

Midlothian Council

Housing Services

Equally Safe Housing and Homelessness Policy

1st July 2021

In line with Midlothian Council's commitment to equality and diversity, all our policies and procedures where required can be translated into other languages on request. For people with visual impairment, large print or audio taped versions can also be provided.

1. Aims and objectives

We will provide a proactive housing response to all who have experienced gender based violence, including:

- Committing to delivering Equally Safe Scotland's strategy to prevent and eradicate violence.
- Providing a sensitive and supportive response to survivors.
- Working collaboratively to enable survivors to access a range of housing options, advice, information and support.
- Implementing an early intervention approach, with a view to enabling survivors to safely stay where they are, to prevent the need to present as homeless and avoid the potential trauma of emergency accommodation, e.g. living in an unfamiliar area and reducing the likelihood of financial hardship.
- Promoting equality and diversity by eliminating all gender-based violence, and to ensure the support provided is available to all, regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- Making sure that confidentiality is respected.
- Providing appropriate staff training and communications.
- We will raise awareness amongst staff and tenants, as well as the wider community.
- Ensuring that the Council complies with the law and operates with good practice.
- Ensuring the policy is open and accessible to all Midlothian Council residents.
- Supporting families by making sure children and young people can receive the right help, at the right time, from the right people, getting it right for every child (GIRFEC).
- Preventing adverse childhood experiences (ACEs) by supporting adults and children.
- Promoting Scotland's public health priorities.

2. Definition

The Scottish Government defines gender-based violence as follows:

“Gender-based violence is 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.”

Gender based violence (GBV) is a major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men. This includes, but is not limited to

- domestic abuse
- rape and sexual assault
- childhood sexual abuse
- stalking and harassment
- commercial sexual exploitation

- harmful practices - such as female genital mutilation, forced marriage and so-called 'honour' based violence.

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3. Partnership working

We will work alongside relevant third party partner agencies and statutory services to ensure consistent and effective support.

We will continue to share relevant information between partners.

- Midlothian Council
 - Homelessness and Housing
 - Adult Social Work
 - Justice Social Work
 - Children and Families and Education
 - Health and Social Care
- Police Scotland
- East Lothian and Midlothian Public Protection Office
- Domestic Abuse Service / MARAC (via the EMPPO)
- East and Midlothian Women's Aid
- Scottish Fire and Rescue Service
- Fear Free
- Edinburgh Rape Crisis Centre

We will have a representative from Housing and Homelessness sit on Multi Agency Risk Assessment Conference meetings (MARAC). Housing will provide any information in relations to the person experiencing domestic abuse, perpetrator or other individual deemed relevant within the referral.

4. Equalities

The policy has been subject of an Integrated Impact Assessment. This is to ensure that appropriate responses are in place to support the differing and intersecting needs of people with protected characteristics and that individuals' human rights are recognised and respected.

5. Policy

5.1 Prevention and Early Intervention

We will work with the appropriate agencies such as Midlothian and East Lothian Violence Against Women Partnership or other as required.

We will endeavour to change attitudes, behaviours and structures that underpin gender based violence by raising awareness and promoting a pro-active partnership approach. A key element of this policy we will focus on the prevention actions we can take to avoid inadvertently increasing risk or trauma for those already at risk or traumatised. This Policy and other

supplementary information will provide staff with guidance and offer survivors choice in how their own situation is progressed.

5.2 Housing Options

- We will help survivors to make choices about their individual situations;
- We will ensure safety and home security measures are in place to enable survivors to stay where they are if this is appropriate;
- We will ensure survivors are protected from being coerced or pressured by another person into transferring their tenancy;
- We will support survivors with advice about transferring tenancy into own name;
- We will support survivors to gain legal information and advice;
- We will advise Midlothian Council Tenants about transferring tenancies (i.e. to alternative accommodation);
- We will provide options about accessing suitable emergency accommodation;
- We will make referrals to other local authorities if this is appropriate;
- We will advise about removing the perpetrator and remaining in the home;
- We will sign post to specialist services for support;
- We will ensure a quick response to housing repairs following damage related to gender based violence.

5.3 Homelessness

On receiving a report from anyone experiencing gender based violence, we will offer a personal discussion within a reasonable time scale. Where possible this will be within 24 hours. Where this is not possible we will refer to a relevant support agency and contact the next working day.

We will work to the person's requirements, telephone interviews, the gender of their preferred interviewer and translations services. All interviews will be in confidential settings. Officers will listen and empathise case by case. Officers will assess all options, interventions and safety measures. Then agree an action plan, monitor and review this plan.

- We will ensure prevention of homelessness wherever possible and maximising other opportunities for victims of Gender based violence to access settled accommodation;
- We will provide clear personal housing plans;
- For those who require, we will provide safe, secure emergency Rapid Access Accommodation;
- For those who are in need of homeless support and/or accommodation we will provide a Homeless Officer who will support you until you are permanently accommodated.

5.4 Housing Services

On receiving a report from any tenant experiencing gender based violence, we will offer a personal discussion within a reasonable time scale. Where possible this will be within 24 hours. We will work to the person's requirements, telephone interviews, preferred gender interviews, translations services. All interviews will be in confidential settings. Officers will empathise, listen attentively and objectively case by case, assess all options, interventions and safety measures. Then agree an action plan, monitor and review this plan.

- We will award Domestic Abuse points for those on our General Needs waiting list in accordance with the Council's Housing Allocation Policy;
- For those who are in current tenancies and are at risk to life we will award Management Transfer points in line with the Management Transfer policy;
- For those who are in joint tenancies we will give the survivor the choice to remain in the tenancy or apply for alternative accommodation;
- We can check the health and wellbeing of the tenant and any dependent children if we believe to be a risk or any agency believes there is a risk, where safe to do so.

5.5 Action against Perpetrator

We will consider the following actions against the perpetrator where appropriate:

- Offer alternative accommodation to perpetrators who are willing to move on a voluntary basis;
- Convert a Scottish Secure tenancy in a perpetrators name to a short Scottish secure tenancy where there is a conviction committed in or around the tenancy that the perpetrator remains a tenant of;
- In exceptional cases we will raise action to seek possession of the tenancy against the perpetrator where there is significant evidence of relevant ground for repossession.

6. Support

- We will provide homelessness support where required and long term tenancy support for current tenants.
- We will provide advice on specialist support providers in the area.

7. Consistent sympathetic approach

- We will provide Plain English information that outlines agreed processes, roles and responsibilities;
- We will provide specialist housing/homelessness officers within local offices;
- We will make quick decisions about transfers, allocations and tenancy support;

8. Information and advice

- We will provide information on our Housing Allocation Policy on our website;
- We will provide information on housing options on our website;
- We will provide accessible interpreting and translation services in accordance with national standards and good practice.
- We will provide information about housing law and rights.

9. Training

We will promote a positive culture around domestic abuse and provide training for all housing staff in gender based violence and Trauma informed practice, through Learn Pro module and via specialist services on how to recognise the early signs and how to sign post to provide appropriate help. Officers understand gender inequality and gender based violence, recognise the signs and know how to provide a sensitive, supportive and trauma informed response. Training will be embedded in our induction program with refresher training available.

- How to recognise that gender based violence might be occurring;
- How to deal with abuse effectively with disclosures of domestic abuse and other forms of gender based violence;
- Responding to children and young people who are experiencing abuse in the family home or in their own relationships;
- Providing information and advice, for example, about the range of housing options;
- Signposting those experiencing abuse to relevant abuse services for further support;
- Recording relevant information and data about reported incidents/situations.

10. Monitoring and Evaluation

This policy will be subject to regular review, in terms of its implementation, recording outcomes and supporting best practice.

We will monitoring information and statistics.

We will monitor tenant's feedback, to enable Midlothian to recognise the value of service user experience in informing the Equally Safe Housing policy and the importance of mainstreaming equalities.

The Equally Safe Policy will be reviewed regularly.

Appendix 1

Legislative context and associated documents

[Housing \(Scotland Act\) 2001](#) [Housing \(Scotland\) Act 2006](#) [Housing \(Scotland\) Act 2014](#)

[Homelessness etc. \(Scotland\) Act 2003](#)

Domestic Abuse (Protection) (Scotland) Bill (Stage 3, 17 March 2021)

<https://www.parliament.scot/bills-and-laws/bills/domestic-abuse-protection-scotland-bill#target4>

[Adult Support and Protection \(Scotland\) Act 2007](#) [Children \(Scotland\) Act 1995](#)

[Children's Hearing \(Scotland\) Act 2011](#) [Protection from Abuse \(Scotland\) Act 2001](#) [Housing \(Scotland\) Act 1987](#)

[Domestic Abuse \(Scotland\) Act 2018](#)

[Human Rights Act 1998](#)

[Data Protection Act 2018](#)

[Equality Act 2010](#)

[Matrimonial Homes \(Family Protection \(Scotland\) Act 1981](#)

[Protection from Harassment Act 1997](#)

[Housing Allocation | Allocation Policy \(midlothian.gov.uk\)](#)

[Housing to 2040 - gov.scot \(www.gov.scot\)](#)

[Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](#)

[Trauma – national trauma training programme | NHS Education \(scot.nhs.uk\)](#)

[Scotland's public health priorities - gov.scot \(www.gov.scot\)](#)

[Adverse Childhood Experiences \(ACEs\) and Trauma - gov.scot \(www.gov.scot\)](#)