



# Domestic & Family Violence

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## 1. Purpose

The purpose of this policy is to support staff to identify and respond effectively to domestic and family violence for our tenants and household members. The Housing Trust makes a commitment to respond to this matter with sensitivity and respect.

## 2. Policy Statement

The Housing Trust recognises that domestic and family violence can happen to anyone, regardless of social background, disability, age, gender, religion, sexuality or ethnicity. We also recognise that domestic and family violence affects both male and female victims, including those in lesbian, gay, bisexual, transgender, intersex and queer relationships. We are committed to supporting victims of domestic and family violence regardless of gender or sexuality.

The Housing Trust will, with adherence to this policy;

- Recognises that domestic and family violence can happen to anyone and we are committed to supporting victims of domestic and family violence.
- We will provide a sensitive and confidential response to anyone, including staff, approaching us for assistance in cases of domestic and family violence
- Recognises domestic violence is illegal and unacceptable
- Support tenants who are forced to leave their properties due to domestic violence
- Work with the NSW Police when required to assist tenants to be safe
- Will work with support services to assist victims and deal with perpetrators as domestic and family violence case require a multi-agency approach

The Housing Trust will work with all victims of domestic and family violence, to prevent homelessness from occurring and minimise any other losses.

## 3. Provisions within the Residential Tenancy Act (2010). Policy Statement

- The Act contains provisions aimed at giving some protection to tenants who have been victims of domestic and family violence
- A victim of domestic and family violence may want to end their tenancy agreement or remain in the property and the perpetrator leave
- If the victim wishes to remain we will assist the person to get a apprehended violence order (AVO) and if it requires follow up in the NSW Civil and Administrative Tribunal to exit the perpetrator we will follow this up under Section 79
- We recognise the right of the victim, if they are the head tenant, to end their agreement with two weeks' notice under section 100(1)(d)
- We will assist the victim to relocate to another property
- Depending on the circumstance it may be that the person may need to go to crisis or transitional accommodation until a property becomes available
- Work with the victim to assess for suitability of housing assistance, particularly the Start Safely program; this is a rental subsidy which helps people escape domestic and family violence

#### **4. Working with Perpetrators**

- We will take appropriate action, where evidence is available, against anyone responsible for domestic and family violence
- Our response will depend on the situation and this may include but not be limited to
- Contacting the Police and other emergency services if the situation requires an immediate response due to safety
- Refer to support workers who provide services to men (or women) to assist perpetrators to gain support in addressing their issues
- If the perpetrator is the head tenant or co-tenant, negotiate with the perpetrator to relocate them to another property if this is the desire of the victim and if it is safe to do so which will require the perpetrator to agree to being relocated
- If it is not considered appropriate/safe to relocate the perpetrator and if the RTA 2010 supports the situation, terminate the tenancy for the perpetrator allowing the victim to become the head tenant

#### **5. Damages**

When damage occurs in the property and the victim identifies the damages occurred due to domestic and family violence and an event number from the Police is available, consideration will be given to waiving the damages charges.

#### **6. Responding to Domestic and Family Violence**

- Where a tenant, household member is known or suspected of experiencing domestic and family violence the Housing Trust will:
- Support the person with information about specialist support services
- Respect the person's right to privacy and confidentiality and makes sure privacy legislation is followed in disclosing personal information
- Consider the safety and well-being of any children who may be affected
- Encourage the person to report any actual or threatened violence to NSW Police
- At all times Housing Trust will endeavour to work in the best interests of the person and as a landlord provide reasonable assistance to help secure their safety
- Ensure that persons are aware of their rights and responsibilities under the Residential Tenancies Act; see Section 3
- Ensure, when required, the Housing Trust utilises other policies in place including Rent and Rent Management , Ending a Tenancy, Arrears Management, Record of Understanding (NSW Police), Absence from Property and Breach of Tenancy
- If evidence is required to support the person Housing Trust will utilise police reports, event numbers, support worker letters, AVO evidence, statutory declarations from the person and others.
- At all times this will be completed respectfully and mindfully of the sensitive nature of the issues