevalent in households experiencing socio-economic disadvantage. |

3. Impact Assessment

| | |
|---|---|
| Does the analysis above identify any differential impacts which need to be addressed? | Yes, there is a potential greater impact identified as a result of race, sex, sexual orientation, gender reassignment, pregnancy and maternity, age, religion, caring responsibilities, care experienced, marriage and civil partnerships, disability and socio economic disadvantage. These have been addressed throughout the EQiA. |
| How could you minimise or remove any potential negative impacts? | The Domestic Abuse Policy seeks to provide preventative and responsive services to assist with domestic abuse wherever it should occur. We monitor homelessness more generally, including the reasons for that to ensure our approaches cover as diverse a range of people as possible. |
| Do you have enough information to make a judgement? If no, what information do you require? | Yes. |

| 4. Conclusions and Planned Action | |
|---|------|
| Is further work required? | No. |
| What action is to be taken? | N/A. |
| Who will undertake it? | N/A. |
| When will it be done? | N/A. |
| How will it be monitored? (e.g. through service plans). | N/A. |

Signature: 

Date: 24 April 2023

Name: Frances Troup

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk

Island Communities Impact Assessment

[Domestic Abuse Policy, Housing Services]

| Preliminary Considerations | Response |
|--|---|
| Please provide a brief description or summary of the policy, strategy or service under review for the purposes of this assessment. | Domestic Abuse Policy for Housing Services. |
| Step 1 – Develop a clear understanding of your objectives | Response |
| What are the objectives of the policy, strategy or service? | To set out how Orkney Islands Council's Housing Service responds to and supports those who have experienced or been impacted by domestic abuse, including any children, or those who are at risk of domestic abuse. |
| Do you need to consult? | Yes. We must consult our tenants on any changes which will affect them. However, the policy is being introduced as a result of a legislative change and we will communicate that change accordingly. |
| How are islands identified for the purpose of the policy, strategy or service? | The policy covers the whole local authority area which includes all the inhabited islands. |
| What are the intended impacts/outcomes and how do these potentially differ in the islands? | <p>To ensure the Housing Service has in place an appropriate policy on domestic abuse to appropriately deliver the changes introduced by the new legislation (The Domestic Abuse (Protection)(Scotland) Act 2021).</p> <p>The legislative provision is the same in the islands. Access to Police and related agencies may be less immediate but appropriate arrangements will be made in line with normal practice.</p> |
| Is the policy, strategy or service new? | Yes. |
| Step 2 – Gather your data and identify your stakeholders | Response |

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|---|--|
| <p>What data is available about the current situation in the islands?</p> | <p>Data is held specifically in relation to homelessness presentations as a result of domestic abuse. Data around advice and information provision as a result of domestic abuse. Data around housing applications made as a result of domestic abuse. Data over the last two years shows numbers which are so small they are potentially identifiable and therefore will not be published. In each case the numbers are below five cases.</p> <p>More generally data is held on reports of domestic abuse to the Police and this is published nationally and is included in the policy accordingly.</p> |
| <p>Do you need to consult?</p> | <p>No. We must consult our tenants on any changes which will affect them. The policy is being introduced as a result of a legislative change and we will communicate that change accordingly.</p> |
| <p>How does any existing data differ between islands?</p> | <p>The numbers are tiny so there will not be presentations from each island in any year. A small number of cases will exist in an isles location and the precise location will vary year to year. Where data held is below 5, specific numbers will not be published due to the risk of identification.</p> |
| <p>Are there any existing design features or mitigations in place?</p> | <p>The Housing Service would make arrangements with any household which needed assistance in the isles. This may include assistance to hold the relevant discussion by phone or Microsoft Teams, use an alternative location or assist with travel arrangements etc. The Service is very aware of the need to ensure anonymity for the household concerned and makes appropriate arrangements accordingly. This may be in partnership with other agencies as appropriate.</p> |
| <p>Step 3 – Consultation</p> | <p>Response</p> |

| | |
|---|--|
| Who do you need to consult with? | We must consult our tenants on any changes which will affect them. The policy is being introduced as a result of a legislative change and we will communicate that change accordingly through Housing News our tenant newsletter and through our Tenant Participation Structures. |
| How will you carry out your consultation and in what timescales? | Article in Housing News in next edition. This is about communicating a change in legislation and the policy being developed accordingly, in order to deliver that change. |
| What questions will you ask when considering how to address island realities? | The consultation is about notification of forthcoming changes rather than seeking views per se. The policy change stems from a legislative change. |
| What information has already been gathered through consultations and what concerns have been raised previously by island communities? | Information has been collected in relation to homelessness more generally. This includes collecting customer satisfaction information relating to individual experience of the homelessness service and experience. This is looked at on an individual basis and any issues arising are addressed through a performance related process interlinked with the Service Delivery Plan for Homelessness and Advice Services. |
| Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty? | This policy is being introduced primarily as a result of legislative change. Therefore the Section 7 duty isn't applicable. |
| Step 4 – Assessment | Response |
| Does your assessment identify any unique impacts on island communities? | No. |
| Does your assessment identify any potential barriers or wider impacts? | No. |
| How will you address these? | N/A. |

You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community, which is significantly different from its effect on other communities (including other island communities).

If your answer is **No** to the above question, a full ICIA will NOT be required and **you can process to Step 6.**

If the answer is **Yes**, an ICIA must be prepared and **you should proceed to Step 5.**

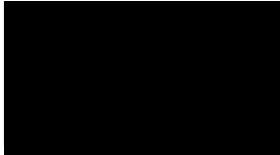
To form your opinion, the following questions should be considered:


- Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?
- Are these different effects likely?
- Are these effects significantly different?
- Could the effect amount to a disadvantage for an island community compared to the Scottish mainland or between island groups?

| Step 5 – Preparing your ICIA | Response |
|--|----------|
| In Step 5, you should describe the likely significantly different effect of the policy, strategy or service: | |
| Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it. | |
| Consider alternative delivery mechanisms and whether further consultation is required. | |
| Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities. | |
| Identify resources required to improve or mitigate outcomes for island communities. | |
| Stage 6 – Making adjustments to your work | Response |

| | |
|--|---|
| Should delivery mechanisms/mitigations vary in different communities? | Responses to domestic abuse already take into account individual circumstances. Where a tenant within an island without a Police presence, asks for assistance as a result of domestic abuse, care will be taken to ensure the provisions agreed are acceptable to the household concerned and they are happy to remain. Equally this situation applies to all households, not purely those on the isles. |
| Do you need to consult with island communities in respect of mechanisms or mitigations? | No. |
| Have island circumstances been factored into the evaluation process? | Yes, island circumstances are always factored into our strategies and policies relating to Housing as we deliver Housing Services across a broad range of island communities. |
| Have any island-specific indicators/targets been identified that require monitoring? | No. |
| How will outcomes be measured on the islands? | There aren't necessarily measurable outcomes from the policy per se. Its about addressing domestic abuse appropriately. This may include attaching CCTV to properties or seeking to eject a perpetrator from the family home. Each case is taken on its own merit and to adequately meet the needs of the household concerned. |
| How has the policy, strategy or service affected island communities? | Domestic abuse exists in all communities. This policy is about ensuring the forthcoming legislative change is delivered accordingly. |
| How will lessons learned in this ICIA inform future policy making and service delivery? | N/A. |
| Step 7 – Publishing your ICIA | Response |
| Have you presented your ICIA in an Easy Read format? | Yes. |
| Does it need to be presented in Gaelic or any other language? | No. |
| Where will you publish your ICIA and will relevant stakeholders be able to easily access it? | Orkney Islands Council's Website with Committee Report and Minute on Domestic Abuse Policy. |

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| Who will signoff your final ICIA and why? | James Wylie, Corporate Director of Education, Leisure and Housing – line manager of Frances Troup. |
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| ICIA completed by: | Frances Troup |
| Position: | Head of Community Learning, Leisure and Housing |
| Signature: |  |
| Date complete: | 24 April 2023 |

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| ICIA approved by: | James Wylie |
| Position: | Corporate Director of Education, Leisure and Housing |
| Signature: |  |
| Date complete: | 18 May 2023 |