

Perpetrator Management Toolkit

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As the Business Manager at Gentoo Kelly Henderson co-founded the Domestic Abuse Housing Alliance (DAHA). In 2019, Kelly completed a PhD at Durham University and her research examined the role of housing providers in a coordinated community response to domestic abuse. This included looking at how housing providers identified and responded to perpetrators of domestic abuse.

Purpose of the toolkit

The purpose of this toolkit is to outline the options available to housing providers in engaging with perpetrators and holding them to account. The safety of victim/survivors is central to working with perpetrators. The aim of working with perpetrators is to keep victim/survivors including children safe. Housing providers therefore need to check how their intervention is impacting on safety. If the victim/survivor is not involved, it is not possible to do this.

See the resources page for a checklist for 'Taking Action Against Perpetrators' that refers to the options highlighted in this toolkit.

Introduction

DAHA accreditation is a key way that housing providers can improve their response to domestic abuse: one element covers how housing providers can hold perpetrators of domestic abuse to account. This toolkit is designed for housing providers that want to develop a thorough understanding of perpetrator engagement and is designed to be a fluid document that provides a foundation that housing providers can build.

This toolkit complements the indicators set out for the perpetrator engagement priority included in the DAHA accreditation standards.

Housing's current response to perpetrators

Research by Henderson showed that a high proportion of housing providers include perpetration of domestic abuse as a tenancy breach (72.6%). However, a small number (13.2%) of respondents stated their organisation did not treat domestic abuse as a tenancy breach.

Despite the high percentage of housing providers including perpetration of domestic abuse as a tenancy breach, just over half (53.8%) of respondents' organisations had taken any action against perpetrators of abuse highlighting a gap between policy and action. Respondents' reasons for the gap between policy and action suggested some confusion as to how they could take enforcement action: some believed any enforcement action had to be related to anti-social behaviour, nuisance to neighbours or damage to property.

The same research found that housing providers were more confident in taking action against a perpetrator of domestic abuse where the perpetrator's actions were impacting on others in the neighbourhood and could therefore be classified as anti-social behaviour (ASB), for example seeing the domestic abuse as noise nuisance as it was disturbing other tenants or impacting on the community as a whole.

This uncertainly suggested a gap in training about responding to perpetrators of domestic abuse. The research found that whilst all interviewees highlighted training they had in relation to recognising and supporting victims of domestic abuse, only one provider had undergone any training on working with perpetrators.ⁱ

'I can't think of anything actually - every bit of training that we've had seems to have come from a more victim side which obviously everything is going to be weighted in that direction. There might have been bits and pieces in e-learning and things like that but nothing that's specifically that if you get a perpetrator coming forward this is what you need to do.'

This lack of confidence in dealing with perpetrators of domestic abuse reflects the findings from 'Change, Justice, Fairness', a research report into housing that found that two thirds of service providers did not know if housing services could take action against a perpetrator of domestic abuse and 28 out of the 80 staff stated that they did not consider it part of their job role to take action against a perpetrator of domestic abuse.ⁱⁱ

Positively engaging with perpetrators of domestic abuse

This section will outline some good practice in positively engaging with perpetrators of domestic abuse. Whilst it is accepted that most perpetrators of domestic are male and most victim/survivors are female, it is important that housing providers recognise that this is not always the case and that domestic abuse does not only occur in heterosexual relationships.

Perpetrators of domestic abuse may come to the attention of housing providers in an indirect way. For example, they could be seeking support on another issue, or abuse could be identified in day to day housing management.

Respect is a domestic abuse organisation with a specialism in working with perpetrators. They run the [Respect phone line](#), email and web chat service for domestic abuse perpetrators who want to change their abusive behaviour. They advise male and female abusers, and those in same-sex or heterosexual relationships. They support frontline workers to work with perpetrators safely.

As a first port of call, housing staff who are working directly with perpetrators should contact Respect for advice and information about how to safely engage perpetrators in a way that does not put the victim/survivors including children at further risk of harm.

Respect phone line staff can provide support to callers in any of the following ways:

- Find a local domestic violence prevention service. This includes male or female perpetrators, in heterosexual or same-sex relationships;
- Help the caller work out who is doing what to whom and with what effect; this is particularly useful in cases where there are cross-allegations of violence and abuse;
- Give advice to housing staff on challenging, complex cases (always anonymously), putting the victim's safety at the forefront;
- Explain how domestic violence prevention programmes work and how they are different from anger management courses, couples counselling and mediation; or other interventions not specifically designed to support domestic violence perpetrators;
- Send out resources to help tenants and service users address their violence and abuse.

Working with perpetrators is skilled work and requires knowledge about how to safely intervene. It is recommended that trained staff do this work and that housing providers should make referrals to specialist services where possible.

Respect Accredited Perpetrator Programmes

[Respect's Accreditation Standard](#) is a nationally recognised quality and safety standard, which accredits best practice in domestic violence perpetrator work. Respect developed accreditation standards for domestic violence work to help increase service high quality, effectiveness and above all, safety.

The Respect website and phone line can provide details of Respect accredited Domestic Violence Prevention Programme or services operating in your area. Whilst many programmes and organisations may say they are working to Respect standards or guidelines this is different to being Respect accredited. Those seeking to access support for perpetrators to address their

abusive behaviour should seek out Respect Accredited programmes. Unfortunately, not every area has a programme.

Perpetrator programmes are a key way of supporting victim/survivors as well as perpetrators. Safelives found that 80% of victim/survivors said they wished that a perpetrator programme had been available, but only 2.5% of victim/survivors reported that their abusive partner attended a perpetrator programme.ⁱⁱⁱ

How effective are Perpetrator Programmes?

Since the 1990s, research has begun to explore domestic abuse perpetration.^{iv} Much discussion has centred on the effectiveness of perpetrator programmes.

Project Mirabal findings provide a very useful, wide ranging and up to date body of research on the effectiveness of DVPPS. In interviewing men who were attending Respect accredited programmes, their partners /ex-partners and children, they identified 6 areas of success:

1. An improved relationship underpinned by respect and effective communication.
2. Expanded 'space for action' for women which restores their voice and ability to make choices, whilst improving their well-being.
3. Safety and freedom from violence and abuse for women and children.
4. Safe, positive and shared parenting.
5. Enhanced awareness of self and others for men, including an understanding of the impact that domestic violence has had on their partner and children.
6. For children, safer, healthier childhoods in which they feel heard and cared about.

Project Mirabal findings showed positive improvements against all six measures of success for men participating in Respect accredited programmes. They found the vast majority of men ceased their physical and sexual violence.

However, less improvement was found in coercive and controlling behaviour, such as control of money.^v

Report co-author Professor Nicole Westmarland said:

Our data shows that most men are able to take steps towards positive change with the help of a domestic violence perpetrator programme and although there is more work to be done, we are quite optimistic about the ability of these programmes to play a role in ending domestic violence.^{vi}

The full report can be found [here](#).

Case Study / Good Practice Example: Gentoo

Gentoo formed a partnership with three charities (Barnardo's, Impact Family Services and Wearside Women In Need) in 2015 to respond to domestic abuse in a pro-active way.

Previously there was no voluntary Perpetrator Programme in Sunderland (where Gentoo operates) meaning that males who wanted to address their abusive behaviour could only access support when they entered the Criminal Justice System and were mandated to attend a Probation Programme.

The programme developed - the Big Project - is available for men over 18 years of age who wish to address their abusive behaviour. Gentoo employs Positive Engagement Officers to engage with customers who perpetrate anti-social behaviour, often as a result of substance misuse and/or mental health. The role of Positive Engagement Officer provides a high level of support to customers and acts as a conduit to specialist support agencies to address issues and behaviours with a view to reduce anti-social behaviour and maintain tenancies. Gentoo have trained key staff on working with perpetrators of domestic abuse and are using this model to provide high level support to men on the Big Project. In addition to making referrals to the programme, Positive Engagement Officers also take part in the initial assessment undertaken by the Programme Manager to assess suitability of men to engage with the programme.

What men said about the programme:

The Positive Engagement Officer in this case had helped one man, Jake get a property and to remain on the programme

'it's having a positive impact because I've realised now that because me and my partner are speaking and now I've moved out of the home and I've got my own property now and we don't live together and we find it easier if we live separate.' (Jake)

'If I wasn't on this BIG project I think I personally would have been homeless' (Jake)

The Drive Project

Respect and SafeLives works with perpetrators of domestic abuse to reduce and prevent abuse and increase victim/survivors' and children's safety. The aims of the [Drive Project](#) are:

- To reduce the number of repeat and new victims,
- To reduce the harm caused to victims and children,
- To reduce the number of serial perpetrators of domestic abuse,

- To intervene earlier to protect families living with the most harmful domestic abuse,
- To develop an evidence-based approach that has the potential to become a model for wider use,
- To provide interventions for perpetrators who are not eligible for a Domestic Violence Perpetrator Programme (DVPP).

Where/how is the pilot running?

The original Drive pilot has been delivered since 2016 in areas including South Wales, and West Sussex, by the Change Project, Safer Merthyr Tydfil, and DVIP (division of the Richmond Fellowship) and Hampton Trust. In 2018, replication testing began in Croydon, Cardiff, Worcester, and Birmingham and Sandwell.

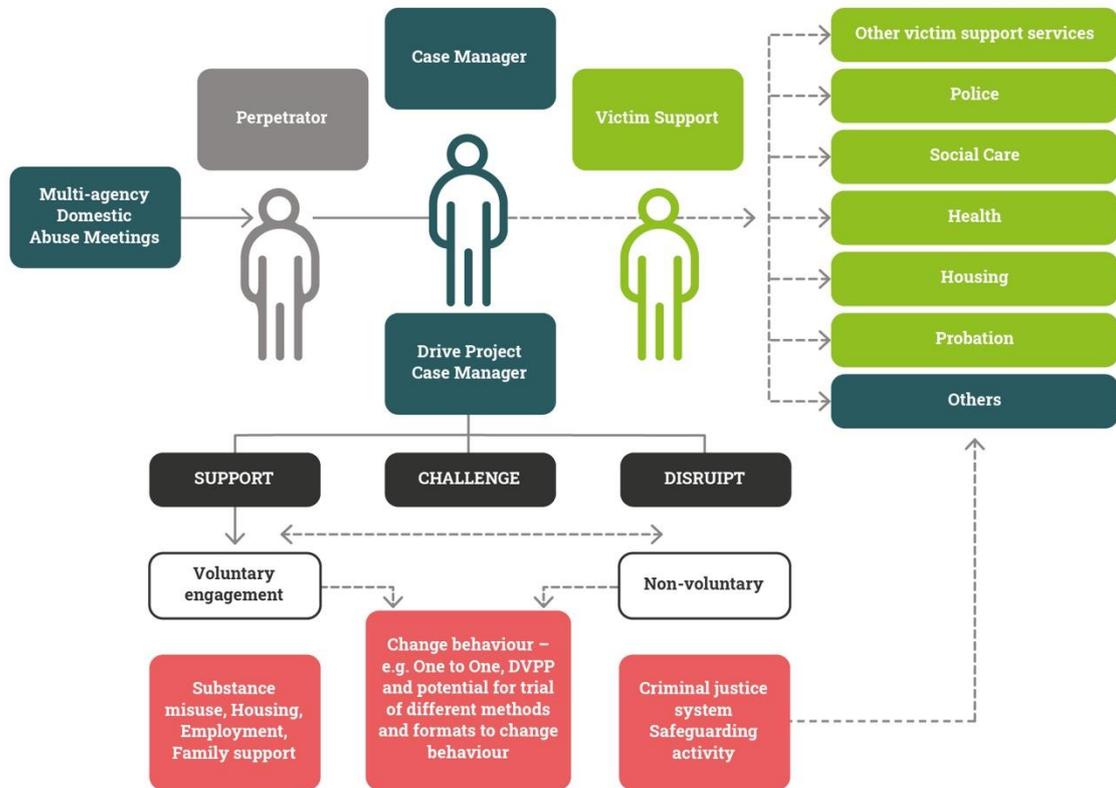
Drive builds on existing services and interventions in the local areas to maximise impact, providing a coordinated multi-agency response to challenge the perpetrator's behaviour, while ensuring there is support for the victim.

What is the Drive Project Model?

The Drive Project provides a case manager who acts as a single point of contact for each perpetrator, providing one-to-one case work. They work with each service user for up to 12 months to change behaviour and reduce perpetration. They work closely with safety and support services for victim/survivors and their advisers to ensure safety of victims.

The case manager assesses need and risk to deliver and co-ordinate an individualised and multi-agency response. They work in partnership with other services to coordinate the response to the perpetrator which will include a combination of risk management and disruption activity; one-to-one behaviour change interventions, domestic violence perpetrator programmes (DVPPs), specialist support for substance misuse, housing, employment or mental health support as needed, as well as emotional or therapeutic support. The budget includes funding for additional interventions of this type as well as an element for 'innovation' to allow flexibility to meet other needs if they become apparent.

Central to the model are strong partnerships with other local services and effective multi-agency working. The Drive model also employs a range of disruptive strategies to interrupt the perpetrator's violence and abuse. The case manager works closely with all statutory agencies including the police, probation and children's services to maximise the impact of the criminal justice system, developing and agreeing strategies to limit the opportunities for the perpetrator to continue abusing.



What role can housing play in the Drive Project?

Housing is a vital partner in the multi-agency response to high risk perpetrators of domestic abuse. As part of the SafeLives Spotlight report Safe at Home, researchers spoke to Drive case workers about how housing support for the perpetrator can reduce risk for the victim/ survivor. There were a wide range of circumstances in which this could help. In some cases the service user had difficulty securing housing - for instance due to mental health problems - and as a result would visit the home of the victim/survivor when they needed shelter. In other cases the location of housing exacerbated alcohol misuse.^{vii}

Housing could also be used as part of the control over the victim; for instance the perpetrator using their need for housing to manipulate the victim/ survivor financially. In many cases addressing the housing issue was a way to disrupt the perpetrator’s behaviour, or remove the need for them to attend or reside at the victim/survivor’s home, thus reducing the risk. This was carefully managed alongside safeguarding processes for the victim, including child protection proceedings where necessary.

Drive argue that housing providers and all multi-agency partners must start placing the expectation to move or change on the perpetrator of abuse, expanding and innovating current practice and provision so this is a realistic and safe possibility.

Multi Agency Tasking and Coordination (MATAC)

The HMIC Domestic Abuse Inspection report published March 2014, 'Everyone's Business: Improving the Police Response to Domestic Abuse' highlighted that forces across the country were not doing enough work to tackle domestic abuse perpetrators. Northumbria Police responded and introduced MATAC which is a multi-agency initiative.^{viii}

MATAC tackles serial perpetrators of domestic abuse and aims to:

- Prevent further domestic abuse related offending,
- Improve victim safety,
- Improve Criminal Justice Service outcomes,
- Improve partnership engagement,
- And improve offending behaviours.

MATAC Meetings

The MATAC meetings are held 4 weekly and among those invited include representatives from the police, a variety of local authority functions, health service providers, housing providers, IDVA Service and Substance Misuse providers.

Specialist support partners who attend MATAC meetings will attempt to engage with the perpetrators to offer help and ongoing support. Perpetrators are brought into MATAC via 2 routes:

1. RFGV Model – adapted from an approach used by Police Scotland. The model analyses the how recently the perpetrators offending has occurred, the frequency and gravity of that offending and the Victim. In addition, Northumbria Police added a fourth element – the number of victims the perpetrator has offended against. A RFGV score is generated, designed to identify serial perpetrators and the MATAC team pick perpetrators from this result to review each month
2. A MATAC partner can refer directly into MATAC if they feel there is something not quite right about a situation or feel a perpetrator would benefit from a multi-faced approach.

MATAC is supported by a toolkit which outlines the strategies available to management perpetrators. There are 2 pathways depending if the perpetrator is engaging with the process or not: the therapeutic pathway or the criminal justice pathway.

The HMIC report stated that,

Many forces are keen to use 'perpetrator programmes' to manage offenders' behaviour and encourage perpetrators to stop further offending. Officers often see this approach more positively than pursuing a conviction through the criminal justice process. While domestic abuse perpetrators can access these programmes after a conviction, there is very limited provision for them as part of a wider offender management strategy, prior to conviction.^{ix}

For those perpetrators who fail to engage in the therapeutic pathway, the criminal justice pathway is followed. This pathway subjects the perpetrator to both partnership and law enforcement strategies, including Prevention, Diversion, Disruption and Enforcement. During MATAC meetings the course of action is decided. This might include raising the profile of the perpetrator among neighbourhood police teams, circulating a photograph of the perpetrator, proactively enforcing possible breaches of Orders such as Non Molestation or Restraining Orders, identifying any wider criminality with a view to arrest, maximising opportunities to gather intelligence, undertaking vehicle stop and search, and allocating intelligence gathering to a designated officer.

See the resources section for a diagram of the MATAC model and links to partner agencies.

Partner agency actions can include housing provider visits to the perpetrator and acting in relation to breach of tenancy due to anti-social behaviour or use of civil injunctions.

MATAC currently operates in the following force areas with more forces considering this approach:

- Northumbria,
- Durham,
- Cleveland,
- Humberside,
- West Yorkshire,
- North Yorkshire.

If you operate in these areas you should make contact with your local force about representation at MATAC.

Average reductions in re-offending of domestic abuse perpetrators in Northumbria showed a 61% reduction for all offending and 65% for domestic abuse related offending and a social return on investment of £14.51 for every £1 invested was delivered. A full evaluation will also be published in June 2020. Further information can be accessed via the [DAWSA website](#).

MAPPA

Housing providers may be asked to take part in the Multi-Agency Public Protection Arrangements (MAPPA) which is the process through which various agencies such as the police, the Prison Service and Probation work together to protect the public by managing the risks posed by violent and sexual offenders living in the community. The aim of MAPPA is to manage the risks that violent and sexual offenders pose to the public. The various agencies share information about offenders under MAPPA in order to assess the level of risk they pose to the public.

There are three categories of MAPPA offenders:

Category One – All registered sexual offenders. Registered sexual offenders are required to notify the police of their name, address and personal details under the terms of the Sexual Offences Act 2003.

Category Two – Violent or other sex offenders not subject to notification requirements, including violent offenders who have been sentenced to 12 months or more, or to detention in hospital, and who are now living in the community subject to Probation supervision.

Category Three – Other dangerous offenders who have committed an offence in the past and who are considered to pose a risk of serious harm to the public.

There are three levels of MAPPA management which are based on the level of attention and resources required to put effective plans in place.

Level 1 – Ordinary agency management is for offenders who can be managed by one or two agencies, such as the police and probation.

Level 2 – A local multi-agency management for offenders where the ongoing involvement of several agencies is needed to manage the offender. Once at level 2 there will be regular multi-agency public protection (MAPP) meetings about the offender to develop a coordinated plan.

Level 3 – These are known as Multi-Agency Protection Panels, which are more demanding on resources and aimed at those who are deemed to pose the highest risk of causing serious harm, or whose management is particularly problematic.

A domestic abuse perpetrator strategy for England and Wales

In addition to the above multi-agency, community responses (Drive, MATAC, MAPPA) for responding to perpetrators, there is a call to action headed by the Drive project on behalf of over 70 organisations. It calls for a coordinated community response from statutory and voluntary sectors to address perpetrators' behaviour effectively and includes the following five actions to ensure systematic, safe and effective response to perpetrators:



To read about these five elements in full and to sign up, please visit <http://driveproject.org.uk/wp-content/uploads/2020/01/Call-to-Action-Final.pdf>

Some of the Tools available to Housing Providers and their Partners to Respond to Domestic Abuse.

Tenancy Agreements in Social Housing

Tenancy agreements in social housing often include domestic abuse as a breach of tenancy and therefore as grounds for eviction. The grounds in most cases do not rely on criminal proof but are based on civil grounds which use the balance of probability. In scenarios where this is not an express term of the lease, there will be implied terms for the tenant to not cause nuisance or annoyance to others and to behave in a tenant-like way during the term of the lease. In the context of some forms of domestic abuse, a housing provider may argue that such behaviour breaches those implied terms too.

Joint Tenancies

In cases of domestic abuse, a joint tenancy can be used by the perpetrator to control the victim on a variety of levels. For example the perpetrator could end the tenancy, which in effect ends the tenancy for both parties, thereby rendering the victim homeless. Given that both tenants are responsible for paying the rent; if a perpetrator ceases paying the rent then the rent arrears would be pursued against both tenants, which could lead to eviction action. Rent arrears and having an eviction order granted against a person can cause problems in securing another social housing tenancy and checks made by private sector landlord could mean that a tenancy in the private rented sector would also be difficult to acquire.

Tenancy breaches other than rent arrears are also problematic in joint tenancies. Where one party could breach the tenancy agreement, for example through anti-social behaviour, action would be taken against both tenants and not just the tenant breaching the tenancy agreement. Again, where enforcement has been taken in cases of a joint tenancy this could pose problems for either tenant securing a future tenancy. Whilst housing providers may seek to support a victim of domestic abuse in a joint tenancy they often would not specifically enquire around domestic abuse when a joint tenancy ends or when pursuing rent arrears action, missing an opportunity to recognise and respond to domestic abuse.

If one person wishes to end the tenancy and the other joint tenant wants to stay in the property, the housing provider may: give the remaining tenant(s) a new tenancy at the same property; not give them a new tenancy, and instead offer the property to someone else; if joint tenants can't agree on who gets the tenancy, a Court can decide this.

Tools available to housing providers when responding to perpetrators.

Housing providers have a number of tools available to them in responding to perpetrators of domestic abuse and opportunities to work in partnership with other agencies to engage in a partnership response.

Part One Injunction with Positive Requirements

The Act allowed housing providers to utilise the Part One Injunction (replacing the Anti-Social Behaviour Injunction). A Court may grant an injunction against a person aged 10 or over if two conditions are met:

- 1 That the court is satisfied, on the balance of probabilities that the respondent has engaged or threatens to engage in anti-social behaviour (ASB).
- 2 That the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour (ASB). ASB is defined in the Act as:
 - Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;

- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or;
- Conduct capable of causing housing-related nuisance or annoyance to any person.

The Injunction can require the respondent to do anything described in the injunction (positive requirements). It can also include the power to exclude persons from the home in cases of violence or risk of harm regardless of tenure. A range of agencies can apply for an injunction including a local authority and a housing provider and a chief officer of police for a police area. The injunctions allow landlords to work closely with their tenants by imposing positive requirements as injunction terms, which can enable landlords to take effective action to address behaviour.

Positive requirements may include attending a substance misuse treatment organisation for assessment and support and could include a requirement to attend a domestic abuse perpetrator programme for assessment suitability for the programme. A local authority or housing provider may apply for an injunction against a perpetrator which contains a positive requirement to engage in a programme to address their behaviour. Breaching the terms of the injunction may result in a mandatory ground for possession of the property. The Court expects that informal approaches have been initiated before court action is taken; the legislation recognises that where professionals get to the point that formal action is necessary, they should have the ability to take that action quickly. The injunction means that breaches do not need to be tolerated and that there is a real risk of eviction if the requirements of the injunctions are not adhered to. The Injunctions rely on a civil burden of proof.

Case Study Part 1 Injunction

A female tenant who had a joint tenancy with her abusive partner came into the office with her social worker and an IDVA. She had been at a child protection conference and had been given a list of actions to take, which included obtaining an injunction against the perpetrator. She had sought legal advice but hadn't qualified for legal aid so was unable to obtain an injunction on her own. Her partner had previously been to court and had been acquitted and was not currently in the home they shared.

With the victim/survivor's support and consent, the housing provider supported her and applied to the court for an injunction to prevent nuisance or annoyance (IPNA also known as Part 1 injunction) on the grounds that the perpetrator had caused "harassment, alarm, or distress" to the victim/survivor. An interim injunction was issued without notice due to the high level of risk, which was evidenced by witness statements from the housing provider and the victim/survivor.

The perpetrator attended the return hearing for the court to decide the conditions of the injunction. The perpetrator appealed but in the same period also breached the injunction by contacting the victim/survivor. The housing provider applied for a committal order and spoke with the perpetrator about being in breach of the tenancy in relation to perpetrating domestic abuse. They advised the perpetrator they would initiate eviction proceedings. The perpetrator agreed to sign over the tenancy to the victim/survivor in exchange for halting proceedings against him. The perpetrator is now staying with his mother. It is felt this approach worked well as an effective deterrent as the perpetrator in this case had regard for authority and an understanding of the consequences of breaching further conditions.

Domestic Violence Protection Notices (DVPN) and Orders (DVPO)

Domestic Violence Protection Notices (DVPN) and Orders (DVPO) and Housing DVPN/DVPOs were introduced by the Crime and Security Act (2010) enabling police to put in place protection for a victim in the immediate aftermath of a domestic violence incident.

A Domestic Violence Protection Notice (DVPN) is a notice served by the police against a person who is aged 18 or over, where the police reasonably believe that he or she has been violent or threatened violence against a victim and the victim needs to be protected from them. The law allows the police to serve a DVPN on the alleged perpetrator even if the victim does not agree to it. DVPNs are authorised by a police Superintendent (or above). The effect of the Notices is that they exclude the perpetrator from the address for 48 hours. A DVPO is an Order applied for by the police and made by magistrates court within 48 hours (excluding Sundays and bank holidays).

The Order can be granted even if the alleged perpetrator does not attend court and if the victim does not want the Order. Under DVPOs, the perpetrator can be prevented from returning to a specified property and from having contact with the victim for 14 days (minimum) and up to a maximum of 28 days. If appropriate, the process can be run in tandem with criminal proceedings. Once granted the terms of the DVPO cannot be varied or revoked. If a DVPO is breached the perpetrator is liable to be arrested, brought before a magistrates court within 24 hours and can be fined up to £5,000 or given a custodial sentence of up to two months. A notice of the hearing is given to the alleged perpetrator.

Whilst there is currently no research on the number of men who are homeless or permanently removed from their homes due to domestic abuse; the Home Office commissioned an evaluation on the pilot of Domestic Violence Protection Orders (DVPOs) in which concerns were raised about increased demand on homeless services. Whilst the evaluation did not specifically measure the impact on homeless services, no specific issues were highlighted with stakeholders interviewed.^x

Good Practice in relation to DVPO/DVPNs

A housing provider has secured an agreement with their police force to be notified of every Domestic Violence Protection Notice (DVPN) and Domestic Violence Protection Order (DVPO) served in the City using the existing Information Sharing Agreement. The housing provider carries out checks to see if they are a tenant, living in a property with a tenant or applying for housing. By receiving notifications staff who work in neighbourhoods can be vigilant and can report any sightings of a person who has been issued with a DVPN/DVPO thereby taking the onus from the victim to report any sightings or harassment.

Grounds for Possession in cases where there is Domestic Abuse.

Discretionary Ground for Possession - Ground 14A – Domestic Violence

Paragraph 14A of Part 2 of Schedule 2 of the Housing Act 1988 provides that a social landlord may gain possession of a property where it is occupied by a couple and one partner is forced to leave the property as a result of the other's domestic abuse towards them or any of their family living with them.

Discretionary Grounds means the judge can decide on the reasonableness of granting possession.

Registered Providers can use Ground 14a of Schedule 2 of the Housing Act 1988 and 1996 Domestic Violence in cases where the property has been occupied by a married couple, a couple who have entered into a civil partnership or a cohabiting couple (same-sex or opposite-sex), and one partner has left and is unlikely to return because of violence or threats of violence by the other towards her/him or a member of the family living with her/him. The tenant who has left the property must also be sent the Notice details.

The violence must have been a cause of the partner leaving. There is no requirement for the parties to be actually living together at the time of the violence (the perpetrator may be staying elsewhere), merely that they be in a relevant relationship.

This ground only applies to assured tenancies granted by private registered providers of social housing (formerly registered social landlords) or charitable housing trusts. If the partner who has left is the non-tenant, the landlord must take steps to serve her/him with a copy of the notice of seeking possession, unless the court decides that it is just and equitable to dispense with the notice (note that a non-resident joint tenant must also be served with notice).

Case Study / Good Practice Using Grounds 14a

The perpetrator and victim/survivor had a joint tenancy. This case involved substantial domestic abuse and violence, and the victim/survivor had presented to a housing association and the police on multiple occasions. Despite the extensive nature of the abuse, the perpetrator was tried and acquitted of a very specific offence (and not considering long standing pattern of violence). Following this, the victim/survivor fled the home.

The housing provider used grounds 14a of the Housing Act, which states that a home can be repossessed if someone flees the house due to domestic abuse, to evict the perpetrator, using evidence from their own records and the police.

Cornerstone's solicitors argue that a strong case can be made on Paragraph 14A without the alleged victim attending court. Cornerstone stated that the housing provider relied on extensive contemporaneous notes and documents and statements from support workers who had assisted the alleged victim at the time of the abuse. This makes the case to ensure that all case notes are of high quality and factual. Cornerstone added that the court agreed that, in line with Lady Hale's judgement in *Yemshaw v Hounslow LBC* [2011] "domestic violence" is not limited to physical violence and can also include controlling behaviour.

Many solicitors argue that this ground is not very effective as it relies on the victim already having fled the property. In cases where there is a joint tenancy many advocate the tenant terminating the tenancy which then ends the tenancy for both parties and then offer the victim a new tenancy in sole name under a management move either at the same property or a new address.

When the tenancy has ended, and the victim moved and possession proceedings can commence against the perpetrator if he doesn't leave.

Ground 14: anti-social behaviour

Used when the tenant has caused problems with neighbours, visitors or anyone else; has used the property for illegal or immoral purposes and received a conviction for this; or has received a conviction for an indictable offence in or near the property.

Mandatory Grounds for Possession

The court must grant the landlord of the property possession if they can prove a **'mandatory ground'** for possession (grounds 7a). This includes anti-social behaviour, if the courts have already convicted a person or member of the household for antisocial behaviour. The court

must award possession if any one of five specified conditions below is met and the landlord has served a notice of seeking possession.

Condition 1: Conviction of serious offence

The tenant, or anyone living in or visiting the property, has been convicted of a serious offence that was committed on or after 20 October 2014:

- in the locality of the dwelling house, or
- elsewhere against either a person who lives, or has a right to occupy accommodation, in the locality, or
- elsewhere against the landlord or someone employed (whether or not by the landlord) in connection with the landlord's housing management functions.

Condition 2: Breach of IPNA

A court found that the tenant, or anyone living in or visiting the property, had breached a provision of an injunction to prevent nuisance or annoyance (IPNA).

The breach must have occurred in the locality, or elsewhere if the IPNA was granted in order to prevent harassment, alarm or distress to:

- a person who lives, or has a right to occupy accommodation, in the locality the landlord or someone employed (whether or not by the landlord) in connection with the landlord's housing management functions.
- The condition is not met where the breach of the IPNA only relates to a failure to participate in a particular activity.

Condition 3: Breach of a Criminal Behaviour Order

The tenant, or anyone living in or visiting the property, has been convicted of a breach of a criminal behaviour order that prohibits an activity in the locality, or elsewhere when the criminal behaviour order was intended to protect:

- a person who lives, or has a right to occupy accommodation, in the locality
- the landlord or someone employed (whether or not by the landlord) in connection with the landlord's housing management functions.

Condition 4: Closure Order

A closure order has been made on the tenant's property and access to the property under the order (and/or a closure notice) has been prohibited for more than 48 hours.

Occupation Orders

In cases where joint tenants cannot agree and in cases of domestic abuse, an Occupation Order is an Order made by the family court which sets out who can live in the family home (available across all tenures). The Order must be requested by a tenant or (joint) owner and is not open to social or private landlords to pursue. The property in question must be, have been, or have been intended to be the home of the applicant and the other party.

The person who is seeking to occupy the property in the short or long term makes an application to the family court to enable them to have control over and live in the property. Whilst an application can be made on an emergency basis, without giving notice to the other party, the court is very unlikely to make an emergency Order and will further consider matters at the next hearing, of which the other party will have adequate notice. It is only once both parties have had an opportunity to put their cases before the court that an Order will be made. Orders are usually for a set amount of time and can be granted as a temporary measure until housing options are explored, although permanent Orders can also be made which prevent one party from returning to live at the property or entering/attempting to enter it without the other party's consent.

The outcome of court proceedings for Occupation Orders can vary greatly depending on the facts of each case. The fact that one party has been violent or abusive to the other may not in itself mean there are adequate grounds for a final occupation Order and the court has a delicate balancing exercise to carry out depending on the circumstances. Victims of domestic abuse may not be able to pursue such an Order where they do not qualify for legal aid or do not have the financial resources to pay a lawyer.

In the case of victims of domestic abuse living in social housing it is crucial that landlords equip themselves with the basic skills and knowledge to support a tenant in terms of how the process works given the victim/survivor could apply to the court for an Occupation Order to regulate who can live within the home and to exclude the perpetrator. If they apply for this Order then the housing provider should be given notice (in a set form from the court) and the provider can then have the opportunity to attend court to make their own representations about the Order. Occupation Orders are very rarely made without notice to the perpetrator. It is worth noting there is nothing in an Order preventing the perpetrator from bringing a joint tenancy to an end.

Non Molestation Order

These can be applied for on an emergency basis without giving notice to the perpetrator of the application if there is an immediate risk of harm (usually interpreted widely by the courts in domestic abuse cases). Whilst the victim / survivor is usually encouraged to apply for these, housing providers can support in completing paperwork and by offering witness statements.

Case Study / Good Practice

This case involved online abuse, including threats to kill. As there was no obvious breach of tenancy or a non-resident visiting the block for example, the housing provider chose to support the survivor to apply for a Non Molestation Order (NMO). This was instead of the housing provider applying for a IPNA / Part 1 injunction application in recognition that courts usually grant the latter when the perpetrator's behaviour interferes with a housing providers' housing management function. The housing provider supported the survivor to complete the NMO application form and offered a witness statement. The survivor did not qualify for legal aid and in this instance was happy to represent herself with a family member for support in court.

Criminal Behaviour Order (CBO)

CBOs are issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. They are within sections 22 to 33 of the Anti-social Behaviour, Crime and Policing Act 2014.

In issuing an Order the Test for the Court is:

- That the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and
- The court considers that making the Order will help prevent the offender from engaging in such behaviour.

Housing Perpetrators of Domestic Abuse

Clarke and Wydall highlight the importance of housing for perpetrators suggest that re-housing perpetrators can have positive outcomes for both perpetrators and victims in their study of the Making Safe Project which provided support and alternative housing for perpetrators of domestic abuse. They found that in addition to the respite from the daily fear and anxiety caused by the controlling presence of the perpetrator by re-housing women found the period of perpetrators living in alternative housing as providing the men with an opportunity to illustrate they could address their problems and change their behaviour. This in turn gave women the feeling of being in a stronger bargaining position than previously. The same research also illustrated the positive impact of perpetrators being housed as for some men who wanted to be part of a family, and to return to family home, they had to make the necessary changes within themselves and that space was instrumental.^{xi}

Resources

Taking action against perpetrators checklist

MATAC diagram

References

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