



## Working with Victims of Domestic and Family Violence

Policy Category	1. Tenancy	Policy Number	1.28
Author	–David Lowe - CEO	Board Approval Date	25 November 2021
Position Responsible	Housing Services Manager	Scheduled Review Date	November 2023

### Purpose:

This policy outlines how Homes Out West (HOW) responds to incidents of domestic and family violence (DFV) in order to support victims/survivors. It applies to all tenants, household members and applicants and all staff members of HOW.

### Policy:

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

HOW takes DFV seriously and is committed to providing a sensitive and confidential response to anyone approaching us for assistance in cases of DFV.

HOW is committed to building our skills, capability and practice to identify indicators of DFV and to work with victims/survivors in managing their housing and to assist with exploring their housing options and/or refer them to external support agencies.

HOW acknowledges the right of victims/survivors to live in safety and free from violence. This right and the preference of victims/survivors will take priority when responding to DFV matters. However, consideration will be given to appropriate action that is required for the safety and wellbeing of other household members and neighbours and to protect HOWs property assets, within the boundaries of the Residential Tenancies Act (2010).

HOW will also work with support services and other partners to assist victims/survivors and respond appropriately to perpetrators as DFV cases require a multi-agency approach.

Relevant Service Standards:	National Community Housing Standards <ul style="list-style-type: none"> <li>• Standard 1.1 – Allocation of housing</li> <li>• Standard 1.2 – Establishing and maintaining tenancies</li> <li>• Standard 1.3 – Changing needs of tenants</li> <li>• Standard 1.4 – Ending tenancies</li> </ul>
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	<ul style="list-style-type: none"> <li>• Standard 2.1 – Asset management strategy</li> <li>• Standard 2.2 – Responsive maintenance and repairs</li> <li>• Standard 2.3 – Planned maintenance</li> <li>• Standard 3.1 – Tenant rights</li> <li>• Standard 3.4 – Access to services of the organisation</li> <li>• Standard 3.5 – Confidentiality and privacy</li> <li>• Standard 3.6 – Complaints and appeals</li> <li>• Standard 4.1 – Tenants’ access to support</li> <li>• Standard 4.3 – Providing housing information, advice and referral</li> </ul> <p>Legislation</p> <ul style="list-style-type: none"> <li>• Residential Tenancies Act 2010 (NSW)</li> <li>• Residential Tenancies Amendment (Review) Act 2018 No 58</li> <li>• Residential Tenancies Amendment (Circumstances of Domestic Violence) Regulation 2018</li> <li>• Residential Tenancies Regulation 2019 (NSW)</li> <li>• National Regulatory System for Community Housing (NRSCH) Performance Outcome and Performance Requirement</li> <li>• Performance Outcome 1: Tenant and Housing Services</li> </ul>
Related HOW Policies:	<ul style="list-style-type: none"> <li>• Working with Perpetrators of Domestic and Family Violence policy</li> <li>• Mandatory Reporting policy</li> <li>• Privacy and confidentiality policy</li> <li>• Work Health and Safety policy</li> <li>• Application and Allocation policies</li> <li>• Tenancy management policies</li> <li>• Tenant Access to Support policy</li> <li>• Alterations policy</li> </ul>
Related HOW Forms & Internal Documents	<ul style="list-style-type: none"> <li>• Tenancy Plan</li> <li>• Support Agreement</li> <li>• Support Referral Register</li> <li>• Home Visit Risk Assessment</li> <li>• CHIA NSW Strengthening Practice in Response to Domestic and Family Violence Toolkit</li> <li>• Pathways Procedures</li> <li>• Understanding Tactics of Control</li> <li>• WH &amp; S Checklist</li> <li>• Data Collection</li> </ul>

**Procedure and Guidelines:**

Definitions

**Domestic and family violence (DFV):** includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour. An intimate relationship refers to people who are (or have been) in an

intimate partnership whether or not the relationship involves or has involved a sexual relationship, i.e. married or engaged to be married, separated, divorced, de facto partners (whether of the same or different sex), couples promised to each other under cultural or religious tradition, or who are dating.

A family relationship has a broader definition and includes people who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling and extended family relationships. It includes the full range of kinship ties in Aboriginal and Torres Strait Islander (ATSI) communities, extended family relationships, and constructs of family within lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) communities. People living in the same house, and people reliant on care may also be considered to be in a domestic/family relationship if their relationship exhibits dynamics which may foster coercive and abusive behaviours.

The behaviours that may constitute DFV include:

- physical violence including physical assault or abuse
- sexual assault and other sexually abusive or coercive behaviour
- emotional or psychological abuse including verbal abuse and threats of violence
- economic abuse, for example, denying a person reasonable financial autonomy or financial support
- stalking, for example, harassment, intimidation or coercion of the other person's family in order to cause fear or ongoing harassment, including through the use of electronic communication or social media
- kidnapping or deprivation of liberty, as well as unreasonably preventing the other person from making or keeping connections with her or his family or kin, friends, faith or culture
- damage to property irrespective of whether the victim owns the property
- causing injury or death to an animal irrespective of whether the victim owns the animal.

**Victim:** a person currently experiencing DFV in a current relationship.

**Survivor:** a person currently experiencing DFV or is at risk of experiencing DFV from a former partner.

### Procedure

Appendix 1 has a series of pathways procedures to assist staff to determine how to proceed when DFV has been identified.

Appendix 2 provides information about understanding tactics of control. This will assist staff to understand the impact of DFV on tenancies.

Appendix 3 provides guidance on work, health and safety considerations staff should make in relation to their own safety when it has been identified that DFV may be occurring in a household.

HOW will support and resource our staff across all aspects of community housing provision to have an understanding of DFV. Staff will utilise the tools provided in the CHIA NSW *Strengthening Practice in Response to Domestic and Family Violence Toolkit* <https://communityhousing.org.au/information/resources/> to understand their internal reporting and support structures. (These tools have been incorporated into this procedure). Through understanding our role in identifying indicators of DFV and

referring to tenancy management staff for further investigation, HOW will develop and enhance our early intervention approach to vulnerable tenancies and victims/survivors.

In order for HOW to effectively identify and respond to DFV we will:

- ensure all staff receive training on identifying and responding appropriately to DFV
- enable tenants to report DFV to us in different ways, including in person, in writing, over the phone and online
- investigate all reports of DFV that we receive. Reports of antisocial behaviour might also be related to incidents of DFV and these will also be investigated
- give victims/survivors the opportunity to opt for a staff member of the same gender to respond to their request/s wherever practicable
- ensure that victims/survivors know that they can meet staff in confidence at HOW offices or at an agreed safe venue. We will also agree to the method of contact that the victim/survivor wishes us to use to stay in contact with them
- work with partner agencies to ensure co-ordinated services to prioritise the victim/survivor's (including children's) safety
- advise victims/survivors of external agencies who can offer advice and support (for example advice on tenancy issues, legal advice) and make referrals with their consent and on their behalf, if required
- Encourage victims/survivors to engage with DFV support and advocacy services and make referrals with their consent and on their behalf, if required.

Provisions within the Residential Tenancy Act (2010), the Residential Tenancies Amendment (Review) Act 2018 No 58 and the Residential Tenancies Amendment (Circumstances of Domestic Violence) Regulation 2018 to respond to domestic and family violence

The Residential Tenancy Act 2010 has provisions aimed at giving some protection to tenants who have been victims/survivors of domestic violence. Following legislation review, a number of amendments have been made to increase protection and certainty for renters whilst ensuring that landlords can protect their investment and effectively manage their properties. While HOW will conform to the requirements set out in the Act, it will make decisions on each individual case in order to provide greater flexibility and protection to victims/survivors.

Maintaining a tenancy

If a victim/survivor chooses to stay in the property or requests a transfer, safety considerations must take priority in all circumstances, with such considerations being greater than any procedural requirements. In such situations, the Housing Services Manager (HSM) and Chief Executive Officer (CEO) will determine if out of guidelines decisions are required for safety reasons.

If a victim/survivor (tenant) chooses to stay, it may mean taking action to end the tenancy of the perpetrator. This can include getting a final apprehended violence order (AVO) against them that prohibits the perpetrator from having access to the residential premises or taking other action under tenancy law which may involve taking action in the NSW Civil and Administrative Tribunal (the Tribunal). It is acknowledged that gaining a final AVO can be a lengthy process. Evidence that tenants are now also able to provide to show that they are a victim/survivor of DFV has been expanded and includes:

- a provisional, interim or final AVO
- a certificate of conviction for a domestic violence offence

- a family law injunction or
- a declaration by a competent person that a tenant is a victim of domestic violence.

Clause 12A of the Residential Tenancies Amendment (Circumstances of Domestic Violence) Regulation 2018 (NSW) specifies that evidence of DFV can include a declaration by a competent person. A competent person is defined as a medical practitioner registered under the Health Practitioner National Law (NSW) who has consulted with the tenant and who has completed a declaration – Schedule 2A <https://www.legislation.nsw.gov.au/regulations/2018-784.pdf>

NOTE: HOW acknowledges the trauma suffered by those who experience DFV and will endeavour to minimise re-victimisation. HOW will usually only require the above form of evidence if action is being taken to end the tenancy of the perpetrator, as such evidence is required under the Residential Tenancies Act for such purposes. In order to ensure consistency, fairness and reduce subjectivity, HOW may require some form of evidence of DFV in order to explore other options with the victim/survivor that relate to internal proceedings such as a tenancy transfer or request for safety modifications. The level of evidence required will be determined by the Client Service Officer (CSO) and HSM and (depending on the situation) the CEO. Such evidence may include a statement from the victim/survivor; information obtained by the ROU with Police; and/or letter from a support agency, preferably a specialist DFV support agency.

A perpetrator of DFV should be solely liable for any damage to a rental property caused by their conduct. Under section 54, victims/survivors of DFV will not be held liable for any damage caused to the rental property by the perpetrator during the commission of a DFV offence. Other co-tenants who are not the perpetrator will also be exempted from any liability for any damage. HOW will not charge a victim/survivor of DFV for such damages. The CSO and HSM will determine whether the damage/s has been the result of DFV behaviour. The Asset Officer (AO) and Asset Manager may assist with this determination.

Indicators of DFV that may assist to determine if damage to the property has been caused by a DFV incident/s include:

- broken door/s
- holes in the wall (particularly in bedrooms)
- broken lock/s (particularly in the bathroom/toilet)
- smashed lights
- broken windows
- lost keys (perpetrator not allowing the victim/survivor access to the keys)
- neighbourhood complaints about noise and nuisance
- reports of concern by neighbours
- report/s from Police
- physical sign/s of assault on the victim/survivor
- rent arrears
- other recurring tenancy issues
- statement from victim/survivor.

Section 79 of the RTA 2010 automatically terminates a person's residential tenancy agreement or co-tenancy where that person has been prohibited by a final AVO from accessing the property. Any remaining tenants may take on the entire liability for the agreement. HOW will accept the termination by a co-tenant upon their request and will not require a final AVO. If the remaining tenant/s are eligible for social housing, HOW will allow the remaining tenant/s to take on the entire liability for the tenancy agreement.

Section 71 of the RTA 2010 states that as a tenant, a victim/survivor can change the locks, without the landlord's consent, if they have a reasonable excuse. This explicitly includes if a tenant or occupant (perpetrator) is prohibited from having access to the residential premises by an AVO, (interim, provisional or final) and may include other situations of DFV. Section 72 states they can withhold copies of the new keys or opening devices from the excluded person. The cost for this is paid for by the tenant. The tenant also needs to provide a copy of the keys to HOW (if requested) unless the Tribunal orders otherwise.

A victim/survivor may request a transfer if it is unsafe to remain in the current property. HOW will follow the Transfer policy in such circumstances. If it is appropriate/necessary to transfer the tenant promptly, HOW may consider a management-initiated transfer so the tenant is not required to remain in the property whilst gathering evidence.

If the victim/survivor requests to remain in the property or requests a transfer, they may also request safety modifications. HOW will follow the Alterations policy in these circumstances.

### Leaving a tenancy

Leaving means ending a victim/survivor's tenancy with or without ending a perpetrator's tenancy.

A victim/survivor's tenancy status affects their options:

- Co-tenant: the victim's name and the name of other tenants are on the residential tenancy agreement for the premises. They share rights and obligations with the other co-tenant.
- Head-tenant: the victim is the tenant identified in the residential tenancy agreement for the premises.
- Occupant: the Tribunal may recognise a remaining occupant or co-tenant as a tenant under the Residential Tenancy Agreement if there is a final AVO on the tenant or co-tenant (perpetrator). It is noted that the occupant needs to meet eligibility criteria of the social housing provider. (Section 79 RTA 2010). HOW may also recognise a remaining occupant or co-tenant as a tenant, without requiring them to make an application to the Tribunal, if they are eligible for social housing.

Under Part 5, Division 3A: Termination by tenant, tenants who need to escape a violent partner will be able to terminate their tenancy immediately and without penalty in circumstances of DFV. Tenants who are victims/survivors or a co-tenant who is not the perpetrator will not be held accountable for property damage that has occurred during a DFV incident.

Section 100(1)(d) and (2) of the RTA 2010 provides an option for a tenant to terminate a fixed term agreement with two weeks' notice and without further compensation to the landlord, if a co-tenant or occupant is prohibited by a final AVO from having access to the residential premises. HOW will not require this two week period if it is considered in the best interest of the victim/survivor for the perpetrator to vacate immediately.

If a victim/head tenant wants to vacate the tenancy they may do so without providing HOW with any evidence of DFV. They will not be required to give any notice and can

leave immediately. This is to ensure the safety of the victim/survivor that should not be held up by unnecessarily gathering evidence to prove the existence of DFV.

Section 102 allows for a co-tenant to terminate the entire residential tenancy agreement or their own co-tenancy. HOW will not require any evidence from the co-tenant (if they are the victim/survivor or perpetrator) to end their tenancy. If the head tenant or co-tenant is the victim/survivor, HOW will not require them to give a domestic violence termination notice. They will not be required to apply to the Tribunal to end their tenancy. If they inform HOW of their intent to end their tenancy, HOW will accept this request.

If a co-tenant decides to remain in the property, HOW will undertake a rent review immediately to ensure remaining tenants/occupants are paying a subsidised rent based on the current household income.

#### Victim's privacy and protection from discrimination domestic violence (s213A)

HOW will follow all policies and procedures relating to privacy and confidentiality to ensure that information is not disclosed without the victim/survivor's permission, unless in situations where mandatory reporting may apply. (Refer to Mandatory Reporting policy).

HOW will not take photos or give permission for tradespersons to take photos of the property (internally or externally) without the permission of the victim/survivor. Photos will only be requested to be taken if essential to property maintenance requirements and other options are not available. If photos are required to be taken, all endeavours will be made to ensure that there are not any personal items of the victim/survivor visible in the photo.

#### Risk assessment

HOW utilise a robust risk assessment process to maintain safety for all staff and contractors. We ensure that all workers and contractors check tenant alert registers before conducting any home visits to manage tenants or their visitors who may pose a risk to staff and contractors. The CSO, HSM and where required AO and Asset Manager will review the Home Visit Risk Assessment to assess for safety before engaging with a tenant, household member or potential occupant/visitor who is identified as a possible perpetrator of DFV.

#### Partnering with other domestic and family violence responses

HOW collaborates with a range of partners across our communities in a variety of ways to support and better manage DFV. Through It Stops Here: Standing together to end domestic and family violence, we are key players in assisting to meet the housing need of victims/survivors of DFV such as via attendance to relevant Safety Action Meetings (SAMs).

HOW will seek advice and guidance from a local DFV service on matters relating to DFV. This will assist and support HOW staff to explore options that are available locally. Consent should be sought from the victim/survivor to discuss their situation with another service and the victim/survivor should be sensitively encouraged to accept a referral to a local DFV service. Also, when discussing DFV situations, anonymity can be used if issues are discussed in generic terms. Alternatively, we are able to share information on cases where victims are deemed at serious threat, without their consent, within a legal framework (Part 13A of the Crimes Domestic and Personal Violence Act),

such as during SAMs. However, sharing information without consent will only occur if absolutely necessary and with the consent of the HSM or CEO. Under Part 13A, consent is not required to be sought from the perpetrator to share information relating to DFV when safety is a concern, and it is not appropriate to seek consent from the perpetrator in these situations.

There are a variety of Housing Pathways products available to assist people affected by DFV. These resources can be found at <http://www.housingpathways.nsw.gov.au/ways-we-can-help/domestic-and-family-violence>

### Monitoring progress in building the response to DFV

HOW has a strong commitment to strengthening our practice to deliver high quality and responsive housing services to our community. As such, building our evidence base to enable us to understand both the strengths and weaknesses in our practice response requires some planning around how to monitor practice and service effectiveness in responding to DFV.

The Residential Tenancies Amendment (Review) Act 2018 No 58 and the Residential Tenancies Amendment (Circumstances of Domestic Violence) Regulation 2018 require a skilled housing response that supports victims to leave dangerous tenancies without prejudice. HOW therefore will track and monitor our progress in this area.

HOW will use the checklist *Aspects to consider as part of data collection and monitoring of a service response to domestic and family violence and DFV data capture to be built into tenant records* (Appendix 4) to capture this data. This data will be stored securely on HOWs IT system and it will be password protected to only allow access to limited staff.

The HSM will analyse this data with the tenancy staff and Executive team every 6 months and make any required changes to tenancy management.

Contact will be maintained in conjunction with relevant partner agencies with the victim/survivor and follow-up will occur for an appropriate period of time to monitor outcomes and to drive improved DFV services and the provision of housing in that environment. Sensitivity is vital during any follow up action or discussion.

### **Outcome measurements**

Outcome measures that could be used to track and monitor practice response could be:

Quantitative measures:

- How often DFV has been identified (i.e. through damage to property, rental arrears, neighbours complaining about noise or other issues)
- How often appropriate action is taken in response to DFV incidents. Such actions might include:
  - The number of reports made to police
  - The number of reports made to DFV services
  - The number of referrals made for medical treatment
- The number of tenancies sustained post DFV incident
- No further physical injuries have been sustained by the victim

Qualitative measures:

- Does the victim feel safe in seeking assistance from HOW?

- Was the victim satisfied with the level of knowledge and understanding by HOW about their situation?
- Does the victim feel that the partnerships (if any) with other agencies were appropriate?

#### Staff Training

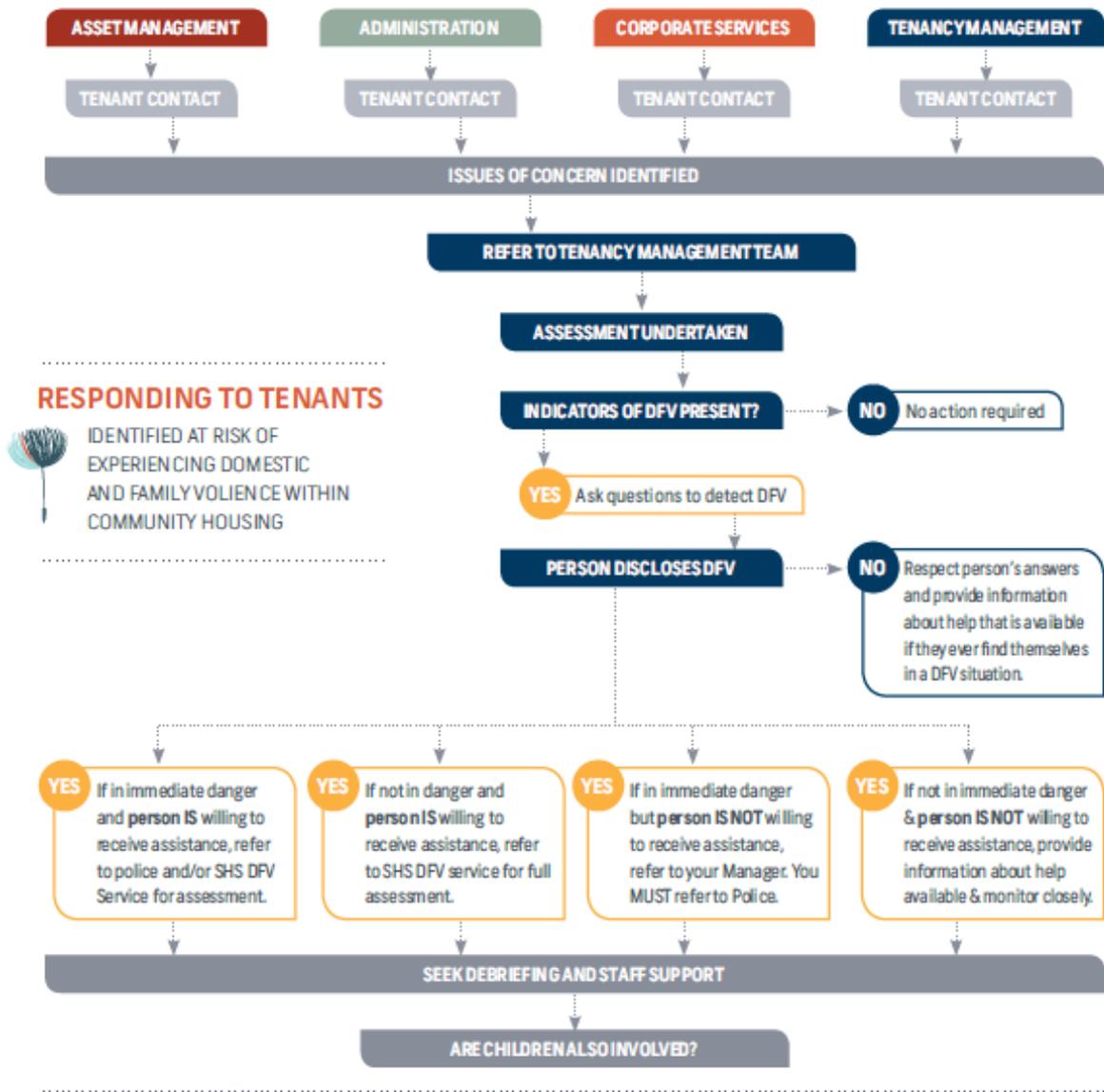
HOW acknowledges that due to the sensitive and complex nature of managing DFV issues, staff training is crucial. All staff will receive internally provided training on the implementation of this policy. HOW will also seek opportunities for external training to ensure staff knowledge and expertise is continually developed.

All staff who are managing situations of DFV issues in tenancies will be provided with additional opportunities for supervision and support from their manager, especially those who may be less experienced in their role.

# APPENDIX 1 – PATHWAYS PROCEDURES

## Pathways procedures

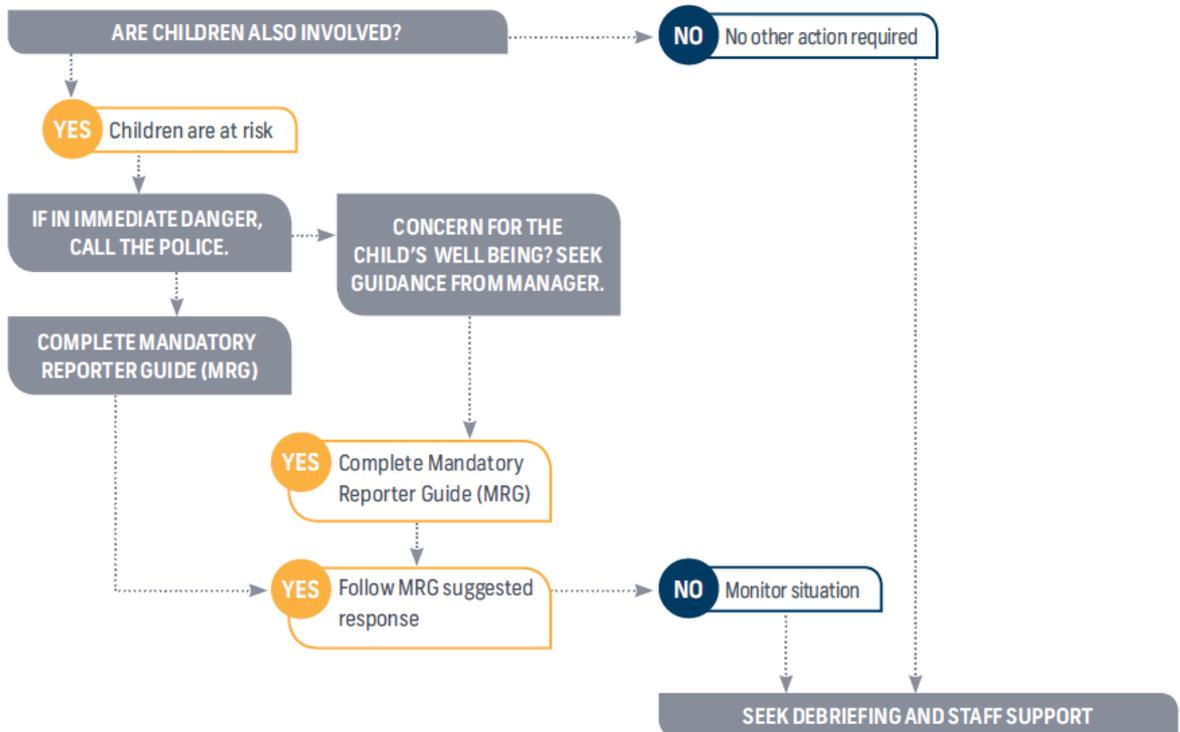
These procedures have been developed to guide and strengthen practice and support staff as they identify concerns about domestic and family violence. A key component of this practice is the enabling of all staff employed across a community housing provider to better clarify their role in identifying and responding to domestic and family violence. These pathways procedures are intended to be used in conjunction with the organisation's DFV and other relevant policies and procedures.





## RESPONDING TO DOMESTIC AND FAMILY VIOLENCE

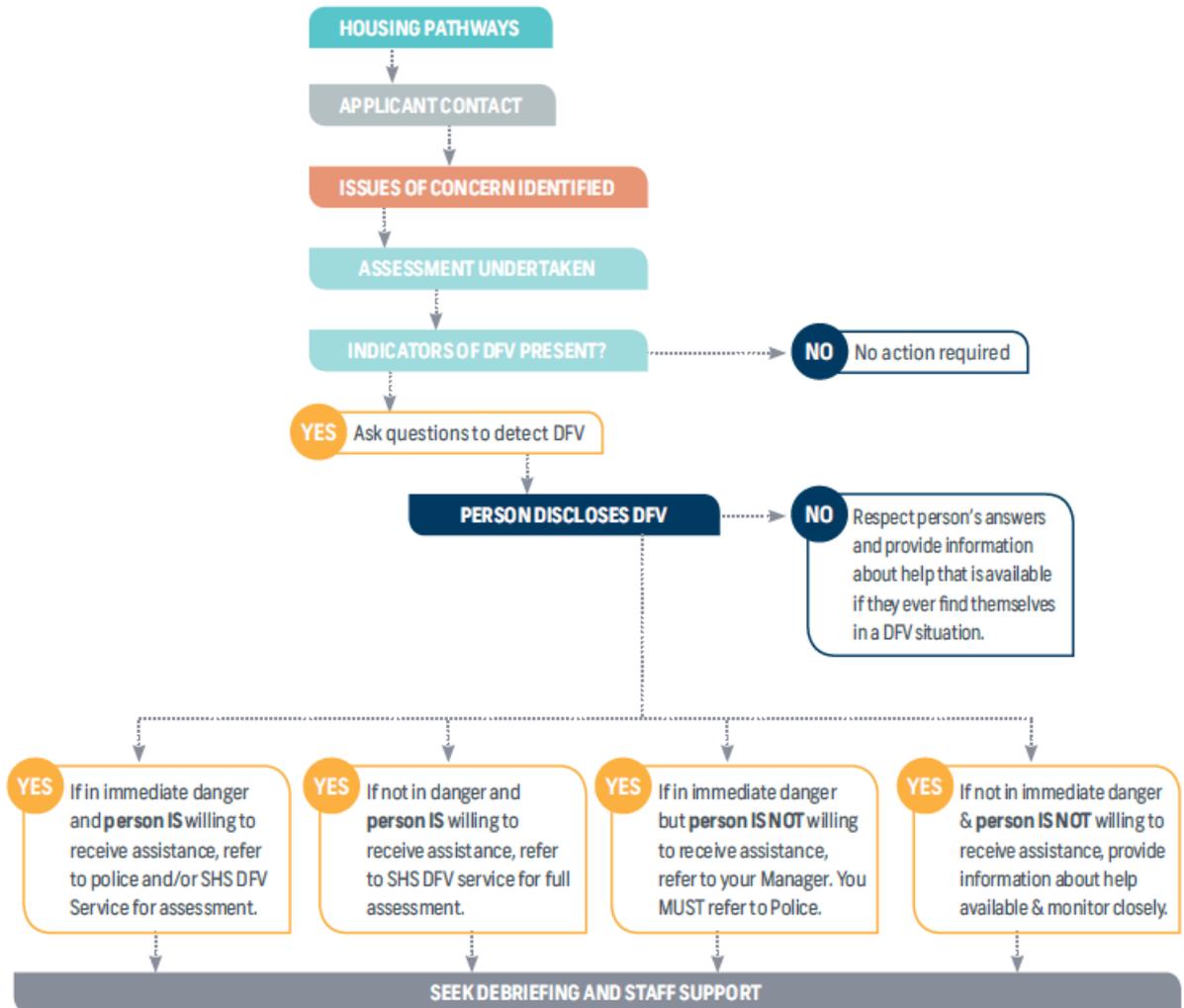
WHEN CHILDREN ARE IDENTIFIED AS LIVING WITH A TENANT





## RESPONDING TO APPLICANTS

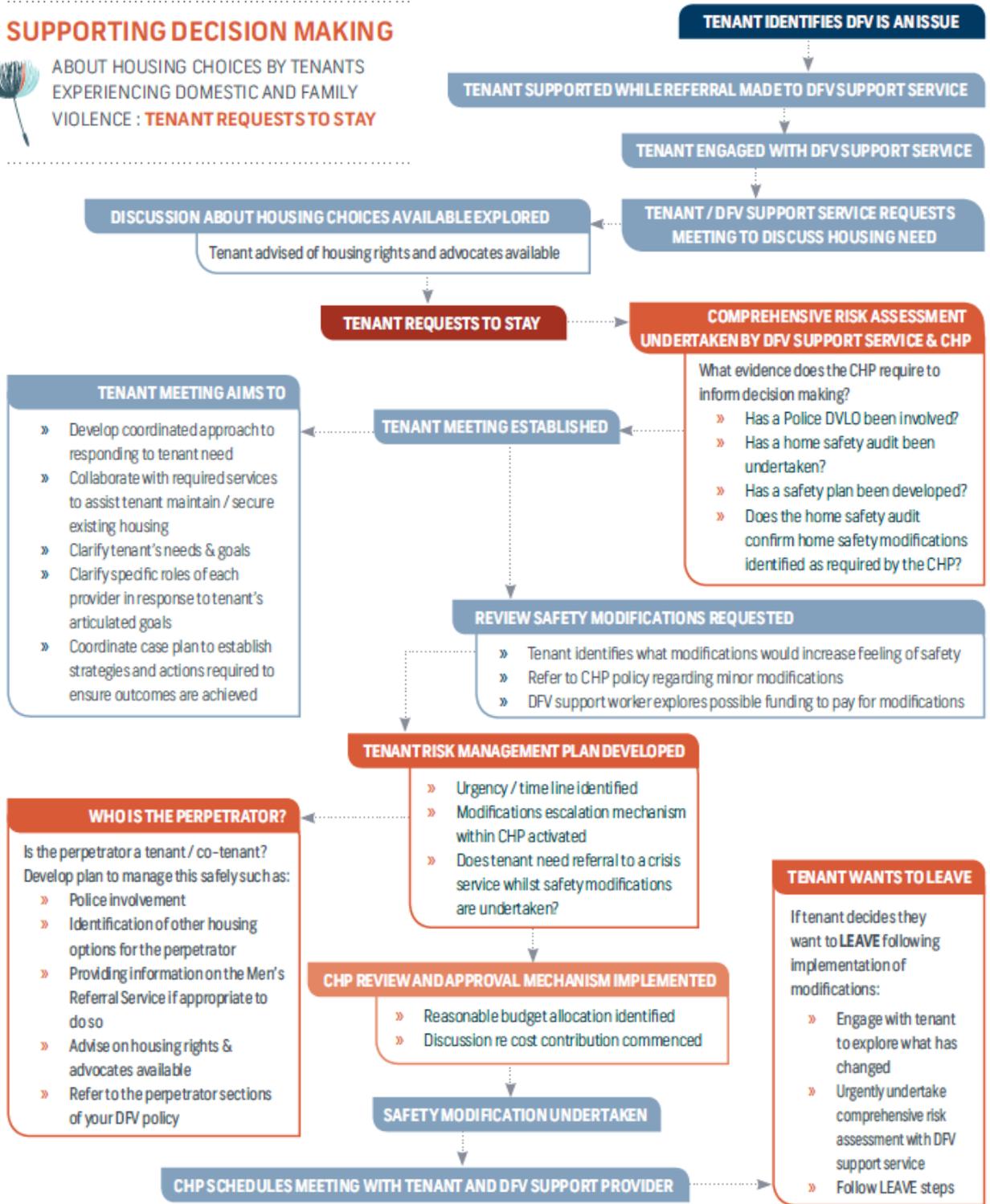
IDENTIFIED AS EXPERIENCING OR AT RISK OF DOMESTIC AND FAMILY VIOLENCE AS PART OF THE HOUSING PATHWAYS ASSESSMENT



## SUPPORTING DECISION MAKING



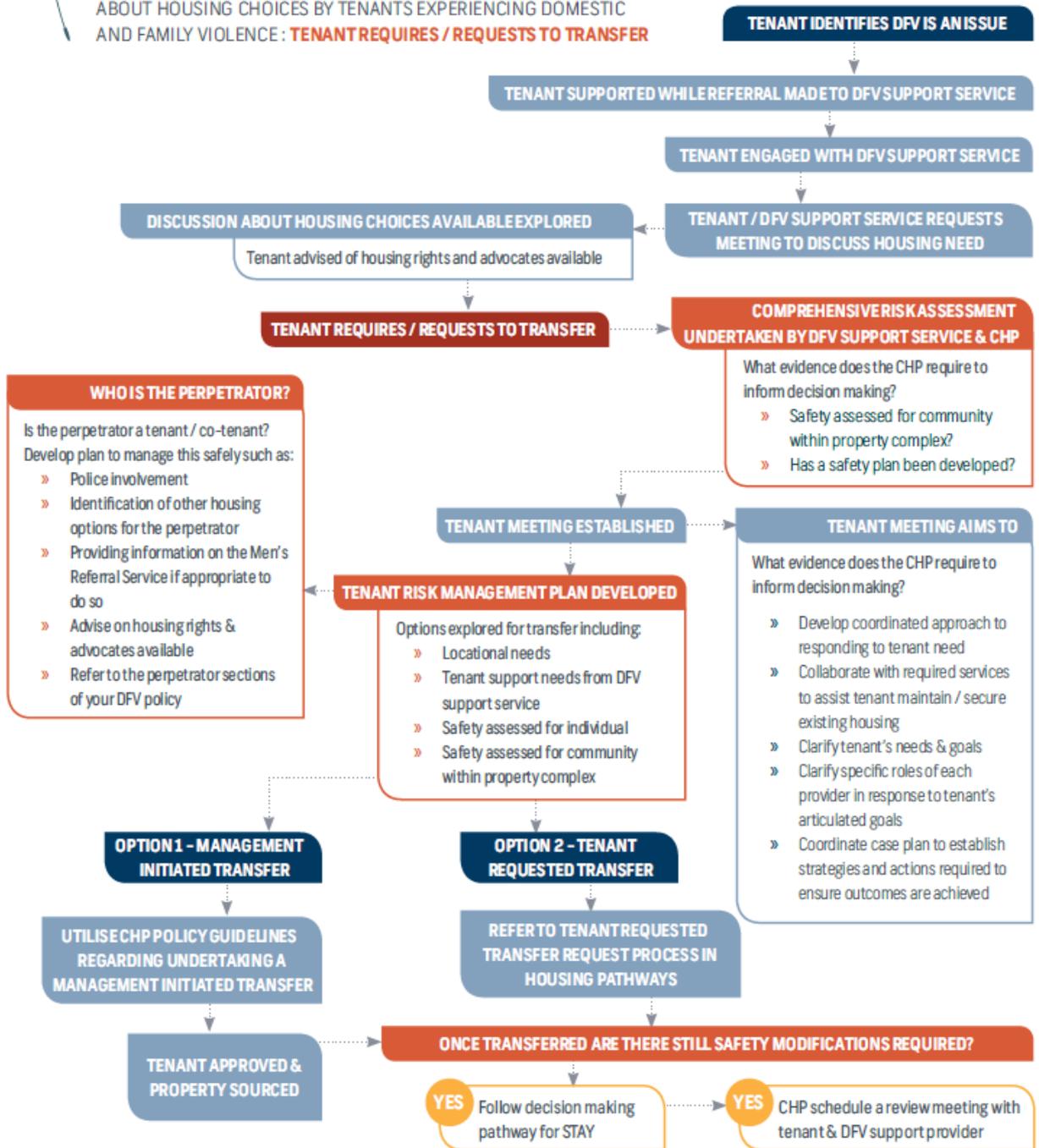
ABOUT HOUSING CHOICES BY TENANTS EXPERIENCING DOMESTIC AND FAMILY VIOLENCE : **TENANT REQUESTS TO STAY**





## SUPPORTING DECISION MAKING

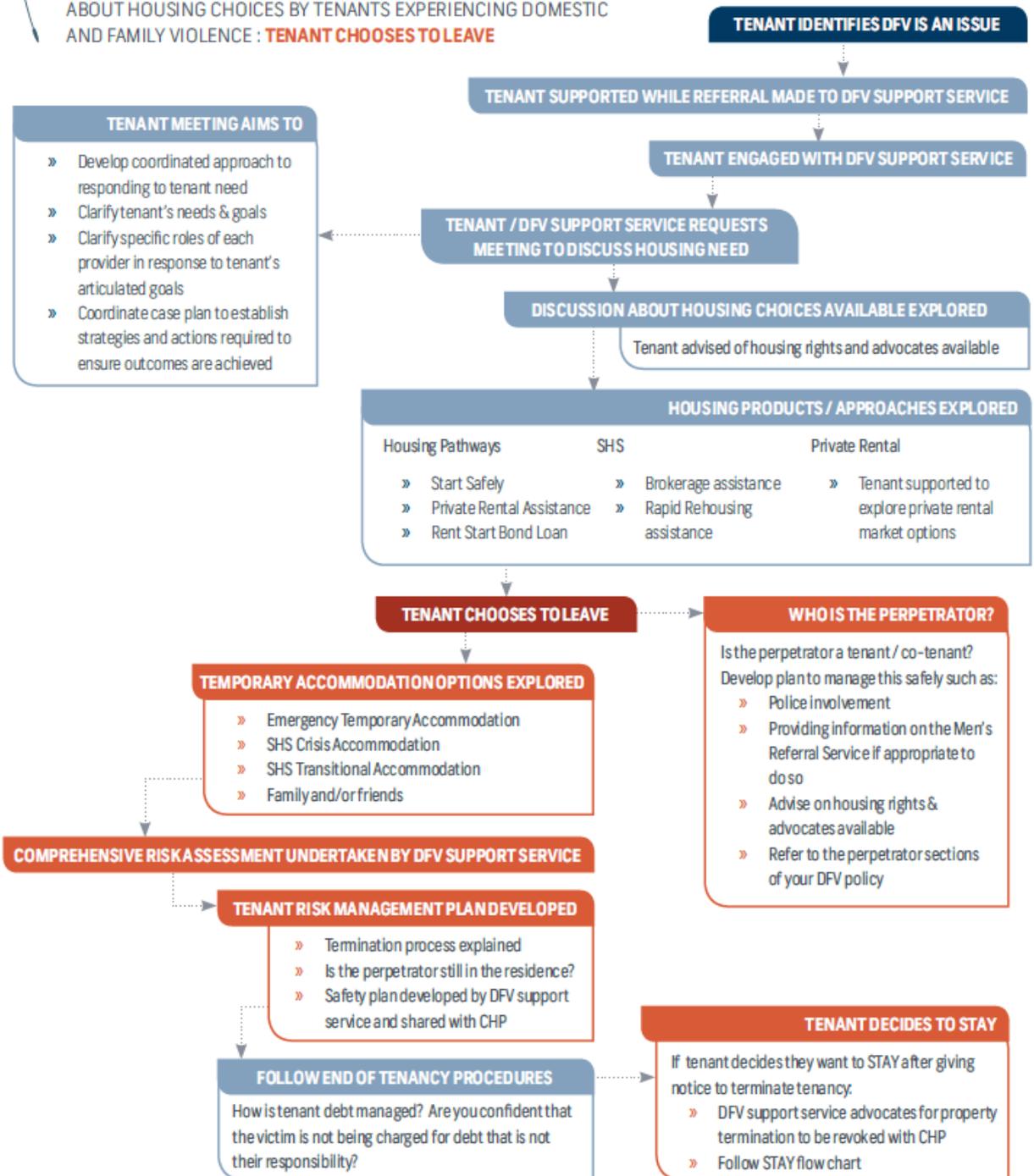
ABOUT HOUSING CHOICES BY TENANTS EXPERIENCING DOMESTIC AND FAMILY VIOLENCE: **TENANT REQUIRES / REQUESTS TO TRANSFER**





## SUPPORTING DECISION MAKING

ABOUT HOUSING CHOICES BY TENANTS EXPERIENCING DOMESTIC AND FAMILY VIOLENCE : **TENANT CHOOSES TO LEAVE**



## APPENDIX 2 – UNDERSTANDING TACTICS OF CONTROL

### Understanding tactics of control and their impact on a tenancy

Domestic and family violence involves a pattern of abusive behaviour that aims to scare and control victims. The words ‘pattern of control’ are often used to describe this kind of violence. Patterns of control can take different forms in different relationships.<sup>1</sup>

Coercive control is a term developed by Evan Stark to help us understand domestic violence as more than a ‘fight’. It is a pattern of behaviour which seeks to take away the victim’s freedom, to strip away their sense of self. It is not just women’s bodily integrity which is violated but also their human rights.<sup>2</sup>

While all forms of abuse are about power and control, coercive control is a strategic form of ongoing oppression that can affect many areas of a women’s activity by limiting access to money and other basic resources<sup>3</sup>.

Coercive control is a violation of ‘rights and liberties’ such as right to physical security, to live without fear, to dignity and respect, to social engagement and personal autonomy.

### How can coercive control place a tenancy at risk?

While it is understood the effects of coercive control can have a lasting negative impact on the psychological and emotional well-being of victims, it can also impact in the short-term by potentially placing a victims’ tenancy at risk.

The following information highlights some of the tenancy difficulties DFV victims might experience in sustaining their tenancy as a result of coercive control. In understanding the complexity of such a coercive dynamic, it is anticipated that CHPs will be able to consider a flexible approach by adapting their policies and procedure to respond to the needs of a tenants’ circumstances.

Regardless of the nature and cause of the breach, sensitivity in responding to breaches should always be used. However, in instances where you are aware or suspect that DFV may be a factor, particular consideration should be made in relation to such a sensitive approach, being mindful to ensure that your organisation’s response does not revictimise the victim. Involving a support worker to assist in determining how to respond to the breach would be appropriate. If the tenant/s aren’t linked with supports, it would still be appropriate to seek advice from your local DFV service. Information can be shared in a generic manner if the tenant/s have not given consent to share their information.

**Rent arrears** – Exerting control over household or family income by preventing and/or withholding the victim’s access to her income may result in accumulated rent arrears and potentially place the tenancy at risk. Tactic of intimidation, blame and guilt place the victim into a position of vulnerability and dependency on the perpetrator. This indicator of DFV can be particularly difficult to identify and understand if the victim is the sole occupant of the tenancy and the CHP isn’t aware of an existing partnership. It is important to be aware that the perpetrator does not need to be residing in the property in order to exert control over the victim’s finances.

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<sup>1</sup> <https://www.1800respect.org.au/violence-and-abuse/domestic-and-family-violence/>

<sup>2</sup> <https://www.cedarnetwork.org.uk/about/supporting-recovery/what-is-domestic-abuse/what-is-coercive-control/>

<sup>3</sup> Stark, E (2007). Coercive Control: How Men Entrap Women in Personal Life. By Evan Stark. New York, New York, Oxford University Press, Inc.

**Inability to attend appointments** – One of the consequences of controlling a victims' income is the persons reduced ability to attend appointments due to not being able to pay for transport or being prevented from leaving the house by the perpetrator. Such non-attendance can signal disinterest and service providers may begin to question the tenants' commitment to sustaining their tenancy and maintaining positive relations. It is important that CHP's consider the range of possibilities a tenant might be experiencing that reduces their ability to attend appointments. If non-attendance becomes an issue, and if it is safe to do so, it is recommended to attempt to engage with tenants in an easily accessible location.

**Damage to property** – Damage to property is often used as a threatening and intimidation tactic by the perpetrator. It is necessary to be mindful that damage to property can be an indicator of DFV. This indicator can be reported to tenancy staff by contractors and asset staff to further investigate. It can be difficult to determine whether damage to property has been caused by DFV or other means. The nature of the damage will be a good indicator of the cause. The CHIA NSW DFV toolkits gives guidance on the types of damage that are typically caused by DFV behaviour.

**Not reporting maintenance and repairs** – An additional issue relative to property management is a tenants' potential reluctance to report repairs and maintenance. Such a reluctance can be the result of the victim being fearful to engage external services in the family home through fear of being questioned about how the damage was initiated resulting in potential disclosure of the existence of DFV.

**Restrictions on external contact** – Similar to the above, the perpetrator may prevent the victim from contact with external services as a tactic to reinforce isolation and to maintain the dynamic of DFV as a private issue. Fear of possible disclosure and the perpetrators potential reprisal intensifies the victims' isolation and exacerbates their limited sense of control.

**Noise disturbances** – Reporting of regular noise disturbances can be an indicator of DFV. During a CHP's investigation, it is not uncommon for victims to deny the existence of DFV or that they are at risk of harm due to the fear of perpetrator retaliation. In such a situation the victims' future tenancy may be at risk. Wherever possible it is important to encourage and facilitate the process of referral to a support service.

#### **Other Matters to Consider**

Other important factors to consider are the following:

**Child Protection** – Children are often used to coerce, threaten and intimidate the victim into submission. Such tactics can prevent victims from seeking assistance through fear of safety for their children and/or fear that the children may be removed from her care. As a mandatory reporter, CHP's are required to respond to child protection by making a mandatory report to the child protection agency where a child is at significant risk of harm. While this action may be in contrast to the tenants' decision, it can be a catalyst for intervening in DFV and assisting the victim to safety.

**Guilt and shame** – A lack of family, friends and broader social networks impacts a victims' ability to engage and seek assistance. Understanding the immobilising effects of guilt and shame can assist CHP's to respond in a flexible way to the needs of tenants and operationalise the victims' process to address DFV.

## APPENDIX 3 – WH & S CHECKLIST

### Work, health and safety responsibilities checklist

#### Management responsibilities

- Clearly defined roles & responsibilities for all employees.....
- Clearly documented safe work policies & procedures that are communicated to all staff...
- WHS orientation for all new staff.....
- Ongoing training in safe work practices for management and staff.....
- Continuous identification of hazards, risk assessment & elimination or control of hazards..
- Consultative mechanisms & follow-up procedures.....
- Incident reporting procedures.....

#### Management of violence & aggression in work environments

- Support for injured staff & return to work strategies.....
- Information & instructions for contractors & visitors.....
- System established to monitor staff movements when they undertake home visits.....

#### Guidelines & policies for safe home visiting including:

- Tenant & environmental risk assessments.....
- Briefing for staff prior to visits.....
- Monitoring of staff movements.....
- Prevention & management of critical incidents...
- Communication with staff & stakeholders.....
- Adequate supports for staff.....

#### Staff responsibilities

- Understand management & staff responsibilities including WHS officers or WHS consultation processes.....
- Read, understand & comply with policies & procedures relating to workplace safety & risk management.....
- Attend training as required.....
- Understand professional boundaries.....
- Report all incidents & hazards immediately.....
- Complete office log / attendance board when leaving & returning to the office.....
- Raise any issues or concerns and seek support when required.....

#### Before leaving work premises to conduct a home visit:

- Test phone / other security monitoring equipment to ensure they work.....
- Review the tenant management system to see if there are any alerts you need to be aware of.....
- Depending on advice on the tenant management system, consider taking a staff member with you on the home visit.....
- Ensure the office knows your exact movements and return time.....
- Understand that CHP staff have a key role to play, alongside their colleagues in social services, health and the police, in keeping people safe.....
- Understand that CHP staff are well placed to identify people with care and support needs, share information and work in partnership to coordinate responses.....





## DFV data capture to be built into tenant records

\* = information required

Tenant code*			
Date*			
Suburb incident occurred in*			
Suburb victim resides in*			
Nature of DFV incident (explanation of types of incident provided at end of template)	Verbal <input type="checkbox"/>	Physical <input type="checkbox"/>	Financial <input type="checkbox"/>
	Sexual <input type="checkbox"/>	Emotional <input type="checkbox"/>	Psychological <input type="checkbox"/>
	Harassment <input type="checkbox"/>	Other <input type="checkbox"/>	
Referred for medical treatment (where necessary for physical injuries)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Report made to police	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Referred to DFV service	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Safety Plan in place	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Current ADVO	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Are there children at risk*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Mandatory report made*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Children taken into care	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Suspected property damage	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Safety modifications undertaken	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
If yes, list type of modification and cost, including who is responsible for such costs:			
NCAT Action	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
If yes, in relation to what breaches and what was the outcome of the NCAT hearing:			
Has there been a history of DFV or other incidents that have required management or intervention?			
Victim separated from perpetrator	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
Worker Name:		Worker email address:	
Tenant Code*		Property Code*	

The nature of the DFV incident categories are taken from the Department Communities and Justice and the Office for Women.<sup>4</sup>

<p><u>Verbal abuse</u></p> <ul style="list-style-type: none"> <li>• Swearing and continual humiliation, in public or private</li> <li>• Attacks on intelligence, sexuality, body image and capacity as a parent and spouse</li> <li>• Ridiculing religious beliefs or ethnic background</li> <li>• Screaming, shouting, name-calling, put-downs</li> </ul>	<p><u>Physical abuse</u></p> <ul style="list-style-type: none"> <li>• Direct assault on the body (choking, strangulation, shaking, eye injuries, biting, slapping, pushing, spitting, burning, punching, kicking, pulling hair)</li> <li>• Use of weapons, including objects</li> <li>• Hurting the children</li> <li>• Locking the victim in or out of the house or rooms</li> <li>• Forcing the victim to take drugs</li> <li>• Not allowing medication, food or medical care</li> <li>• Not allowing sleep</li> </ul>
<p><u>Financial abuse</u></p> <ul style="list-style-type: none"> <li>• Forbidding access to bank accounts</li> <li>• Providing only a small 'allowance'</li> <li>• Not allowing the victim to work or have a job</li> <li>• Forcing the victim to sign documents or make false declarations</li> <li>• Using all the wages earned by the victim for household expenses</li> <li>• Controlling the victim's pension</li> <li>• Denying that the victim is entitled to joint property</li> </ul>	<p><u>Sexual abuse</u></p> <ul style="list-style-type: none"> <li>• Any form of pressured or unwanted sex or sexual degradation causing pain during sex</li> <li>• Assaulting genitals</li> <li>• Forced sex without protection against pregnancy or sexually transmitted disease</li> <li>• Making the victim perform sexual acts unwillingly (including taking or distributing explicit photos without their consent)</li> <li>• Criticising or using sexually degrading insults</li> </ul>
<p><u>Emotional abuse</u></p> <ul style="list-style-type: none"> <li>• Blaming the victim for all problems in the relationship</li> <li>• Constantly comparing the victim with others to undermine their self-esteem and self-worth</li> <li>• Sporadic sulking</li> <li>• Withdrawing all interest and engagement (for example, weeks of silent treatment)</li> <li>• Emotional blackmail and suicidal threats</li> </ul>	<p><u>Psychological abuse</u></p> <ul style="list-style-type: none"> <li>• Creating fear, such as driving dangerously, possessing weapons, angry looks</li> <li>• Destroying property or valued possessions</li> <li>• Hurting or killing pets in front of family members</li> <li>• Making threats regarding custody of any children</li> <li>• Saying that the police and courts will not help, support or believe the victim</li> <li>• Threatening to "out" the person</li> </ul>
<p><u>Harassment</u></p> <ul style="list-style-type: none"> <li>• Following and watching</li> <li>• Telephone and online harassment</li> <li>• Tracking with Global Positioning Systems (GPS)</li> <li>• Being intimidating</li> <li>• Entering the home without permission</li> </ul>	<p><u>Other</u></p> <ul style="list-style-type: none"> <li>• Spiritual or religious abuse</li> <li>• Image based abuse</li> <li>• Reproductive abuse</li> </ul>

<sup>4</sup> <https://www.facs.nsw.gov.au/domestic-violence/about/types-of-abuse-in-dv>