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Related Documents

Related Documents

- Scottish Secure Tenancy Agreement
- Short Scottish Secure Tenancy Agreement
- Equality & Diversity Policy
- Unacceptable Actions & Behaviours Policy
- Domestic Abuse Policy
- HOME Argyll Allocations Policy
- Anti-Social Policy
- Rent Arrears Prevention Policy
- Abandonment Policy
- Tenant Participation Strategy

Translation Statement

If you have any difficulties reading this information or need further help understanding our processes, please contact us. We can make this document available in a variety of formats. All you need to do is let us know what you need, and we will try to assist.

Compliance

This policy has been drafted to ensure that it complies with current legislation and industry good practice.

Equality, Diversity, Human Rights and Accessibility

Fyne Homes is committed to providing services which embrace diversity, and which promote equality of opportunity. As an employer we are also committed to equality and diversity within our workforce. Our goal is to ensure that these commitments, reinforced by our Values, are embedded in our day-to-day working practices.

We will deliver this policy fairly and without discrimination. We will make reasonable adjustments for disabled people, provide interpretation or translation where needed, and consider barriers linked to language, culture, disability, age, immigration status, digital exclusion, geographical location or isolation.

We will act compatibly with human rights and equality duties, including the right to respect for home and family life, the right to peaceful enjoyment of possessions where relevant, protection from discrimination, and the need to protect life and prevent inhuman or degrading treatment where serious risk is present.

Openness & Confidentiality

Fyne Homes believes that its members, tenants and other interested parties should have access to information on how it conducts itself. This means that unless information requested is considered commercially sensitive or personally confidential it will be made available on request.

General Data Protection Regulations

Fyne Homes recognises that the General Data Protection Regulations are an important piece of legislation to protect the rights of individuals in respect to any personal information that we may keep about them, whether on computer or in manual systems. We will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Transparency Statements.

1 Introduction

- 1.1 Fyne Homes takes all incidents of domestic abuse involving our tenants extremely seriously. We are committed to providing safe homes and services for tenants, household members and others affected by domestic abuse. We will take a trauma-informed, person-centred and safety-led approach, recognising that domestic abuse may affect a person's housing, finances, health, children, support networks and ability to engage with us.
- 1.2 We will not tolerate domestic abuse. Where it is safe and appropriate to do so, we will support victim-survivors to remain in their home, or to move to suitable alternative accommodation if that is their preference. We will endeavour to use our tenancy management powers fairly and proportionately to protect victim-survivors and hold perpetrators to account.

2 Definition of Domestic Abuse

- 2.1 For the purposes of this policy, domestic abuse includes behaviour which is abusive and is likely to cause physical or psychological harm. Abuse may include physical violence, threats, intimidation, coercive or controlling behaviour, isolation from family or support, monitoring day-to-day activities, restricting freedom, financial abuse, emotional abuse, harassment, damage to property, abuse through children or third parties, and behaviour intended to frighten, humiliate, degrade or punish.
- 2.2 Domestic abuse may be a single incident or a course of conduct. It may occur regardless of gender, age, disability, race, religion or belief, sexual orientation, gender identity, immigration status, income or tenure. We recognise, however, that domestic abuse disproportionately affects women and children, and that children who see, hear or experience the effects of domestic abuse may be victims in their own right.

3 Our Aim

- 3.1 This policy aims to ensure that Fyne Homes responds effectively to domestic abuse, supports those affected, promotes safe and secure tenancies, and meets its legal and regulatory responsibilities.
- 3.2 This policy applies to all tenants, joint tenants, household members, applicants, service users and others who may be affected by domestic abuse in connection with our housing services. It applies to Scottish secure tenancies, short Scottish secure tenancies and wider housing management functions, including allocations, transfers, rent arrears, repairs, anti-social behaviour, complaints and safeguarding.
- 3.3 We will achieve our aims by adhering to the following principles:
 - listen to victim-survivors, without requiring them to prove abuse before we offer support.
 - put safety, choice, dignity and confidentiality at the centre of our response, in including any actions we may take.

- avoid actions that increase risk or place responsibility on the victim-survivor for the perpetrator's behaviour.
- consider the needs and wishes of children and take safeguarding action where required.
- work with specialist agencies and statutory partners where this is safe, lawful and appropriate.
- consider the use of legal and other remedies available to us in a manner that is proportionate, including tenancy action against perpetrators where the statutory tests are met.
- consider the impact of domestic abuse when dealing with arrears, property damage, complaints, anti-social behaviour and other tenancy issues.

4 Links to vision and strategic priorities

4.1 This Policy aims to fulfil the needs of our Strategic Priorities, in particular:

- Promote a Safe and well-maintained neighbourhood environment
- Actively listen to tenants, ensuring their experiences directly shape how we develop, deliver and monitor our services
- Provide Personalised advice and support to sustain tenancies
- Meet our Statutory duties to prevent homelessness
- Strengthen customer insight to drive continuous improvement

4.2 These priorities will be achieved through the consistent application of this policy and it's supporting staff procedures.

5 Legal Framework

5.1 This This policy has been prepared with regard to the relevant housing, homelessness, equality, human rights, child protection, adult support and protection, data protection and tenancy legislation, regulations and guidance, including:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2010
- Domestic Abuse (Scotland) Act 2018
- Domestic Abuse (Protection) (Scotland) Act 2021
- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024
- Children (Scotland) Act 1995
- Children and Young People (Scotland) Act 2014
- Adult Support and Protection (Scotland) Act 2007
- Equality Act 2010; Human Rights Act 1998
- UK GDPR and Data Protection Act 2018

5.2 **Domestic Abuse (Protection) (Scotland) Act 2021** – This introduces a new tenancy ground relating to abusive behaviour and amends the Housing (Scotland) Act 2001 to allow social landlords, in appropriate cases, to seek recovery of possession or termination of a joint tenant's interest in a tenancy where the statutory conditions are

met. The policy also takes account of the Scottish Government's statutory guidance, *Domestic Abuse – Social Housing Tenancy Provisions: Statutory Guidance for Social Landlords, published in June 2026*, including guidance on identifying cases, considering housing options, gathering evidence, data protection, notices, court action, advice and assistance, and the streamlined process available in appropriate cases.

- 5.3 **Housing (Scotland) Act 2025** – The Housing (Scotland) Act 2025 introduces further duties and safeguards relevant to tenants affected by domestic abuse, including provisions requiring domestic abuse to be considered in social housing rent arrears cases, supporting tenants affected by domestic abuse through the Scottish Social Housing Charter, and strengthening approaches to housing applications, homelessness and access to housing where abuse is a factor. This policy will be reviewed – and, where appropriate, updated - as those provisions are commenced and further guidance is issued.

6 Identifying Domestic Abuse

- 6.1 We may become aware of domestic abuse through a direct disclosure, reports from neighbours or family members, Police Scotland or Social Work involvement, repairs records, rent arrears, complaints, anti-social behaviour reports, homelessness or transfer applications, contact with support agencies, or staff observations during home visits or other contact.
- 6.2 Staff will be trained to recognise possible indicators of domestic abuse, including unexplained arrears, repeated damage to doors or windows, frequent emergency repairs, a tenant appearing unable to speak freely, withdrawal from services, threats from a partner or ex-partner, repeated complaints linked to the household, or a sudden request to leave or remain in the home.

7 Responding to Disclosure

- 7.1 Where someone discloses domestic abuse, staff will respond calmly, respectfully and without judgement. Staff will ask about immediate safety, agree safe methods of contact, avoid contacting the alleged perpetrator without considering risk, and explain what information may need to be shared where there is a safeguarding concern or serious risk of harm.
- 7.2 We will not require a victim-survivor to take criminal, civil or tenancy action before support is offered. Where a victim-survivor does not want action taken, we will respect that choice unless there is a legal duty or safeguarding reason to act. We will keep decisions under review where risk changes.

8 Support and Signposting

- 8.1 We will offer practical housing support and signposting based on an individual's circumstances, needs and wishes. This may include safety planning, arranging emergency repairs, changing locks where appropriate, improving home security, discussing transfer or management move options, making homelessness referrals, supporting applications for benefits or financial assistance, and signposting to specialist domestic abuse, legal, money advice, mental health, children's services and advocacy organisations.

- 8.2 We will maintain up-to-date local and national signposting information, including specialist domestic abuse services, Police Scotland, social work, child protection services, adult support and protection services, homelessness services, legal advice providers, advocacy services and emergency support. Staff will check with the victim-survivor how information can be provided safely.

9 Safeguarding Children and Adults at Risk

- 9.1 We are committed to safeguarding the welfare and wellbeing of children, young people and adults at risk. We recognise that domestic abuse is a significant safeguarding concern and that individuals may be at increased risk of harm, neglect, exploitation or coercion as a result of domestic abuse.
- 9.2 Where a member of staff becomes aware of concerns that a child or adult may be at risk of harm, they will:
- Take all concerns seriously and act promptly.
 - Record the information accurately and confidentially.
 - Discuss the concern with their manager as soon as possible.
 - Assess any immediate risks to safety and, where necessary, contact emergency services.
 - Refer concerns to the relevant local authority social work service, Police Scotland or other appropriate agency where there is a risk of significant harm or where this is required by legislation or guidance.
 - Share information proportionately and lawfully to protect individuals from harm.
 - Work collaboratively with partner agencies to support the safety and wellbeing of those affected.
- 9.3 In all cases, the safety and welfare of children and adults at risk will take precedence. Wherever possible and safe to do so, individuals will be informed about any referrals or information sharing that takes place. However, consent will not be required where there is a concern that a child or adult is at risk of significant harm, or where there is a legal or public protection duty to share information.
- 9.4 We will ensure that staff receive appropriate training and guidance to recognise safeguarding concerns, understand referral pathways and respond effectively to disclosures of domestic abuse.

10 Children's Rights

- 10.1 We are committed to respecting, protecting and helping to fulfil the rights of children and young people, and to embedding a child rights-based approach across relevant areas of policy, decision-making and service delivery. Where our decisions, actions or services may affect children directly or indirectly, we will have regard to the requirements of the United Nations Convention on the Rights of the Child. We will seek to ensure that relevant decisions are informed by consideration of children's rights, that the views of children and young people are taken into account in a way that is appropriate to their age and circumstances, and that our practice supports fair, transparent and child-conscious decision-making.

11 Housing Options and Tenancy Remedies

11.1 We will discuss housing options with the victim-survivor, including whether they wish to remain in the home, move temporarily, move permanently, and / or access other support. We will consider emergency accommodation, management transfers, mutual exchanges, allocations, homelessness duties and partnership working with other landlords or local authorities.

11.2 **The Abusive Behaviour Ground for Repossession** – Where the statutory conditions are met, we may consider using the abusive behaviour ground (ground 15A) introduced by Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021. This may allow us to seek an order for recovery of possession or, in the case of a joint tenancy, termination of the abusive tenant's interest in the tenancy, with the aim of allowing the victim-survivor to remain safely in the home where that is appropriate.

Before deciding whether to use this ground, we will consider the victim-survivor's wishes, safety risks, available evidence, the position of children, any relevant criminal, civil, family or protective proceedings, whether the property is the only or principal home of relevant parties, proportionality, equality and human rights considerations, and whether there are safer or more suitable alternatives.

Any notice of proceedings that we may serve with a view to commencing repossession proceedings in terms of this ground, will only be served following notification of the decision to serve such notice being given to the victim-survivor, with a clear indication of timing of delivery of the notice to them, the perpetrator tenant/ joint tenant and any others. This is to ensure that the victim-survivor has prior notification to allow them to ensure their safety, the safety of others, and have sufficient time to engage further with their support network, including organisations supporting them. We will offer support and signposting again at this stage to appropriate organisation if such organisations are not already part of the victim-survivor's network.

We will at all times take into account the views of the victim-survivor and any others adversely impacted by domestic abuse, including children, throughout the process for seeking a repossession Order.

11.3 **Housing Options – Advice and Assistance to Perpetrators** – Where proceedings for recovery of possession are raised using the abusive behaviour ground, we will provide advice and assistance to the tenant / joint tenant and any relevant qualifying occupier(s) about finding alternative accommodation, in line with statutory requirements and guidance. In doing so, we will ensure such advice and assistance is provided in a manner that does not compromise the safety, confidentiality or support needs of the victim-survivor and any children or others who may be adversely impacted.

11.4 **Alternatives** – Where we cannot, or do not feel in a position to, proceed with seeking a Court Order to recover possession of, or their interest in (if a joint tenant), the house from the perpetrator, using the abusive behaviour ground, we will consider other options available to us in accordance with relevant policies and procedures, including management transfers and allocation of properties. Where appropriate, we may

support the victim-survivor to obtain independent advice on their own options in addition to those alternatives we can consider.

12 Rent Arrears, Property Damage and Other Housing Management Issues

- 12.1 We recognise that domestic abuse can directly contribute to rent arrears, rechargeable repairs, property damage, missed appointments, complaints, neighbour complaints or other tenancy issues. Examples may include financial control, interference with rental payments, damage caused by the perpetrator, forced absence from the home, or the victim-survivor being unable to engage safely with staff.
- 12.2 Where domestic abuse is known or suspected, we will consider whether the housing management issue has arisen because of abuse before taking enforcement action. We will consider reasonable adjustments to our usual housing management approach, including pausing or tailoring arrears action, agreeing safe and affordable repayment arrangements, signposting to money advice, reviewing rechargeable repair decisions, considering whether damage should be treated as abuse-related, and avoiding correspondence or visits that may increase risk.
- 12.3 Where court action for rent arrears is being considered and domestic abuse may be a factor, we will follow all applicable pre-action requirements, including any additional requirements introduced by the Housing (Scotland) Act 2025 and any related guidance. We will ensure the court is provided with accurate information about compliance where required.
- 12.4 We recognise that responsibility for domestic abuse rests solely with the perpetrator. We will not hold a victim-survivor responsible for the perpetrator's actions. In responding to domestic abuse cases, we will take full account of the circumstances, evidence, safety risks and our legal duties, while balancing support for the victim-survivor with our responsibility to manage tenancies, protect neighbours, recover rent lawfully and maintain our housing stock.

13 Evidence and Record Keeping

- 13.1 We will gather and record information sensitively, lawfully and only where necessary. Evidence may include information from the victim-survivor, Police Scotland, social work, health professionals, specialist domestic abuse services, court orders, repairs records, photographs, tenancy records, reports from neighbours, staff observations and other relevant sources.
- 13.2 We will not place unnecessary evidential burdens on victim-survivors when offering support. Where tenancy action is being considered, we will assess whether there is sufficient evidence to meet the relevant statutory and court requirements, and we will seek legal advice where appropriate. Each case will be determined on its own merits, taking into account the specific circumstances of that case.

14 Confidentiality, Data Protection and Safe Contact

- 14.1 We will handle personal data, special category data and criminal offence data in line with Data Protection law and our privacy procedures. Information about domestic abuse will be shared only where there is a lawful basis and it is necessary, proportionate and safe to do so. Information may require to be shared for a number of

reasons, including ensuring appropriate safety measures are in place, obtaining updates regarding ongoing issues, and in gathering evidence from third parties such as Police Scotland, Social Work or other supporting agencies (e.g. Women's Aid).

- 14.2 We will agree safe contact arrangements with the victim-survivor, including preferred telephone numbers, email addresses, postal addresses, times of contact and whether voicemail, text messages or letters are safe. We will take care not to disclose a victim-survivor's location or personal information to the perpetrator.

15 Multi-Agency Working

- 15.1 We will work with relevant agencies to support safety and effective housing outcomes. This may include Police Scotland, local authority homelessness teams, social work, child protection, adult support and protection, health services, specialist domestic abuse services, legal advisers, advocacy organisations, money advice services and other registered social landlords.
- 15.2 Where a case presents serious risk, we will consider referral to appropriate local risk management arrangements in accordance with local protocols and the victim-survivor's safety needs.
- 15.3 We will seek to maintain effective and proportionate communication with relevant partner agencies, where lawful, safe and appropriate to do so, to support coordinated responses to domestic abuse and to help ensure that housing and support arrangements remain responsive to the changing needs and circumstances of victim-survivors and their households.

16 Staff Training and Responsibilities

- 16.1 All relevant staff will receive training appropriate to their role. Training will cover recognising domestic abuse, responding to disclosure, safe contact, safeguarding, housing options, tenancy remedies, arrears and repairs issues, data protection, record keeping, equality and trauma-informed practice.
- 16.2 All employees, and contractors acting on behalf of Fyne Homes where relevant to their role, are expected to follow agreed arrangements for the safe and confidential management of domestic abuse cases. This includes adhering to any measures put in place to support the safety, wellbeing and confidentiality of victim-survivors and their households.
- 16.3 Fyne Homes will maintain appropriate systems and procedures to ensure that relevant information about domestic abuse cases is recorded, shared and managed safely and proportionately, in accordance with data protection requirements, to support a consistent organisational response and reduce the need for individuals to repeatedly disclose their circumstances.
- 16.4 Managers will support staff dealing with domestic abuse cases, ensure appropriate supervision and case review, and seek specialist or legal advice where required. Staff must follow this policy, related staffing procedures and any relevant statutory guidance.

17 Communication and Publicity

- 17.1 We will publicise our approach to domestic abuse through appropriate channels, including our website, tenant information, staff guidance and partnership networks. We will make clear that domestic abuse is not tolerated, support is available, and tenants can contact us safely to discuss their housing options.

18 Managing and Reporting

- 18.1 **Management of Domestic Abuse** – The Housing Services Director has overall responsibility for the effective oversight, implementation and review of this Policy. Team Leaders are responsible for ensuring the key requirements of the Policy are implemented consistently in practice and that cases are managed appropriately. Responsibility for carrying out specific tasks within the Domestic Abuse process is delegated to Housing Officers, in line with their roles and responsibilities.
- 18.2 **Reporting** – We will monitor the operation of this policy, including the number and type of domestic abuse cases identified, support offered, tenancy remedies considered or used, outcomes for victim-survivors, arrears and repairs decisions, safeguarding referrals, complaints and learning from case reviews.

19 Reviewing Process

- 19.1 This policy will be reviewed in accordance with Fyne Homes' policy review framework and following any significant changes to legislation, regulatory requirements or sector best practice.
- 19.2 In the event of a delay to the review or revision of this policy, any applicable legislation, statutory guidance or regulatory requirements in force at that time shall prevail.

Version number	Revision Date	Part of doc revised	Reason for revision	Approved by
V2	Aug 2026	Full Document	Updated to reflect changes to legislation and Fyne Homes approach to Domestic Abuse.	Management Committee