

Policy

Policy Title	Domestic Violence Policy
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Department	CHP, Habitat for Humanity Australia
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Objective

The Domestic Violence policy (the policy) outlines how HFHA responds to incidents of alleged domestic violence through our service delivery to our residents and applicants.

Domestic violence and family violence is violent, abusive, controlling, or intimidating behaviour by a partner, carer or family member to control, dominate or cause fear. It can take many forms including physical, psychological, emotional, sexual, or financial abuse. Domestic violence is a gendered issue, with women and children disproportionately impacted as victims/survivors.

For the purposes of this policy, domestic violence is the term used throughout this document to describe both intimate partner violence and family violence. Domestic violence is most often violent, abusive, controlling, or intimidating behaviour by a man against a woman in an intimate relationship.

This policy adopts a broad definition of family that includes people who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling, and extended family relationships. It includes the full range of kinship ties in Aboriginal and Torres Strait Islander (ATSI) communities and lesbian, gay, bisexual, transgender, intersex, or queer (LGBTIQ) relationships.

This policy applies to all staff, contractors, tenants and household members and applicants of HFHA.

Policy

HFHA recognises that domestic violence has serious and harmful impact on tenants, applicants, and their families. We are committed to reducing the impact of domestic violence through the provision of safe and affordable housing and housing assistance to applicants.

Domestic violence affects many women regardless of social background, disability, age, religion, sexuality, or ethnicity. Living with domestic violence has a profound effect on survivors. It is particularly acute for children and young people and may constitute a form of child abuse.

HFHA acknowledges that domestic violence is a whole of community issue that disproportionately impacts women and children and requires a whole of system response. We aim to contribute to an effective service system response through our service delivery.

This policy operates from a principle of safety first. That is, in any decision, the safety of adults and children affected by domestic violence is paramount. HFHA will listen to people affected by domestic violence and include their feedback in service delivery decisions.

HFHA will comply with all its responsibilities under the NSW Residential Tenancies Act 2010 and mandatory child and/or young person protection reporting requirements in relation to domestic violence.

A Trauma Informed Response

HFHA is committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of domestic violence, regardless of gender, culture, or sexuality.

We recognise that domestic violence can lead to significant trauma for survivors, and we aim to minimise the impact of this through our service delivery approaches.

We do so by:

- Establishing one point of contact for tenants and applicants to avoid the need to re-tell their story to multiple people, and
- Where possible, offering the opportunity to have a housing manager of the same sex.

HFHA regards incidents of domestic violence very seriously. Tenants or household members that are concerned about their tenancy and/or seeking support, are encouraged to contact their Housing Manager for assistance.

The Housing Manager will advise about the housing options available to assist their safety and will encourage the tenant to access domestic violence support services. The Police may be called to report any incidents of crime and with consent, staff will make a referral directly to a specialist service.

HFHA will take appropriate action that seeks to balance the needs of the survivor with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.

For any applicants seeking housing assistance, the main point of contact should be the Pathways Housing Manager who assessed their application, or the Pathways Team Leader.

How HFHA Can Assist

HFHA recognises that our staff play a critical role in providing safe and secure housing and a gateway to specialist support that meets the needs of residents. In some instances, we may not be able to provide immediate relief to a tenant who is experiencing or experienced domestic violence through our housing response or our residents may only be seeking information and support at that time.

Residents can expect that HFHA will:

- Explain the range of housing options available and implications for the tenancy
- Refer to specialist domestic violence support and information services and the NSW Police (where appropriate with consent)
- Report children at risk of harm to the NSW Department of Communities and Justice
- Conduct case coordination with specialist services and Police, where appropriate.

Evidence Requirements

In most circumstances, HFHA may need tenants to provide evidence of domestic violence in line with the requirements of the *Residential Tenancies Act 2010*. Acceptable forms of evidence include; a certificate of conviction for the domestic violence offence, family law injunction, provisional, interim or final Domestic Violence Order (DVO), family law injunction, or a declaration made by a competent person in the prescribed form.

Allowable Absence Due to Domestic Violence

HFHA recognises that in some cases it will be necessary to ensure safety through an immediate short term move for a survivor. HFHA will allow absences for up to 3 months from the property in these circumstances. This will allow time for the tenant to investigate their options without the need to make an immediate decision. If a fee is being charged for alternative accommodation during this period (for example a refuge, motel, or with family and friends) tenants can apply for their weekly rent to be reduced to \$5.00 per week. Details on the evidence required in these instances can be found in HFHA's [Absence from Property Policy](#).

Tenancy Re-Instatement

HFHA recognises that a tenant may be forced to leave their home to ensure their own safety by escaping from domestic violence. In these instances, and in accordance with our policies, HFHA will consider re-instating the person's tenancy at a later date, when the tenant relinquishes their tenancy. Details on the evidence required in these instances can be found in HFHA's *Ending a Tenancy Policy*.

Transfers

Where there is no immediate danger to the person experiencing or reporting Domestic Violence or where the immediate danger has been averted by a temporary move, HFHA may consider using the management transfer policy or the mutual exchange policy.

Details of acceptable documentary evidence required for such a transfer and conditions that apply are included in HFHA's [Management Transfer Policy](#).

Changes in the Tenancy Due to Domestic Violence

Removing a Household Member

Where the perpetrator is a household member and they are excluded from the home under a final

Apprehended Violence Order (AVO), HFHA will assist the tenant to remove them as an authorised occupant. This will require evidence in the form of the final AVO as well as a statutory declaration that the perpetrator has left the property.

Ending the tenancy

Where the perpetrator is the tenant, the tenancy can be terminated immediately, and the survivor cannot be penalised for ending their tenancy.

In these instances, the tenant will be encouraged to relinquish their tenancy, with the possibility to reinstate it at a future date.

In this situation if the survivor is a remaining authorised household member and they are eligible for social housing, they may apply to succeed the tenancy.

When the perpetrator is not an occupant of the household

When the perpetrator is not an occupant of the household HFHA will work with the tenant and where required refer them to specialist support and legal services to ensure their safety.

Safe at Home Measures

Where a decision is made between the tenant and their support provider that is it to remain living in the property, HFHA may be able to assist with reasonable security upgrades at the property.

Security Upgrades Under the Staying Home Leaving Violence Program

The Staying Home Leaving Violence (SHLV) Program aims to prevent homelessness by working with NSW Police to remove the perpetrator from the family home so that the survivor(s) can remain safely where they are. Clients of SHLV are provided with a range of support for survivors such as safety planning, improving home security, assistance in managing finances, support for children and helping them throughout the complicated legal process.

HFHA is committed to assisting tenants engaged in the program and living in our properties to stay in their homes wherever possible. We may be able to assist with installation of security upgrades at the property and will work with the tenant and support agencies determine the allocation of costs for upgrades.

Permission is required from HFHA before any work is carried out on a property. The [Modifications Policy](#) outlines the process to apply for a modification to a dwelling. HFHA will assess applications for modifications to dwellings on a case by case basis.

This assessment will take into consideration:

- Type of property
- Location of property
- Costs of upgrade in light of the overall maintenance and condition of the property

- Leasing arrangement (capital or leasehold)
- Recommendations arising from the safety planning and assessment from the support service.

If a tenant resides in a Leasehold property, HFHA will attempt to negotiate for the owner to undertake the works using funds available from the support provider. Where this is not possible, a management transfer may be required.

Property Damage

Survivors of domestic violence will not be responsible for property damage caused by a perpetrator of violence during a domestic violence offence.

Privacy

HFHA understands and respects that information supplied by clients is private and confidential. HFHA will only disclose this information with the client's permission or if required to by law.

Please see *Privacy and Confidentiality Policy* for details.

Staff Safety

HFHA will put in place systems to protect staff when visiting households where there is a history of domestic violence.

Compliments, Complaints and Appeals

This is an appealable policy.

If a tenant is not satisfied with a service provided by HFHA or does not agree with a decision we have made, they can ask for a formal review. To do this, the tenant can talk to their housing manager or complete either a **"I want to complain"** form or a **"I want to appeal"** form found in the HFHA's Complaints and Appeals Policy. This policy, and a helpful information leaflet, is available from HFHA's office or they can be downloaded from our website www.habitat.org.au.

If a tenant is unhappy with the outcome of an appeal by HFHA, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.