

# Domestic and Family Violence

## Policy

Date effective: 5 February 2018

### 1. Purpose

To guide Department of Housing and Community Development ('the department') staff to deliver services that are respectful and responsive to the sensitivities and complexities involved with supporting clients and their children who have been or are currently affected by domestic and family violence and to support them to rebuild their lives.

### 2. Scope

This policy applies to all department staff that interact with clients, including any agent or contractor engaged to deliver services on behalf of the department. Clients include applicants for housing assistance and residents of public housing.

### 3. Policy

The department recognises that domestic and family violence is a crime that affects a significant proportion of Australian women with Aboriginal women representing a highly vulnerable group. It is widely acknowledged that homelessness as a result of domestic and family violence is one of many negative and long-lasting consequences for victims and other people who are exposed to it. As a provider of housing assistance, the department acknowledges its role in supporting victims of domestic and family violence with priority access to appropriate and safe housing.

The department's approach to supporting victims of domestic and family violence is guided by the Northern Territory Government's Domestic, Family and Sexual Violence Reduction Framework 2018-2028, the National Plan to Reduce Violence Against Women and their Children 2010-2022 and the Policy Framework for Northern Territory's Women 2015-2020.

Some department policies contain specific clauses which directly address circumstances of victims of domestic and family violence, including in the areas of eligibility, priority assistance and transfers, tenant damage, responding to incidents of antisocial behaviour and the provision of properties with additional security features.

#### 3.1. Definitions

Domestic and family violence refers to acts of violence between people who have (or once had) an intimate relationship or who are family members. The *Domestic and Family Violence Act* (section 5) defines domestic violence as any of the following conduct committed by a person against someone with whom the person is in a domestic relationship:

- conduct causing harm;
- sexual assault;
- physical assault;
- property damage, including the injury or death of an animal;
- intimidation;

- stalking;
- economic abuse; or
- attempting or threatening to commit any of the above.

The terms 'domestic relationship,' 'family' and 'intimate personal relationship' are construed broadly for the purposes of identifying domestic and family violence and include:

- family relationships, including relatives according to Aboriginal tradition or contemporary social practice;
- people who are, or have been, spouses or defacto partners, including same sex partners;
- carers and people being cared for;
- people living together;
- family members of a person the victim ordinarily or regularly lives, or has lived, with (for example, the mother of a person's flatmate, even though the mother does not live with the person);
- guardians and the people subject to guardianship orders; or
- people who are dating regardless of whether or not the relationship involves a sexual relationship.

### 3.2. Guiding principles

The department is guided by the principles in the Northern Territory Government's Domestic, Family and Sexual Violence Reduction Framework 2018-2028:

- Women and children's safety and wellbeing is at the centre.
- Shared responsibility, partnerships and local responses.
- Evidence and needs-based and outcomes-focused.
- Accessibility, equity and responsiveness.
- Focus on long term social and cultural change.
- Challenging systemic racism and inequality.
- Shared awareness and understanding of domestic, family and sexual violence.

### 3.3. Training

The department will provide training to relevant staff to understand their responsibilities relating to clients who have been or are currently affected by domestic and family violence.

Department protocols will support respectful and sensitive service delivery that recognises the need to balance information sharing obligations with confidentiality and privacy of all clients and the increased risk of violence for victims of domestic and family violence.

### 3.4. Identification, referral and reporting

The *Domestic and Family Violence Act* (section 124A) requires all adults to report to police if they reasonably believe that:

- serious physical harm related to domestic and family violence has occurred, or is likely to occur; or

- the life or safety of another person is under serious or imminent threat because domestic violence has been, or is about to be committed.

This includes to all members of a household, including children and the elderly. Failure to report as soon as reasonably practicable is an offence unless:

- the person believed someone else had already reported the same concerns to the police;
- the person was involved in the planning or removal of the victim to safety and intended to report their belief as soon as practicable; or
- the person believed that reporting their concerns at that time would have placed the victim in further danger of serious or imminent harm.

Under section 125(1) of the *Domestic and Family Violence Act*, a person acting in good faith in making a report of domestic violence is not civilly or criminally liable or in breach of any professional code of conduct for making the report or disclosing any information in the report.

The department acknowledges its role as a potential source for early identification and intervention and will report as required under the *Domestic and Family Violence Act* (section 124A). Department staff are not expected to engage with clients as counsellors but as sources for possible referral to services.

Where department staff witness a breach of a known Domestic Violence Order, the matter should be reported to the police.

As a participating agency under the Northern Territory Family Safety Framework, the department operates to support victims and their children at high risk of death or serious injury due to domestic and family violence.

### **3.5. Safe housing**

The department will support victims of domestic and family violence to assess their personal and individual risks in order to maximise their safety and enable them to make informed and appropriate decisions about their situation.

The department is committed to supporting victims of domestic and family violence to stay in their present housing where it is safe to do so and where that is the wish of the client and will discuss what can be done to the property to make them feel safe.

Relocation to another public housing property can be considered if the client's safety is at risk at their current premises or tenancy reassignment where appropriate (refer to the Public Housing Transfers policy).

### **3.6. Requests for supporting documentation**

Supporting documentation may be requested to substantiate a client's claim for additional or priority support on the basis that they are victims of domestic and family violence.

Requests for supporting documentation will be made in a sensitive and non-judgemental manner which acknowledges the trauma and effects of domestic violence and understands

that these effects may make talking about the violence and the collection of documentation difficult for clients.

It is not mandatory that supporting documentation be provided, however, good quality documentation will assist prompt assessment of applications. Examples of the types of documentation that may assist the client in making their application include:

- Domestic Violence Order
- A PROMIS number from the Northern Territory Police relating to a domestic and family violence incident
- Letter or other documentation from a medical professional or hospital
- Letter of support from a social worker
- Letter of support from a legal service

Letters of support should contain the following information:

- The client's name and address
- The relationship of the person writing the letter of support to the client
- A brief history of the violence experienced by the client
- An explanation of how the violence relates to the client's housing needs
- An examination of other housing options available to the client and why these options are not suitable

The department acknowledges that some clients may have greater difficulty providing supporting documentation due to cultural reasons, lack of knowledge about support services or lack of available and appropriate support services. Discretion in the acceptance of supporting documentation can be applied under the Discretionary Decision Making policy.

The department will respond to situations as domestic and family violence if:

- a client reports to department staff that there is a situation of domestic and family violence, regardless of whether or not supporting documentation is provided; or
- department staff have a reasonable belief that there is a situation of domestic and family violence, regardless of whether or not this has been reported by the client.

The department recognises the need for confidentiality and privacy of all clients and recognises the increased risk of violence for clients escaping domestic and family violence.

### 3.7. Children

In the Northern Territory, every person is required to report suspected child abuse and neglect. The *Care and Protection of Children Act* (section 15) includes exposure of a child to physical violence (for example, a child witnessing violence against their mother, father, or other family members) in the definition of harm to a child. Violence against children is a form of child abuse and is principally addressed as part of the child protection system.

The Care and Protection of Children policy outlines department staff responsibilities to promote the wellbeing of children and protect them from harm and exploitation.

#### **4. Discretionary decision making**

The department recognises that responding effectively to victims of domestic and family violence may require flexibility in the application of policy and procedures. The Discretionary Decision Making policy supports application of policy that is responsive to individual circumstances.

#### **5. Complaints and/or appeals**

If a client is not satisfied with either a decision or action of the department, they can access the department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

#### **6. Review of the policy**

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly. This policy will be reviewed within two years of release.

#### **7. References**

##### **Legislation**

*Care and Protection of Children Act*

*Domestic and Family Violence Act*

*Housing Act*

*Information Act*

*Residential Tenancies Act*

##### **Policies**

Allocation and Commencement of a Tenancy policy

Appeals policy

Bond Assistance policy

Care and Protection of Children policy

Complaints policy

Debt Management policy

Discretionary Decision Making policy

Identification and Documentation policy

Information Privacy policy

Priority Housing policy

Public Housing Transfers policy

Tenant Damage policy

Red Card policy

#### Key related documents

Domestic, Family and Sexual Violence Reduction Framework 2018-2028

National Plan to Reduce Violence Against Women and their Children 2010-2022

Policy Framework for Northern Territory's Women 2015-2020

### 8. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
5/02/2018	1.03	Director Policy	3, 3.2, 7	Editorial amendments
10/07/2017	1.02	Director Policy	3	Editorial amendments
14/12/2016	1.01	Director Policy	all	Editorial amendments
4/08/2016	1.00	Chief Executive Officer	all	New