



OAK TREE HOUSING ASSOCIATION

Domestic Abuse Policy

This policy is available to the public on the Association's website. Copies are also available on request and free of charge from the Association. This policy can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

Adopted

September 2026

Next Review Due

September 2029



1. Purpose of the Policy

- 1.1 Oak Tree Housing Association is committed to providing safe homes and services to our tenants, household members and other affected by domestic abuse. This policy sets out how the Association will recognise, respond to and support people experiencing domestic abuse. It explains our commitment to taking a victim-survivor centred, trauma-informed and safety-led approach, and outlines how we will use housing management, tenancy, legal and partnership options to protect victim-survivors and hold perpetrators accountable. We will also recognise how domestic abuse may affect a person's housing, finances, health, support networks and the ability to engage with us.

2. Policy Statement

- 2.1 The Association takes a zero-tolerance approach to domestic abuse and recognises it as a serious housing, safeguarding and equality issue. We will respond sensitively, consistently and promptly to anyone experiencing or at risk of domestic abuse, and we will use all appropriate housing management, legal and partnership routes to improve safety, sustain tenancies where safe to do so, and hold perpetrators accountable.

3. Scope

- This policy applies to all tenants, joint tenants, household members, applicants, service users, factored owners where relevant, and anyone engaging with the Association's housing services. It applies to all forms of domestic abuse, including physical, sexual, psychological, emotional, financial, coercive or controlling behaviour, harassment, intimidation, threats, and abuse facilitated through technology.
- Scottish Secure Tenancies, Short Scottish Secure Tenancies and wider housing management functions including allocations, transfers, rent arrears, repairs, anti-social behaviour, complaints and safeguarding.

4. Key Legislation

- 4.1 This policy will be applied in line with relevant housing, homelessness, equality, human rights, child protection, adult support and protection, data protection, tenancy legislation and safeguarding legislation, regulations and guidance including :

- Housing (Scotland) Act 1987, 2001, 2010 & 2014
- Domestic Abuse (Protection) (Scotland) Act 2021 Equality Act 2010; Human Rights Act 1998
- Children (Scotland) Act 1995
- Adult Support and Protection (Scotland) Act 2007
- Children and Young People (Scotland) Act 2014
- Domestic Abuse (Scotland) Act 2018
- UK General Data Protection Regulation and Data Protection Act 2018
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- The Scottish Social Housing Charter



Domestic Abuse (Protection) (Scotland) Act 2021

This introduces a new tenancy ground relating to abusive behaviour and amends the Housing (Scotland) Act 2001 to allow social landlords, in appropriate cases, to seek recovery of possession or termination of a joint tenant's interest in a tenancy where the statutory conditions are met. The policy also takes into account of the Scottish Government's statutory guidance, *Domestic Abuse – Social Housing Tenancy Provisions: Statutory Guidance for Social Landlords*, published in June 2026, including guidance on identifying cases, considering housing options, gathering evidence, data protection, notices, court action, advice and assistance, and the streamlined process available in appropriate cases.

Housing (Scotland) Act 2025

The Housing (Scotland) Act 2025 introduces further duties and safeguards relevant to tenants affected by domestic abuse, including provisions requiring domestic abuse to be considered in social housing rent arrears cases, supporting tenants affected by domestic abuse through the Scottish Social Housing Charter, and strengthening approaches to housing applications, homelessness and access to housing where abuse is a factor. This policy will be reviewed – and, where appropriate, updated - as those provisions are commenced and further guidance is issued.

5. Definitions of Domestic Abuse

- 5.1 For the purposes of this policy, domestic abuse means abusive behaviour by a partner or ex-partner. Abuse may include physical violence or threats, sexual violence, intimidation, harassment, coercive or controlling behaviour, psychological abuse, emotional abuse, financial abuse, isolation, monitoring day to day activities, restricting freedom, stalking, damage to property, behaviour intended to frighten, humiliate degrade or punish and abuse through digital or online means. Domestic Abuse may consist of a single incident or a course of conduct. The impact on children and other household members will also be considered when assessing risk and support needs.

6. Our Principles

6.1 We will

- listen to victim-survivors, without requiring them to prove abuse before we offer support.
- put safety, choice, dignity and confidentiality at the centre of our response, in including any actions we may take.
- avoid actions that increase risk or place responsibility on the victim-survivor for the perpetrator's behaviour.
- consider the needs and wishes of children and take safeguarding action where required.
- work with specialist agencies and statutory partners where this is safe, lawful and appropriate.



- consider the use of legal and other remedies available to us in a manner that is proportionate, including tenancy action against perpetrators where the statutory tests are met.
- consider the impact of domestic abuse when dealing with arrears, property damage, complaints, anti-social behaviour and other tenancy issues.

7. Identifying Domestic Abuse

- 7.1 We may become aware of domestic abuse through a direct disclosure, reports from neighbours or family members, police or social work involvement, repairs records, rent arrears, complaints, anti-social behaviour reports, homelessness or transfer applications, contact with support agencies, or staff observations during home visits or other contact.
- 7.2 Staff will be trained to recognise possible indicators of domestic abuse, including unexplained arrears, repeated damage to doors or windows, frequent emergency repairs, a tenant appearing unable to speak freely, withdrawal from services, threats from a partner or ex-partner, repeated complaints linked to the household, or a sudden request to leave or remain in the home.

8. Responding to Disclosure

- 8.1 Where someone discloses domestic abuse, staff will respond calmly, respectfully and without judgement. Staff will ask about immediate safety, agree safe methods of contact, avoid contacting the alleged perpetrator without considering risk, and explain what information may need to be shared where there is a safeguarding concern or serious risk of harm.
- 8.2 We will not require a victim-survivor to take criminal, civil or tenancy action before support is offered. Where a victim-survivor does not want action taken, we will respect that choice unless there is a legal duty or safeguarding reason to act. We will keep decisions under review where risk changes.

9. Support and Signposting

- 9.1 We will offer practical housing support and signposting based on an individual's circumstances, needs and wishes. This may include safety planning, arranging emergency repairs, changing locks where appropriate (following legal advice only), improving home security, discussing transfer or management move options, making homelessness referrals, supporting applications for benefits or financial assistance, and signposting to specialist domestic abuse, legal, money advice, mental health, children's services and advocacy organisations.
- 9.2 We will maintain up-to-date local and national signposting information, including specialist domestic abuse services, Police Scotland, social work, child protection services, adult support and protection services, homelessness



services, legal advice providers, advocacy services and emergency support. Staff will check with the victim survivor how information can be provided safely.

10. Risk Assessment and Safeguarding

- 10.1 We recognise that domestic abuse can cause serious harm to children and adults at risk. Where we believe a child or adult may be at risk of harm, we will follow our Child Safeguarding and Adult Support policy. We will share information with statutory agencies where required or justified by risk, while keeping the victim-survivor informed where it is safe and appropriate to do so.
- 10.2 Where domestic abuse is disclosed or suspected, staff must consider immediate and ongoing risk, including risks to children, household members, staff and contractors. Safety planning may include agreeing safe methods of contact, avoiding letters or messages that could be seen by the perpetrator, changing appointment arrangements, securing the property, referral to specialist domestic abuse support, and escalation to emergency services where there is immediate danger.

11. Children's Rights

- 11.1 We are committed to respecting, protecting and helping to fulfil the rights of children and young people, and to embedding a child rights-based approach across relevant areas of policy, decision-making and service delivery. Where our decisions, actions or services may affect children directly or indirectly, we will have regard to the requirements of the United Nations Convention on the Rights of the Child. We will seek to ensure that relevant decisions are informed by consideration of children's rights, that the views of children and young people are considered in a way that is appropriate to their age and circumstances, and that our practice supports fair, transparent and child-conscious decision-making.

12. Housing Options and Tenancy Sustainment

- 12.1 We will explore safe and practical housing options with the victim-survivor, including remaining in the home with additional safety measures, emergency or management transfer, temporary accommodation, homeless presentation support, or other rehousing options.

12.2 The Abusive Behaviour Ground for Repossession

Where the statutory conditions are met, we may consider using the abusive behaviour ground (ground 15A) introduced by Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021. This may allow us to seek an order for recovery of possession or, in the case of a joint tenancy, termination of the abusive tenant's interest in the tenancy, and the granting of a tenancy to the victim-survivor with the aim of allowing the victim-survivor to remain safely in the home where that is appropriate.



Before deciding whether to use this ground, we will consider the victim-survivor's wishes, safety risks, available evidence, the position of children, any relevant criminal, civil, family or protective proceedings, whether the property is the only or principal home of relevant parties, proportionality, equality and human rights considerations, and whether there are safer or more suitable alternatives.

Any notice of proceedings that we may serve with a view to commencing repossession proceedings in terms of this ground, will only be served following notification of the decision to serve such notice being given to the victim-survivor, with a clear indication of timing of delivery of the notice to them, the perpetrator tenant/ joint tenant and any others. This is to ensure that the victim-survivor has prior notification to allow them to ensure their safety, the safety of others, and have sufficient time to engage further with their support network, including organisations supporting them. We will offer support and signposting again at this stage to appropriate organisation if such organisations are not already part of the victim survivor's network.

12.3 Housing Options – Advice and Assistance to Perpetrators

Where proceedings for recovery of possession are raised using the abusive behaviour ground, we will provide advice and assistance to the tenant / joint tenant and any relevant qualifying occupier(s) about finding alternative accommodation, in line with statutory requirements and guidance. In doing so, we will ensure such advice and assistance is provided in a manner that does not compromise the safety, confidentiality or support needs of the victim-survivor and any children or others who may be adversely impacted.

12.4 Alternatives

Where we cannot, or do not feel in a position to, proceed with seeking a court Order to recover possession of, or their interest in (if a joint tenant), the house from the perpetrator, using the abusive behaviour ground, we will consider other options available to us in accordance with relevant policies and procedures, including management transfers and allocation of properties. Where appropriate, we may support the victim-survivor to obtain independent advice on their own options in addition to those alternatives we can consider.

13. Rent Arrears, Property Damage and Other Housing Management Issues

- 13.1 We recognise that domestic abuse can directly contribute to rent arrears, rechargeable repairs, property damage, missed appointments, complaints, neighbour reports or other tenancy issues. Examples may include financial control, interference with rental payments, damage caused by the perpetrator,



forced absence from the home, or the victim-survivor being unable to engage safely with staff.

- 13.2 Where domestic abuse is known or suspected, we will consider whether the housing management issue has arisen because of abuse before taking enforcement action. We will consider reasonable adjustments to our usual housing management approach, including pausing or tailoring arrears action, agreeing safe and affordable repayment arrangements, signposting to money advice, reviewing rechargeable repair decisions, considering whether damage should be treated as abuse-related, and avoiding correspondence or visits that may increase risk.
- 13.3 Where court action for rent arrears is being considered and domestic abuse may be a factor, we will follow all applicable pre-action requirements, including any additional requirements introduced by the Housing (Scotland) Act 2025 and any related guidance. We will ensure the court is provided with accurate information about compliance where required.
- 13.4 We will not treat a victim-survivor as responsible for the perpetrator's behaviour without first fully considering the circumstances, evidence, safety risks and legal duties. We will balance support for the victim-survivor with our responsibility to manage tenancies, protect neighbours, recover rent lawfully and maintain our housing stock.

14. Evidence Gathering

- 14.1 We will gather evidence sensitively and will not place unnecessary evidential burdens on the victim-survivor. Evidence may include disclosures, reports from Police Scotland, court orders, information from specialist domestic abuse services, housing records, repairs records, neighbour reports, photographs, messages, or other relevant information. Any evidence sought from external agencies will be requested lawfully, proportionately and only where necessary to support safety and appropriate action.
- 14.2 We will not place unnecessary evidential burdens on victim-survivors when offering support. Where tenancy action is being considered, we will assess whether there is sufficient evidence to meet the relevant statutory and court requirements, and we will seek legal advice where appropriate. Each case will be determined on its own merits, taking into account the specific circumstances of that case and will not require to be corroborated given the lesser standard of proof needed in civil court actions.



15. Repairs, Security and Property Safety

- 15.1 Where appropriate, we will consider practical safety measures such as, improved lighting, door and window security, fire safety checks, target hardening referrals, changes to access arrangements, and safe arrangements for repairs appointments, lock changes may be considered if the perpetrator have never lived in the house. Any works or visits must be planned in a way that does not disclose the victim-survivor's location or increase risk.

16. Confidentiality, Consent and Information Sharing

- 16.1 We will handle all disclosures of domestic abuse confidentially and in line with data protection requirements. Information will only be shared where there is consent, a lawful basis, or a risk of serious harm to the victim-survivor, children, staff, contractors or others or to fulfil a statutory duty, prevent or detect crime, or for another lawful purpose. Where information is shared with partner agencies, this will be necessary, proportionate, recorded, and focused on safety, support and prevention of harm.
- 16.2 We will agree safe contact arrangements with the victim-survivor, including preferred telephone numbers, email addresses, postal addresses, times of contact and whether voicemail, text messages or letters are safe. We will take care not to disclose a victim-survivor's location or personal information to the perpetrator.

17. Partnership Working

- 17.1 We will work with relevant partners, including Police Scotland, local authority services, health and social care services, women's aid and specialist domestic abuse organisations, legal advisers, homelessness services, and safeguarding partners. Partnership working will be used to coordinate safety planning, housing options, risk management, evidence gathering and ongoing support.

18. Training and Awareness

- 18.1 We will provide appropriate training for staff so they understand domestic abuse, recognise indicators of abuse, respond safely to disclosures, safeguarding, housing options, tenancy remedies, understand safe recording and information sharing, and know when to escalate concerns. Refresher training will be provided periodically and when legislation, guidance or internal procedures change.
- 18.2 Directors and Senior Staff will support staff dealing with domestic abuse cases, ensure appropriate supervision and case review, and seek specialist or legal advice where required. Staff must follow this policy, related procedures and any relevant statutory guidance.



- 18.3 The Association will monitor the effectiveness of this policy through appropriate performance information, case reviews, staff feedback, tenant/victim-survivor feedback and learning from complaints, serious incidents and multi-agency working. Significant risks, themes and improvement actions will be reported through the Association's governance arrangements."

19. Communication and Accessibility

- 19.1 We will make information about this policy available in accessible formats and promote awareness through appropriate tenant communications, staff guidance, website information and signposting materials. Communications will be designed so that they do not increase risk to anyone experiencing abuse.

20. EQUALITIES STATEMENT

- 20.1 This policy has been developed with consideration of the Equality Act 2010 and seeks not to consciously or subconsciously discriminate or to have an adverse effect upon anyone on the grounds of age, disability, gender identity or sexual orientation, race, religion, belief, or sex.
- 20.2 OTHA is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout the Association there will be a consistent approach in promoting equality and diversity across all areas.
- 20.3 We are committed to ensuring that all people have an equal opportunity to access our services. We will consider the accessibility of the way we provide our service. We will be responsive to the way that tenants and other customers wish to contact and interact with OTHA and will make reasonable adjustments to the way we deliver our services to accommodate different needs. If in line with this policy we decide that we need to manage our contact with an individual, we will consider whether they have accessibility needs that should be considered when we do so.

21. Appeals Procedure

- 21.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints handling procedure which is available at the Association's office or on the Association's website. Where a complaint relates to domestic abuse, the Association will consider whether normal communication and complaint-handling arrangements could expose the victim-survivor to further risk and will agree safe methods of communication where necessary.
- 21.2 Tenants also have a right to complain to the Public Services Ombudsman. The Complaints handling procedure details the way in which Tenants can complain and the timescales for responding.



21.3 If you require a copy of our complaints procedure in another language or in another form (such as Braille or audio tape), this can also be available on request.

22. **Policy Review**

22.1 This policy will be reviewed every 3 years, or sooner if legislative, regulatory or best practice changes require this.