

# Policies Not Promises

A review of Scottish social landlord's domestic abuse policies

CIH Scotland and Scottish Women's Aid, April 2023





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# Introduction

Domestic abuse is the main cause of homelessness for women in Scotland, “a dispute within the household violent or abusive” was the reason given by 4,810 people when making a homeless application in 2020-21. In total 3,615 applications, 75 per cent of applications in this category, were made by women, with almost half of these applications (46 per cent) including children<sup>1</sup>. These statistics underestimate the scale of the issue due to inadequate collection, categorisation and disaggregation of homelessness data.

However, most social landlords still do not have a dedicated domestic abuse policy to support victim-survivors stay in their home and prevent homelessness. This is despite 73 Scottish social landlords signing up to the 2018/9 domestic abuse campaign, Make a Stand, and the Association of Local Authority Chief Housing Officers (ALACHO), CIH Scotland, the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women’s Aid publishing good practice guidance for the sector in August 2019.

For this reason, almost four years after the end of the Make a Stand campaign, CIH Scotland and Scottish Women’s Aid decided to carry out an audit to better understand how many policies had been developed, and what measures landlords are taking to prevent homelessness and prioritise the needs of victim-survivors.

With social landlords due to receive new powers later this year to end joint tenancies in domestic abuse cases, as part of the enactment of the Domestic Abuse (Protection) (Scotland) Act 2021, the time is right to evaluate how ready the social housing sector is to do more to improve the housing outcomes for women and children experiencing domestic abuse.

<sup>1</sup> Scottish Government Homelessness Statistics Equalities breakdown 2020-21

## Key findings

- ▶ In Scotland 73 social landlords signed up to the Make a Stand pledges. We were able to access and analyse 41 domestic abuse policies from these landlords. Of these 9 met the requirements of the 2019 good practice guidance.
- ▶ Where policies met good practice that there had been an investment in the development process, in collaboration with partners and specialist organisations, in engaging with survivors, and in training for senior leadership.
- ▶ The majority of policies consisted of a statement of principles, most reflecting good intentions but with little content as to how these principles would be enacted, and what rights were conferred to victim-survivors. Few referred to any additional protocols or practice guidelines for staff to provide this.
- ▶ The policies, with a few exceptions, were not adequate and did not appear to have made use of the good practice guidance. Most instead bulked out the policy with large amounts of information describing domestic abuse and had little content on what actions would be taken to prevent and respond to it.
- ▶ Almost 50 per cent of social landlords whose policies were reviewed did not use the Scottish Government definition of domestic abuse but used a definition that did not recognise domestic abuse as gender-based violence.
- ▶ There is a considerable emphasis in policies on victims reporting their experiences of domestic abuse. Reporting of domestic abuse is not included in the good practice guidance. An expectation that victims should make reports of domestic abuse to be able to access support or information reflects a lack of understanding of domestic abuse.
- ▶ In contrast to the responsibilities placed on victims, actions against perpetrators are largely not considered as part of a landlords' response to domestic abuse, with only six including actions that would be taken against tenants who were perpetrators.
- ▶ While policies state they will take a non-judgemental approach, some policies stigmatise or place unfair conditions on the victim. For example, including the policy as part of the anti-social behaviour strategy, or treating complaints as anti-social behaviour if the victim fails to engage in a process.
- ▶ Many of the signatories to 'Make a Stand' that did not have a policy in place noted that COVID-19 delayed their intentions of developing a policy and others reported they were waiting on new legislation on joint tenancy provisions being enacted before beginning the process of developing a policy.



# Make a Stand Campaign

In 2018 the Make a Stand pledge was developed by CIH in partnership with Women's Aid and the Domestic Abuse Housing Alliance (DAHA) across the UK. It was created to encourage social landlords to make a commitment to support those experiencing domestic abuse.

This pledge gave housing organisations the opportunity to sign up to make four focused commitments to provide support for people experiencing domestic abuse. It was a way for them to publicly commit to act to support victims of domestic abuse. Once they had done so the onus was on them to ensure they completed the commitments by September 2019. The four commitments were:

**The pledge**

By signing up to the **Make a Stand** pledge you are committing to make sure your organisation does the following:

- 1** Put in place and embed a policy to support residents who are affected by domestic abuse
- 2** Make information about national and local domestic abuse support services available on your website and in other appropriate places so that they are easily accessible for residents and staff
- 3** Put in place a HR policy, or amend an existing policy, to support members of staff who may be experiencing domestic abuse
- 4** Appoint a champion at a senior level in your organisation to own the activity you are doing to support people experiencing domestic abuse

# Domestic Abuse good practice guidance

The Domestic Abuse: Good Practice Guidance for Social Landlords was published in August 2019<sup>2</sup>. The guidance is a joint publication from ALACHO, CIH Scotland, SFHA, Shelter Scotland and Scottish Women's Aid. It was supported by the Convention of Scottish Local Authorities (COSLA).

The guidance arose from our joint work across the housing sector in response to the Make a Stand campaign. Social landlords had identified the need for support to be able to develop and implement a domestic abuse policy, and to make sure that they could provide a consistently good response to those affected by domestic abuse. At the time few social landlords had formal policies on domestic abuse to help them respond effectively to tenants who experience or perpetrate domestic abuse; or, indeed, their own employees. The guidance was intended to support social landlords to develop an informed response that:

- ▶ Prevents women's and children's homelessness
- ▶ Supports victims of domestic abuse effectively
- ▶ Holds perpetrators to account

The guidance was developed for social housing professionals who are responsible for policy in housing and homeless services and in providing housing management and housing support services. It was made available to all social landlords across Scotland.

## Methodology

By signing up to the Make a Stand campaign, 73 social landlords made a commitment to "put in place and embed a policy to support residents who are affected by domestic abuse".

This review consisted of a desk top search of the relevant social landlords' websites to obtain domestic abuse policies. Where these weren't publicly available, we followed up with email requests for copies of policies. In total we were able to access 41 policies.

The review considered to what extent these met the main provisions set out in the guidance. The specific aspects of the guidance considered in the policy review were whether they included:

- 1 The Scottish Government definition of domestic abuse, recognising domestic abuse as a form of gender-based violence
- 2 Actions to prevent victim-survivors becoming homeless
- 3 An effective response to perpetrators of domestic abuse
- 4 A sensitive service response to the needs of victim-survivors
- 5 A collaborative response, the policy was developed and is implemented with relevant organisations and partners
- 6 A homelessness response that reduces the impact of homelessness on victim-survivors (local authorities only)

<sup>2</sup> <https://womensaid.scot/wp-content/uploads/2019/08/Domestic-abuse-guidance-for-social-landlords-FINAL.pdf>



## Limitations of the analysis

This analysis has obvious limitations. Policies in themselves don't determine how effectively a social landlord responds to tenants and applicants experiencing domestic abuse. How policies are implemented is dependent on the organisational priority given to the issue and the amount of resources in terms of time, leadership, training and evaluation that is invested. The good practice guidance sets out three actions social landlords need to take to implement a domestic abuse policy effectively:

- ▶ An action plan to implement the policy, using the direct experience of women who have experienced domestic abuse
- ▶ A methodology for evaluating the extent to which this work is improving their response to domestic abuse
- ▶ The support of specialist providers, such as Women's Aid for advice and support with this process

## FINDINGS – the numbers

There are **173** social landlords (RSLs and local authorities) in Scotland



**73** (42 per cent) of social landlords signed the Make a Stand pledge

**41** social landlords made domestic abuse policies available for review



**7** were from local authorities, **34** from RSLs

**9** met the specifications set out in the good practice guidance





# Findings policy analysis

## 1 Defining and responding to domestic abuse as gender-based violence

**GOOD PRACTICE GUIDE** – a domestic abuse policy should use the Scottish Government definition of domestic abuse as a form of gender-based violence.

The guidance follows an equalities and human rights approach, consistent with Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls. Equally Safe recognises that "violent and abusive behaviour [is] carried out predominantly by men and directed at women and girls precisely because of their gender" and that "such violence cannot be understood... in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence<sup>3</sup>."

The guidance states that it applies to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+). It includes a section on what gender has to do with the housing response to domestic abuse and provides links to relevant information on gender and violence against women, and why a gendered analysis is necessary to address the attitudes and structures that underpin violence and abuse.

The Scottish Government definition of domestic abuse is: "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)<sup>4</sup>"

### Scottish Government definition of domestic abuse

No of policies using the definition	21
No of policies not using the definition	19
<b>Total</b>	<b>41</b>

<sup>3</sup> <https://www.gov.scot/policies/violence-against-women-and-girls/equally-safe-strategy/>

<sup>4</sup> National Strategy to Address Domestic Abuse in Scotland, Scottish Partnership on Domestic Abuse, Edinburgh, November 2000.



Just under 50 per cent of social landlords did not use the Scottish Government definition of domestic abuse as gender-based violence. With one social landlord going as far as removing the words “as gender-based abuse” from the Scottish Government definition. Several also failed to define domestic abuse as a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, by a partner or ex-partner. Instead identifying domestic abuse as “existing in all types of relationships”, or “actual abuse carried out by a member of a household against another member of the same household”.

Social landlords appear not to understand their responsibilities in relation to the public sector equality duty of the Equality Act 2010, which requires public bodies to address discrimination and promote equality for all protected groups. The Scottish Government’s Scottish Social Housing Charter also requires that social landlords perform all aspects of their housing services so that every tenant and other service user has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services. The Scottish Housing Regulator has also noted the need for a different response to support victim-survivors of domestic abuse<sup>5</sup>.

Adopting a gender-blind approach means the existing inequalities experienced by women are repeated and reinforced. It means that policies and services will not be designed and delivered to meet the rights and needs of survivors of domestic abuse.

<sup>5</sup> <https://www.housingregulator.gov.scot/about-us/what-we-do/how-we-work/equalities-statement-2023-2026>

## 2 Preventing victim-survivors homelessness

**GOOD PRACTICE GUIDE** – develop a proactive approach to preventing and responding to domestic abuse, and protecting the rights of women and children to remain in their home.

Specific actions outlined in the guidance to support this approach include

- ▶ Supporting victim-survivors to transfer tenancies into their names
- ▶ Making effective use of management transfers so women can make planned moves and avoid homelessness
- ▶ Providing security measures to the home
- ▶ Supporting victim-survivors to access specialist support
- ▶ Supporting victim-survivors to access legal advice and representation

Our analysis examined the policies in relation to their content on the above measures. We found that most lacked details of actions that they would take to prevent victim-survivors homelessness. While several included statements that they would support victim-survivors to remain in their home if they wanted to do so, these statements were often qualified by “will endeavour”, “will consider”, “where possible” and lacked any actions to say how this would be assessed or carried out. This is important for both victim-survivors to know what they can expect if they approach their landlord, and for the housing staff implementing the policy. As the guidance states,

***“Your approach needs to be consistent and systematic in order to safeguard victims, respond to perpetrators and minimise service-generated risks. You can achieve this through clear protocols and policies, decision-making and support systems for staff, and staff training.”***

Only 14 policies included actions aimed at preventing victim-survivors homelessness. The action most likely to be included was the provision of additional security measures to the home, although this was at times qualified by dependency on how the cost of installation and responsibility for maintenance would be covered.

While consideration of management transfers was included in a few policies, these were qualified by statements on the availability of housing owned by the social landlord. There was very limited reference to partnership working across social landlords to arrange management transfers. One housing association did reference the EdIndex Common Housing Register, Domestic Abuse Management Transfer Protocol which facilitates a management transfer through another landlord.

This was an area in which policies were repeatedly weak and failed to meet good practice guidance.



### 3 An effective response to perpetrators of domestic abuse

**GOOD PRACTICE GUIDE** – Ensure an effective response to a perpetrator which does not leave the victim(s) vulnerable to further abuse and/or a perpetrator homeless.

Specific actions outlined in the guidance to support this approach include:

- ▶ Ensuring that the tenancy agreement states that domestic abuse will be treated as a breach of tenancy that could lead to eviction
- ▶ Including information in tenancy handbooks, newsletters, websites on the action you will take against perpetrators
- ▶ Taking a victim-centred approach to support any legal or other action necessary to transfer a tenancy to the victim and rehouse a perpetrator
- ▶ Ensuring that your response to a perpetrator does not place a victim at increased risk, or blame the victim for a perpetrator’s behaviour
- ▶ Ensuring that staff are appropriately trained and have good working relationships with specialist domestic abuse services and an appropriate level of training
- ▶ Supporting police action when appropriate

Perpetrators of domestic abuse are almost completely invisible in domestic abuse housing policies. Only six policies included actions that would be taken against perpetrators. While just over half (22), contained no information on actions that would be taken against tenants who are perpetrators. This contrasts with the responsibilities placed on victim-survivors to report their experiences of domestic abuse and in some policies to engage in the requirements placed on them by their landlord.

Several policies state they will take action to remove a perpetrator from the home, but only once all the other members of the household had already left. This fails to prevent victim-survivors homelessness and adds to their risk of harm by making an ex-partner homeless. This contradicts the guidance which states,

*“To keep victims safe, you need to ensure that perpetrators are adequately housed. This does not mean rewarding the perpetrator for the abuse, but recognising that an ineffective sanction increases the risk to the victim, and is, in itself, a service-generated risk which she is left to have to deal with if it results in an angry perpetrator looking for vengeance.”*

Ignoring perpetrators is a barrier to an effective response to domestic abuse. This is the area in which the majority of policies were weakest.

## 4 Providing an appropriate service response

**GOOD PRACTICE GUIDE** – Provide a sensitive service to ensure the privacy and confidentiality of victims and reduce the risk of further harm.

Specific actions included in the guidance include:

- ▶ Developing customer service systems that do not require women to disclose or discuss the reason for their visit in public areas
- ▶ Promoting private interview rooms
- ▶ Offering the option of seeing a female or male member of staff
- ▶ Developing secure information-sharing and confidentiality protocols

If followed, these measures, alongside others, demonstrate that social landlords recognise the importance of confidentiality to women (victims-survivors) and potential risks to their safety. They also avoid service-generated risks within organisations or in dealings with external partners.

However, the analysis of social landlords' domestic abuse policies suggests that around a third (13 out of 41) have the appropriate policies in place to provide a sensitive service. Many landlords refer to one or two of the approaches noted above, as well as directing victims to specialist support services. But only a minority of landlords include all of them in their domestic abuse policy.

Concerningly three policies outlined negative consequences for tenants who they don't consider are not adequately "engaging" in the process. In one instance, where the behaviour is perceived as having an impact on neighbours, a landlord suggests addressing the behaviour of a victim under their Anti-Social Behaviour Policy as a possible course of action. An approach that fundamentally undermines the principles of sensitivity and reducing harm.

Equally the review identified one policy where there was a requirement for a police reference number to be available for repair costs to be waived. While this was not repeated across the review such an approach does not consider that victims do not want to, or feel safe to report domestic abuse to the police, in turn making them responsible for the costs of the perpetrators' behaviour.

More positively almost half of policies reviewed (17) do contain some measures which deal sensitively with victim-survivors and many landlords do recognise that victims are not responsible for the action of perpetrators and do not charge them for repairs to the property. A few landlords stated they would provide additional security measures at no cost or allow police to install security measures. But overall the policies reviewed do not take a comprehensive approach to the needs and sensitivities of victim-survivors.



## 5 Developing a collaborative response

**GOOD PRACTICE GUIDE** – Preventing and addressing domestic abuse requires a coordinated community response. While housing plays a critical role there has to be close collaboration with partners, from the outset.

Social landlords need to work with other agencies to respond effectively to domestic abuse. This is because no single agency or professional has a complete picture of what is required, although many have insights to improve women's and children's safety.

However, in only a third of policies was it evident that social landlords had worked in partnership to develop the policy. Most of these policies made reference to working with local Women's Aid groups but there is little specificity as to how the relationship worked to improve outcomes for women experiencing domestic abuse. More disappointingly there were only a few references to working with local partners to develop the policy. A lack of detail as to how a partnership relationship would work and why it was important as part of an approach to support victim-survivors was common across most policies.

While only a minority of landlords did prescribe a process where they worked with partners, a notable exception to this was the approach taken by Dundee City Council. Their policy provides an excellent example of how to develop public policy with stakeholders and survivors and won the Colin Mair award for Policy Development at the Scottish Public Service Awards in 2021 for this work. The local authority established a working group with the local violence against women partnership to develop an initial policy before then consulting with a wider group of stakeholders including housing and health and care stakeholders. This process took place via phone calls, online surveys and focus groups and took seven months between March 2020 and October 2020<sup>6</sup>.

<sup>6</sup> <https://www.dundee.gov.uk/reports/reports/276-2020.pdf>

## 6 Homelessness response – local authorities (7)

**GOOD PRACTICE GUIDE** – Provide a clear homeless pathway for women (and staff) to show how the system works and women's rights and restrictions within that process.

Specific actions include:

- ▶ Providing a range of housing options to meet the individual needs of women and children, victims-survivors of domestic abuse.
- ▶ Ensuring that a homeless assessment process is sensitive to the needs of women who have experienced domestic abuse, and does not require women to repeat their experience.
- ▶ Providing safe, secure temporary homeless accommodation and access to refuges for women and children.

When faced with a tenant experiencing domestic abuse previous research has shown the approach of a social landlord can be to direct victims-survivors to the local authority homelessness service. This is not only simplistic but does not always provide a good service or support for tenants.

As such the review sought to consider what policies were in place at local authority homelessness services to focus on the victim(s) of abuse and to keep them as safe as possible. However, of the 32 local authorities in Scotland we were only able to review and evaluate the policies of seven. This includes some stock transfer authorities where the council does not manage any social housing stock.

Among those policies we could review, four out of the seven, did have comprehensive and effective responses to homelessness with an assessment process sensitive to the needs of women who have experienced domestic abuse. This approach does not require women to repeat their experience to different members of staff or supply information not relevant to their application. However, the small sample size of the analysis makes drawing any conclusions about practice across the country difficult.



## Conclusions

There are 173 social landlords across Scotland, of which 73 signed up to the Make a Stand campaign in 2018/19. From those landlords who are signatories we were able to review 41 domestic abuse policies and of these only nine met the standards set out in the 2019 good practice guidance.

As noted above, the development of a policy does not necessarily equate with a sensitive service or good outcomes for women and children experiencing domestic abuse. However, without a consistent approach to recognise and support victims of domestic abuse and a policy that recognises the shared roles and responsibilities of the landlord and partner agencies, good practice and good outcomes are near impossible.

Considerable work has been undertaken to support social landlords to follow through on the commitments they made by signing up to the Make a Stand campaign. Specifically, CIH Scotland and Scottish Women's Aid have:

- ▶ Published the good practice guidance on domestic abuse in 2019
- ▶ Offered access to specialist domestic abuse training for social landlords
- ▶ Provided individual advice and support to social landlords to develop a policy
- ▶ Made regular workshops, round-table events and conference sessions on domestic abuse available
- ▶ Developed supplementary guidance in response to the COVID-19 pandemic in 2020
- ▶ Engaged with social landlords as part of the development of the Improving Housing Outcomes report in 2020<sup>7</sup>

Additionally, the Scottish Government passed legislation in 2021<sup>8</sup> giving landlords new powers to support victims of domestic abuse, and created a monitoring and implementation group involving sector leaders to develop a shared awareness and understanding of the recommendations in the Improving Housing Outcomes Report. This legislation is due to be enacted by the end of 2023.

However, despite these measures and others, there are only a few examples of good practice to date and in the main social landlords have failed to fulfil the commitments they made in 2018/19.

<sup>7</sup> <https://womensaid.scot/wp-content/uploads/2020/12/Improving-Housing-Outcomes-for-Women-and-Children-Experiencing-Domestic-Abuse-Report.pdf>

<sup>8</sup> The Domestic Abuse (Protection) (Scotland) Act 2021 was passed by the Scottish Parliament in March 2021 but has yet to be enacted



The 2020 report, from the Scottish Government working group, Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse in Scotland<sup>10</sup>, highlighted its concerns that relying on landlords to voluntarily improve their practice was inadequate and our analysis confirms this view. The working group report recommends that statutory measures are required to drive change in the housing system. Specific recommendations in relation to a domestic abuse policy include:

- ▶ Require social landlords to develop and implement domestic abuse housing policies based on the good practice guidance for social landlords
- ▶ Place the good practice guidance for social landlords on a statutory footing to ensure that social landlords prioritise domestic abuse within an equality and human rights-based framework
- ▶ The Scottish Housing Regulator should issue guidance to social landlords which sets out requirements to demonstrate how they have improved housing outcomes for each of the protected characteristics under the Equality Act 2010 in their Annual Assurance Statement
- ▶ A national training resource on domestic abuse and housing should be developed
- ▶ The Scottish Government should develop statutory guidance for social landlords to implement the Domestic Abuse (Protection) (Scotland) Act 2021
- ▶ The Scottish Government should revise the model agreement for Scottish Secure Tenancies to reflect the provisions in the 2021 Act

The above recommendations have been agreed by the Scottish Government. What is needed now is leadership at a national and local level to implement these recommendations and drive improvements in social landlords response to domestic abuse.

<sup>9</sup> Ibid



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