

Scope

This policy outlines how Pacific Link Housing Limited (PLH) complies with legal requirements of the Residential Tenancies Act 2010 (RTA), the Residential Tenancy Agreement and FACS policies on domestic and family violence. This policy applies to all staff, contractors, tenants and household members and applicants of PLH.

Purpose

The Domestic Violence policy outlines how PLH responds to incidents of domestic violence through our service delivery to our residents and applicants. Domestic violence and family violence is violent, abusive or intimidating behaviour by a partner, carer or family member to control, dominate or cause fear. It can take many forms including physical, psychological, emotional, sexual or financial abuse. For the purposes of this policy, domestic violence is the term used throughout this document to describe both intimate partner violence and family violence. Domestic violence is illegal and unacceptable.

Policy

PLH recognises that domestic violence has serious and harmful impact on tenants, applicants and their families. We are committed to the following principles:

- We recognise that domestic and family violence can apply to anyone regardless of social background, disability, age, gender, religion, sexuality or ethnicity.
- We will treat all reports of domestic violence seriously and will aim to provide a sensitive and confidential response to anyone approaching us for assistance.
- Work with partner agencies to ensure co-ordinated services to prioritise the victim's (including children's) safety.
- Our response to domestic violence seeks to balance the needs of the victim with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.
- We will build our skills, capacity and practice to work with victims and resource our staff to have an understanding of domestic and family violence.
- Work to reduce the impact of domestic violence through the provision of safe and affordable housing and housing assistance to applicants.
- PLH will comply with all its responsibilities under the RTA and mandatory child and/or young person protection reporting requirements in relation to domestic violence.

PLH Response

The actions that PLH will take with tenants, household members and applicants may include:

- Establishing one point of contact to avoid the need to re-tell their story to multiple people
- Where possible, offering the opportunity to have a Housing Manager of the same sex
- Providing advice about the housing options available to assist their safety and implications for their tenancy. We recognise that the victim has a right to remain in his/her home (or to be transferred to a different property if he/she prefers)
- Provide information on domestic violence support services and encourage the victim to access these or, with consent, make a referral.
- Contacting the Police and other emergency services if the situation requires an immediate response due to safety concerns.
- Sharing information where we believe there is a serious threat to life, health or safety, and where it is unreasonable or impractical to obtain the individual's consent to a disclosure, as permitted by privacy laws.
- Participating in FACS programs to support crisis accommodation.

Allowable Absence Due to Domestic Violence

PLH recognises that in some cases it will be necessary to ensure safety through an immediate short term move for a victim. PLH will allow absences for up to 3 months from the property in these circumstances. This will allow time for the tenant to investigate their options without the need to make an immediate decision. If a fee is being charged for alternative accommodation during this period (for example a refuge, or family and friends) then a tenant can apply for their weekly rent to be rebated to \$5.00 per week. Refer PLH Absence from Property Policy.

Housing Transfer

Where the risk of harm to the tenant is severe and none of the above actions resolve the problem, rehousing the tenant will be considered based on evidence requirements for Priority Transfers. Where there is no immediate danger to the person experiencing or reporting domestic violence or where the immediate danger has been averted by a temporary move, PLH may consider applying the management transfer policy. Refer PLH Housing Transfer and Relocation Policy.

Tenancy Reinstatement

PLH recognises that a tenant may be forced to leave their home to ensure their own safety by escaping from domestic violence. In these instances, and in accordance with our policies, PLH will consider re-instating the person's tenancy at a later date, when the tenant relinquishes their tenancy. The tenant must make an application for reinstatement within six months in accordance with PLH's Absence from Property Policy.

Succession of Tenancy

Where the perpetrator is the tenant and a final apprehended violence order (AVO) is made which stops the tenant from entering the property, PLH may consider an application for succession of tenancy by the victim where they are an approved household member. Refer PLH Succession of Tenancy Policy.

Ending the tenancy

Under the RTA, a tenant will be able to end their tenancy immediately and without penalty if they or their dependent child are in circumstances of domestic violence.

Tenants who are victims of a co-tenant who is not the perpetrator (known as the relevant domestic violence offender) will not be held accountable for property damage that occurred during a domestic violence incident. Only the perpetrator will be held liable for any property damage caused by their violence.

A person is in the circumstances of domestic violence if they:

- were the victim of a domestic violence offence for which the offender has been found guilty of that offence during the relevant tenancy, or
- are protected by an in-force Domestic Violence Order made against an offender, or
- are protected against family violence perpetrated by the offender by an in-force injunction
- have been declared by a competent person (defined to mean a medical practitioner) to be a victim of domestic violence by an offender during the relevant tenancy agreement.

To end the tenancy the tenant/co-tenant must give a domestic violence termination notice, and attach one of the following types of evidence:

- certificate of conviction for the domestic violence offence
- family law injunction
- provisional, interim or final Domestic Violence Order
- declaration made by a medical practitioner in the prescribed form.

Safe at Home Measures

The FACS Staying Home Leaving Violence (SHLV) Program aims to prevent homelessness by working with NSW Police to remove the perpetrator from the family home so that the survivor(s) can remain safely where they are. Where a decision is made between the tenant and their support provider that is to remain living in the property, PLH may be able to assist with reasonable security upgrades at the property. Clients of SHLV are provided with a range of support for survivors such as safety planning, improving home security, assistance in managing finances, support for children and helping them throughout the complicated legal process. PLH is committed to assisting tenants engaged in the program and living in our properties to stay in their homes wherever possible. Funding may be available from the SHLV towards installation of security upgrades at the property. Permission is required from PLH before any work is carried out on a property. The PLH Modifications Policy outlines the process to apply for a modification to a dwelling. PLH will assess applications for modifications to dwellings on a case by case basis. This assessment will take into consideration:

- Type of property
- Location of property
- Costs of upgrade in light of the overall maintenance and condition of the property
- Leasing arrangement (capital or leasehold)
- Recommendations arising from the safety planning and assessment from the support service.

If a tenant resides in a Leasehold property, PLH will attempt to negotiate for the owner to undertake the works using funds available from the support provider. Where this is not possible, a management transfer may be required.

Workplace Health and Safety

PLH utilises a robust risk assessment process to maintain safety for all staff and contractors, by ensuring that tenant alert registers are checked before conducting home visits where tenants, household members or visitor may pose a risk to safety.

Complaints and Appeals

If a tenant is not satisfied with a service provided by PLH or does not agree with a decision it has made, they should first discuss their concerns with their Housing Manager. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

Craig Brennan

Craig Brennan, CEO May 2019