

Domestic and Family Violence (Housing)

Policy

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1. Purpose

1. To guide the Chief Executive Officer Housing (CEO Housing) to deliver housing services that:
 - comply with the *Domestic and Family Violence Act 2007*; and
 - are respectful and responsive to the risks of Domestic and Family Violence (DFV) and the impact on clients including but not limited to tenants, occupiers, visitors, neighbours, contractors, non-government service providers, and staff.
2. Guide the Chief Executive Officer, Territory Families, Housing and Communities (the Department) to:
 - fulfill its obligations as an Information Sharing Entity (ISE) under the Domestic and Family Violence Risk Assessment and Management Frameworks as per section 124R of the *Domestic and Family Violence Act 2007*.

2. Scope

This policy applies to all staff who interact with clients, including any organisation or recognised information sharing entities (ISEs) who are contracted or engaged to deliver social housing services on behalf of the CEO Housing or the department.

3. Policy detail

CEO Housing recognises that domestic and family violence (DFV) is a crime which affects a significant number of people, with women and children disproportionately affected, particularly Aboriginal women. It is widely acknowledged that household stresses and homelessness is some of many negative and long-lasting consequences for people who experience DFV. CEO Housing acknowledges its role in supporting people who experience DFV, providing priority access to appropriate and safe housing as well as referral to support services.

The CEO Housing's approach to supporting people who experience DFV is guided by the Department of Territory Families, Housing and Communities (the Department's) Aboriginal Cultural Security Framework; Northern Territory Government's Domestic, Family and Sexual Violence Reduction Framework 2018-2028; the National Plan to Reduce Violence Against Women and their Children 2022-2032; the Department's Statement of Commitment to Gender Equity, Safe and Together Model, and the Northern Territory Domestic and Family Violence Risk Assessment and Management Framework (RAMF).

Policies which directly address DFV, including in the areas of eligibility for housing, priority assistance and transfers, tenant damage, responding to incidents of antisocial behaviour and the provision of premises with additional security features are included in the broader suite of operational housing policies.

3.1. Definitions

DFV refers to acts of violence committed against individuals by a person that they have an intimate or familial relationship with. The *Domestic and Family Violence Act 2007* (section 5) defines domestic violence as any

conduct committed by a person against someone with whom the person is in a domestic relationship, including:

- conduct causing harm (for example sexual or other 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.

Under the RAMF, domestic violence may also include:

- cultural or spiritual violence; or
- psychological/emotional violence.

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

- family relationships, including relatives according to Aboriginal tradition or contemporary social practice;
- people who are, or have been, spouses or de facto partners;
- carers and people being cared for;
- people living together;
- family members of someone the person 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 following principles in the Northern Territory Government's Domestic, Family and Sexual Violence Reduction Framework 2018-2028 and the RAMF:

- 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; and
- shared awareness and common understanding of DFV, to guide risk assessment and response practice.

3.3. DFV screening, assessment and risk management

The *Domestic and Family Violence Act 2007* (section 124A) requires all adults to report to police if they reasonably believe that:

- another person has caused, or is likely to cause, harm to someone else with whom the other person is in a domestic relationship; or
- the life or safety of another person is under serious or imminent threat because domestic violence has been, is being or is about to be committed.

Reasonable belief extends to 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 2007*, 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 2007* (section 124A). While staff are not expected to engage with clients in the same manner of other trained DFV experts (for example counsellors), the CEO Housing acknowledges its responsibility and role as part of an integrated system to identify, screen, provide support referrals and respond to DFV issues. See tables 1.1 and 1.2 for specific functions within the RAMF for the Department for Universal employees and Statutory employees.

As a participating agency under the Northern Territory Family Safety Framework, the Department works to support people at high risk of death or serious injury due to DFV. The Family Safety Framework (FSF) is an integrated, multi-agency approach to supporting people who fear or experience domestic and family violence and children at high risk of death or serious injury due to domestic violence. Housing provides representatives to each FSF meeting to provide support and accommodation options for clients to seek alternate housing or stay safely within their existing social accommodation. Other areas such as Child Protection also provide representatives to the FSF, to provide Child Protection advice, support and action as required.

3.4. Information sharing

In 2018 the *Domestic and Family Violence Act 2007* was amended to provide a new DFV Information Sharing Scheme. The amendments allow for information about people experiencing or committing DFV to be shared without consent in certain circumstances. For further information, please refer to the FAQ, The DFV Information Sharing Scheme.

The Information Sharing Scheme does not replace mandatory reporting, or information sharing under Information Privacy Principles or the *Care and Protection of Children Act 2007*.

Under the *Domestic and Family Violence Act 2007* (Chapter 5A) the Department is categorised an information sharing entity (ISE) and may share or receive requests for information with other information sharing entities about people experiencing or committing DFV to assess, and protect people from, serious threats of DFV. The CEO of the Department may delegate specific information sharing roles to specific staff with the relevant knowledge and capability in ISE roles and responsibilities.

In the delivery of housing services, the Department is guided by the information sharing principles under section 124C of the *Domestic and Family Violence Act 2007*:

- an information sharing entity should obtain the consent of a person who fears or experiences domestic violence before sharing information about the person unless it is not safe, possible or practical to do so;
- the safety, protection and wellbeing of a person who fears or experiences domestic violence is paramount;
- in disclosing information about a person, an information sharing entity should consider whether disclosing the information is likely to adversely affect the safety of the person or another person;
- an information sharing entity should only collect, use or disclose information to the extent that it is necessary to assess and manage risk to a person's safety because of domestic violence;
- an information sharing entity that collects, uses or discloses the information of an Aboriginal person should do so in a manner that:
 - promotes cultural safety;
 - is culturally sensitive; and
 - considers the person's familial and community connections.
- an information sharing entity should have regard to a person's:
 - cultural, sexual and gender identity; and
 - religious faith (if any).

As an ISE, the Department must ensure that all housing related policies, procedures and practices relevant to the sharing of information align with the approved frameworks for family violence risk assessment and family violence risk management under section 124R of the *Domestic and Family Violence Act 2007* and comply with the Information Sharing Administrative Guidelines developed, under section 124P of the *Domestic and Family Violence Act 2007*.

Delegated Housing staff will seek consent to share information about a client who experiences DFV where it is safe, possible and practical to do so in line with limits outlined in section 124G of the *Domestic and Family Violence Act 2007*.

All information exchanged between the Department and other information sharing entities will be in writing. Where a request for information is refused by the Department, reasons for the refusal will be provided in writing to the requesting information sharing entity.

In some circumstances, for client safety, an exchange of information may be required urgently, and a verbal exchange may be more appropriate. In any circumstances where information is exchanged as part of ISE protocols, the exchange will be recorded in writing as soon as practicable.

All requests to and from ISEs will be securely recorded within the client's file in content manager (TRM). References to a request may be referenced in TMS via a TRM reference, however no confidential or sensitive information should be recorded in TMS.

The Department will maintain accurate and secure records of all information requested by or shared with another information sharing entity under the Information Sharing Scheme. Where the Department's request for information is refused by an information sharing entity, valid reasons for the refusal will be recorded and specify the grounds for refusal. The CEO Housing also recognises the need for confidentiality and privacy of all clients and the increased risk of violence for clients escaping DFV.

3.5. Social Housing Clients Experiencing DFV

The CEO Housing is committed to supporting clients who fear or experience DFV, including to stay in their current social housing property if it is safe to do so and they wish to remain, or to support them to relocate. Relevant staff will discuss with the client what can be done to the premises to make them feel safe, including maintenance and security upgrades.

Where a client has made an application to CEO Housing for relocation on the grounds of DFV, relocation to alternative social housing premises may be considered where the client's safety is at risk in the current premises or tenancy reassignment where appropriate (refer to the Public Housing Transfers policy). Alternative options to support DFV survivors include approving an application for extended absence or temporarily assigning a caretaker to their public property. (See the Extended Absences and Caretaker Policy).

Where a social housing tenant has reported damage that has been caused by a perpetrator the CEO Housing will repair the damages to the property. All repairs and maintenance requests will be undertaken in line with the Property Management policy timelines (see the Property Management Policy). Under the *Residential Tenancies Act 1997* Section 12(4) CEO Housing as the landlord, may attempt to recover from the perpetrator, the costs of DFV related maintenance caused by the perpetrator (refer to the *Tenant Damage Policy*) for further details.

Approved applicants for priority housing due to DFV will be allocated a social housing property based on their needs, the details of a Domestic Violence Order made under the *Domestic Violence Act 2007*, consideration of the proximity of known alleged perpetrator, bedroom entitlement and if any modifications required are already in place.

3.6. Requests for supporting documentation

Supporting documentation **may** be requested to confirm or verify a client's request for additional or priority support on the basis of experiencing DFV.

Requests for supporting documentation will be made in a sensitive and non-judgemental manner which acknowledges the trauma and effects of DFV and understands that these may make talking about the DFV

and the collection of documentation difficult for clients. As an ISE, the Department has the ability to seek information on behalf of a client who has experienced DFV, with their consent.

It is **not mandatory** that supporting documentation be provided. Examples of the types of documentation that may assist the Department in determining the client's housing needs and priority status include:

- Domestic Violence Order granted under Section 4 or *Section 23 of the Domestic and Family Violence Act 2007*;
- an injunction under section 68B(1)(a) or (b) or 114(1)(a) of the *Family Law Act 1975 (Cth)*;
- a letter or other documentation from a health practitioner who practices in the medical or psychology professions under the Health Practitioner Regulation National Law;
- a PROMIS number from the Northern Territory Police relating to a DFV incident;
- letter or other documentation from a medical professional or hospital;
- letter of support from a specialist DFV service;
- letter of support from an Australian legal practitioner; or
- letter of support from a Departmental child protection practitioner qualified to undertake an Investigation and Safety Assessment or other documentation from a child protection case manager.

The CEO Housing acknowledges that clients who fear or experience DFV may have difficulty providing supporting documentation due to cultural reasons, lack of knowledge about support services or lack of available and appropriate support services.

Housing staff will respond to situations as DFV if:

- a client reports to Department staff that there is a situation of DFV, regardless of whether supporting documentation is provided; or
- Housing staff have a reasonable belief that there is a situation of DFV, regardless of whether this has been reported by the client.

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 2007* (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 a child protection concern.

3.8. Mandatory Training

The Northern Territory Domestic and Family Violence Risk Assessment and Management Framework (RAMF) was published in 2020.

Under Chapter 5A of the *Domestic and Family Violence Act 2007*, there is a requirement for all ISEs to use and comply with the RAMF. Given this legislative requirement, the Department is required to implement the RAMF including training to all relevant personnel.

As a baseline, all universal TFHC staff are required to undertake RAMF training to ensure they have capability and appropriate knowledge of expected practices under the RAMF. Depending on their individual roles within the Department, other training may be available that can provide advanced or specific training around DFV and case management. Please refer to the [NTG eLearning](#) site for all DFV related courses that may be available.

TFHC statutory staff are also required to participate in RAMF training, however RAMF training will not replace existing mandatory training requirements as part of their role.

Table 1.1 - TFHC staff responsibilities: Staff working in universal services

Includes workers in the following roles	TFHC divisions	Responsibilities under the RAMF
<p>Services who may encounter victim survivors or people who commit DFV as part of their work providing health, education and social services, but for whom DFV is not their core business. This includes services working in the areas of:</p> <ul style="list-style-type: none"> • Alcohol and Other Drugs • Mental Health, Family Support • Housing and Homelessness • Financial Support • Youth Support 	<ul style="list-style-type: none"> • Regional Services Housing Staff 	<ul style="list-style-type: none"> • Screening for DFV • Initial response

Table 1.2 - TFHC staff responsibilities: Staff working in statutory services

Includes workers in the following roles	Staff	Responsibilities under the RAMF
<p>Government agencies, services and individuals whose responsibilities include providing statutory or legal responses to victim survivors and/or people who commit DFV as part of their work, such as:</p> <ul style="list-style-type: none"> • Public Housing Safety Officers 	<p><i>Regional Services Housing Operations - Urban</i></p> <ul style="list-style-type: none"> • Public Housing Safety Officers 	<ul style="list-style-type: none"> • Screening for DFV • Initial response • DFV risk assessments • DFV risk management

Further information about the roles and responsibilities of Housing Staff, both universal and statutory, can be found in the Domestic and Family Violence Guidelines and supporting documentation.

RAMF training is available to Housing staff across the Northern Territory. All staff that have responsibilities under the *Domestic and Family Violence Act 2007* must attend RAMF training.

4. Decision-making (delegation and discretion)

The Department recognises that responding effectively to DFV 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 of clients who experience DFV.

CEO Housing may delegate a power or function under the *Housing Act 1982* or other Act. Delegated officers may make decisions on behalf of the CEO Housing in line with the Department's Housing Delegations and Financial Management Delegations.

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 every 24 months.

7. References

7.1. Legislation

Care and Protection of Children Act 2007

Domestic and Family Violence Act 2007

Housing Act 1982

Family Law Act 1985

Information Act 2002

Residential Tenancies Act 1999

7.2. Policies

Access and Equity policy

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

Extended Absences from Public Housing policy

Identification and Documentation policy

Information Privacy policy

Priority Housing policy
Property Management policy
Public Housing Transfers policy
Red Card policy
Tenant Damage policy

7.3. Key related documents

Domestic, Family and Sexual Violence Reduction Framework 2018-2028
Domestic and Family Violence – Guidelines
Domestic and Family Violence – Family Safety Framework Procedures
Domestic and Family Violence – Family Safety Framework Procedures – Family Safety Representative
[FAQs - The Domestic and Family Violence Information Sharing Scheme](#)
[FAQs - How to make a request for information about Domestic and Family Violence](#) National Plan to Reduce Violence Against Women and their Children 2022-2032
Northern Territory Domestic and Family Violence Information Sharing Guidelines
Northern Territory Domestic and Family Violence Risk Assessment and Management Framework
Policy Framework for Northern Territory's Women 2015-2020
TFHC Safe and Together Model
TFHC Aboriginal Cultural Security Framework
TFHC Signs of Safety Framework
TFHC Commitment to Gender Equality
Housing Delegations