Domestic Abuse Policy
(Ref: HM15)

Purpose of Policy: The purpose of this Policy is to outline the organisations approach to dealing with Domestic Abuse cases and how we will support victim-survivors to remain in their home, or to move to suitable alternative accommodation if that is their preference.

Policy Monitoring Details	
Department:	Housing Management
Author:	Nicola Stobie – Housing Management Director
Status:	Group
Date Approved by Board:	
Planned Review Date:	3 years after approval
Regulatory Outcomes being achieved:	Scottish Social Housing Charter: 1 Equalities 5 Repairs, maintenance and improvements 6 Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes 7,8,9 Access to housing and support 11 Tenancy sustainment
Association Values	▪ Committed ▪ Agile ▪ **People-Focussed** This Policy clearly sets out how MEHA will respond to Domestic Abuse cases ▪ Professional
Relevant Legislation	• Housing (Scotland) Act 2001; • Housing (Scotland) Act 1987; • Housing (Scotland) Act 2010; • Housing (Scotland) Act 2025; (see Appendix 1) • Domestic Abuse (Scotland) Act 2018, • Domestic Abuse (Protection) (Scotland) Act 2021; (see Appendix 1) • United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 • Children (Scotland) Act 1995; • Children and Young People (Scotland) Act 2014; • Adult Support and Protection (Scotland) Act 2007; • Equality Act 2010; Human Rights Act 1998; • UK GDR and Data Protection Act 2018

Tenant Consultation Required:	No
Equalities Impact Assessment	Initial

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1. Introduction

1.1 We are committed to providing safe homes and services for tenants, household members and others affected by domestic abuse. We will take a trauma-informed, person-centred and safety-led approach, recognising that domestic abuse may affect a person's housing, finances, health, children, support networks and ability to engage with us.

We will not tolerate domestic abuse. Where it is safe and appropriate to do so, we will support victim-survivors to remain in their home, or to move to suitable alternative accommodation if that is their preference. We will endeavour to use our tenancy management powers fairly and proportionately to protect victim-survivors and hold perpetrators to account.

1.2 This policy applies to all tenants, joint tenants, household members, applicants, service users and others who may be affected by domestic abuse in connection with our housing services. It applies to Scottish secure tenancies, short Scottish secure tenancies and wider housing management functions, including allocations, transfers, rent arrears, repairs, anti-social behaviour, complaints and safeguarding.

2. Aims and objectives

2.1 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. (see Appendix 2)

- 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.

3. Definition

3.1 For the purposes of this policy, domestic abuse includes behaviour which is abusive and is likely to cause physical or psychological harm. Abuse may include physical violence, threats, intimidation, coercive or controlling behaviour, isolation from family or support, monitoring day-to-day activities, restricting freedom, financial abuse, emotional abuse, harassment, damage to property, abuse through children or third parties, and behaviour intended to frighten, humiliate, degrade or punish.

Domestic abuse may be a single incident or a course of conduct. It may occur regardless of gender, age, disability, race, religion or belief, sexual orientation, gender identity, immigration status, income or tenure. We recognise, however, that domestic abuse disproportionately affects women and children, and that children who see, hear or experience the effects of domestic abuse may be victims in their own right.

4.0 Policy

4.1 Identifying Domestic Abuse

4.1.1 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.

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.

4.2 Responding to Disclosure

4.2.1 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.

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.

4.3 Support and Signposting

4.3.1 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 (and where legal advice has been sought), 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.
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.

4.4 Safeguarding Children and Adults at Risk

4.4.1 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 taken into account in a way that is appropriate to their age and circumstances, and that our practice supports fair, transparent and child-conscious decision-making.

4.5 Children's Rights

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4.6 Housing Options and Tenancy Remedies

4.6.1 We will discuss housing options with the victim-survivor, including whether they wish to remain in the home, move temporarily, move permanently, and/ or access other support. We will consider emergency accommodation, management transfers, mutual exchanges, allocations, homelessness duties and partnership working with other landlords or local authorities.

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, 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 organisations if such organisations are not already part of the victim-survivor's network.

We will at all times take into account the views of the victim-survivor and any others adversely impacted by domestic abuse, including children, throughout the process of seeking a repossession Order.

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.

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.

4.7 Rent Arrears, Property Damage and other Housing Management Issues

4.7.1 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.

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.

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.

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.

4.8 Evidence and Record Keeping

4.8.1 We will gather and record information sensitively, lawfully and only where necessary. Evidence may include information from the victim-survivor, police, social work, health professionals, specialist domestic abuse services, court orders, repairs records, photographs, tenancy records, reports from neighbours, staff observations and other relevant sources.

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.

4.9 Confidentiality, Data Protection and Safe Contact

4.9.1 We will handle personal data, special category data and criminal offence data in line with data protection law and our privacy procedures. Information about domestic abuse will be shared only where there is a lawful basis and it is necessary, proportionate and safe to do so. Information may require to be shared for a number of reasons, including ensuring appropriate safety measures are in place, obtaining updates regarding ongoing issues, and ingathering evidence from third parties such as Police Scotland, Social Work or other supporting agencies (e.g. Women's Aid)

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.

4.10 Multi-Agency Working

4.10.1 We will work with relevant agencies to support safety and effective housing outcomes. This may include Police Scotland, local authority homelessness teams, social work, child protection, adult support and protection, health

services, specialist domestic abuse services, legal advisers, advocacy organisations, money advice services and other registered social landlords. Where a case presents serious risk, we will consider referral to appropriate local risk management arrangements in accordance with local protocols and the victim-survivor's safety needs.

4.11 Equality, Human Rights and Accessibility

4.11.1 We will deliver this policy fairly and without discrimination. We will make reasonable adjustments for disabled people, provide interpretation or translation where needed, and consider barriers linked to language, culture, disability, age, immigration status, digital exclusion, geographical location or isolation.

We will act compatibly with human rights and equality duties, including the right to respect for home and family life, the right to peaceful enjoyment of possessions where relevant, protection from discrimination, and the need to protect life and prevent inhuman or degrading treatment where serious risk is present.

5.0 Communication and Publicity

5.1 We will publicise our approach to domestic abuse through appropriate channels, including our website, tenant information and staff guidance. We will make clear that domestic abuse is not tolerated, support is available, and tenants can contact us safely to discuss their housing options.

6.0 Monitoring and Review

6.1 We will monitor the operation of this policy, including the number and type of domestic abuse cases identified, support offered, tenancy remedies considered or used, outcomes for victim-survivors, arrears and repairs decisions, safeguarding referrals, complaints and learning from case reviews.

This policy will be reviewed at least every three years, or earlier if there are changes in legislation, statutory guidance, regulatory standards, good practice or organisational learning. Where required, the policy will be updated to reflect commencement and implementation of relevant Housing (Scotland) Act 2025 provisions and any further Scottish Government or Scottish Housing Regulator guidance.

APPENDIX 1

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 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.

APPENDIX 2

Specialist agencies include:

Edinburgh Women's Aid – 0131 315 8110
Scotland's Domestic Abuse and Forced Marriage Helpline – 0800 027 1234
Abused Men in Scotland – 03300 949 395