

Purpose

The Domestic and Family Violence policy outlines how Pacific Link Housing (PLH) responds to incidents of domestic violence involving tenants and applicants.

What is Domestic and Family Violence

Domestic violence and family violence is abusive or intimidating behaviour by a partner, carer or family member to control, dominate or cause fear for someone's safety and wellbeing. It can take many forms including physical, psychological, emotional, sexual, spiritual, social 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 a crime and is unacceptable.

Scope

This policy outlines how PLH complies with legal requirements of the Residential Tenancies Act 2010 (the Act), the Residential Tenancy Agreement and Department of Communities and Justice (DCJ) policies on domestic and family violence. This policy applies to all staff, contractors, tenants, their household members and visitors and applicants of PLH.

Policy

PLH recognises that domestic violence has serious and harmful impact on tenants, applicants and their families.. PLH works to reduce the impact of domestic and family violence through the provision of safe and affordable housing and housing assistance to applicants. 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 person-centred, trauma-informed and confidential response to anyone approaching us for assistance.
- We will prioritise the victim's and children's safety and work with NSW Police, DCJ and support agencies to ensure co-ordinated and effective services are delivered.
- We will protect tenancy rights when considering housing options 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 take appropriate action regarding the perpetrators of domestic and family violence.
- We will build our skills, capacity and practice to work with victims and resource our staff to have an understanding and recognising the indicators of domestic violence and abuse.
- We will comply with all responsibilities under the Act and mandatory child and/or young person protection reporting requirements in relation to domestic violence and the NSW Government's domestic and family violence framework.

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 Officer 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.
- Ask the victim to provide us with documentation to support their request for assistance. The type of evidence we ask for will depend on the situation but may include police reports.
- Make lawful decisions about the disclosure of personal 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 DCJ programs to support crisis accommodation.
- Ensure the property is secure by undertaking necessary repairs or taking reasonable steps to enhance its security.

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) a tenant can apply for their weekly rent to be rebated to \$5 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 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 Transfer Policy.

Ending the tenancy

Under the Act, 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. 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 Apprehended Violence Order (AVO).
- declaration made by a medical practitioner in the prescribed form.

Survivors of domestic violence will not be responsible for property damage caused by a perpetrator of violence during a domestic violence offence.

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, where substantiating documentation is provided. The tenant must make an application for reinstatement within six months of PLH providing a notice of end of tenancy in accordance with PLH Absence from Property Policy.

Succession of Tenancy

Where the perpetrator is the tenant and a final 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.

Safe at Home Measures

The DCJ 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 tenant is a client of the SHLV Program and a decision is made between the tenant and their support provider 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.

If a tenant resides in a privately-owned 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 will be considered. .

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 Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

Related Documents

- Residential Tenancies Act 2010
- Absence From Property Policy
- Bonds Tenant Charges & Property Damage Policy
- Child Protection and Mandatory Reporting Policy
- Alterations and Disability Modifications Policy
- Succession of Tenancy Policy
- Transfer Policy

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