**Kent Housing Group Guidance Note March 2022**

**Domestic Abuse and Information Sharing**

This guidance note is produced on behalf of Kent Housing Group by Kent Housing Options Sub-Group and Tenancy Management Sub-Group. The guidance arises out of two separate Domestic Homicide Reviews, one of which was carried out in the County of Kent and the other by Tower Hamlets Community Safety Unit.

The content of this note should not be regarded as legal advice, and if in doubt advice should be obtained from your organisation’s safeguarding lead and/or designated data protection officer. When sharing information, housing organisations are encouraged to enquire whether the organisation they are sharing information with has staff who are trained in supporting victims of domestic abuse, to enable direct liaison to take place with specialist staff.

Both the Kent and Tower Hamlet’s Domestic Homicide Reviews considered the roles of the various agencies involved with the victims and the perpetrators prior to the victim’s death.

Recommendations arising from the DHRs indicates that there was an opportunity for the housing organisations involved to have shared information regarding a history of domestic abuse when nominating the victim and perpetrator as tenants; or during an assignment of a tenancy by way of a mutual exchange.

**Mutual Exchange**

A victim of domestic abuse may not reveal to the exchanging tenant their current or previous circumstances. This makes victims of domestic abuse particularly at risk, as the perpetrator may approach the tenant with whom the exchange took place to obtain information about the victim’s new address. Alternatively, the perpetrator of domestic abuse might encourage the tenant to carry out a mutual exchange in order to take the victim away from the area where they are supported by family or friends; or to cause further isolation and dependence on the perpetrator.

Landlord organisations are encouraged to include within their mutual exchange application forms a question relating to why the tenant is requesting an exchange.

If either tenant gives an indication of historical or existing domestic abuse, enquiries should be to:

* Clarify who the perpetrator is/was
* Enable a risk assessment to be completed, and
* Ensure that the decision to exchange is not due to coercion or control.

Interviews with the potential victim of DA should be conducted in a safe space, away from any person who might be the perpetrator of the abuse.

In circumstances where the tenant wants to go ahead with the exchange, the landlord should obtain the tenant’s consent to share this information with the receiving landlord. In situations where the consent is withheld, consideration to sharing information without consent should be made in accordance with the organisation’s safeguarding policy.

**Nomination from the Housing/Transfer Lists and Reciprocal Arrangements**

Staff should be trained to recognise when an applicant discloses either current or historic domestic abuse within their application form. When this is identified, the organisation should take appropriate steps to address the needs of the applicant and to ensure that they remain safe. This may include making a referral to the local housing authority in accordance with the homelessness legislation.

As above, applicants who have disclosed domestic abuse in their application should be contacted in a safe manner in order obtain the tenant’s consent to share this information with the receiving landlord. In situations where the consent is withheld, consideration to sharing information without consent should be made in accordance with the organisation’s safeguarding policy.

**Support to victims of domestic abuse**

Specialist services exist in all areas of Kent to support victims of domestic abuse. Receiving landlords should consider whether the victim should be referred to the Multi Agency Risk Assessment Conference (MARAC) if they have not already engaged in the process. It is imperative that all victims of domestic abuse have their needs assessed following their move to a new home so that support can be provided appropriate to their requirements and to keep them safe.

The Department for Levelling Up, Housing & Communities updated paragraphs 5.7 – 5.11 of their guidance the [‘Allocation of Accommodation: guidance for local authorities’](https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities) to make suggestions on how local authorities and housing associations could improve information sharing practices at the tenancy nomination stage where there are safeguarding concerns, including, but not limited to, concerns about domestic abuse.

The Local Government and Social Care Ombudsman has also provided a Focus Report drawing upon the experiences of a number of victims whose cases the Ombudsman investigated. The Focus Report offers guidance and insight to councils and housing providers, and suggest ways in which those services could have responded better. The Focus Report can be downloaded via the following link:

<https://www.lgo.org.uk/information-centre/news/2021/nov/ombudsman-issues-guidance-to-help-domestic-abuse-survivors>

End.