

# Domestic & Family Violence Policy

## 1. Purpose

To define how HOME in PLACE will respond to, and support tenants experiencing domestic and family violence.

## 2. Scope

This policy applies to all HOME in PLACE tenants, household members and applicants for housing assistance.

## 3. Policy Statement

HOME in PLACE recognises that domestic and family violence has serious and harmful impacts on tenants, applicants and their families. HOME in PLACE is committed to reducing the impact of domestic and family violence through the provision of safe and affordable housing and housing assistance to applicants.

Domestic and family violence affects many people regardless of social background, disability, age, gender, religion, sexuality or ethnicity. HOME in PLACE recognises that domestic and family violence affects both females and males, those in lesbian, gay, bisexual, transgender, queer and intersex relationships. Living with domestic and family violence has a profound impact on survivors, children and young people.

HOME in PLACE acknowledges that domestic and family violence is a whole of community issue that requires a whole of system response.

In determining HOME in PLACE response, HOME in PLACE will take appropriate action that balances the wishes of the victim with the safety and wellbeing of other household members and the rights of the landlord to protect the property. HOME in PLACE will comply with the provisions of the Residential Tenancies Act 2010 (NSW).

In circumstances where HOME in PLACE determines that children or young people are at risk, a mandatory report will be made in accordance with the Children and Young Persons (Care and Protection) Act 1998.

HOME in PLACE is committed to building staff skills, capacity and practice to identify indicators of domestic and family violence and to work with those affected to manage their housing and support needs.

## Guiding Principles

- Domestic & family violence is illegal and unacceptable;
- The safety of the victim and children is our primary concern;
- All reports of domestic & family violence will be treated seriously;
- HOME in PLACE recognises the right of the victim to stay in their home;
- HOME in PLACE response will depend on the circumstances.

## Responding to Domestic & Family Violence

When responding to clients affected by domestic and family violence, HOME in PLACE will:

- Respect the client's right to privacy and confidentiality and make lawful decisions about disclosure of personal information;
- Consider the safety and wellbeing of the client and any children and young people (who may be part of the household) when assessing requests for assistance;
- Provide reliable and complete information to the tenant, co-tenant and any household members about their options and entitlements;
- Make appropriate referrals to services and support agencies;
- 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.

## Changes in the Tenancy due to Domestic & Family Violence

A tenant or co-tenant can give a termination notice (a domestic violence termination notice) to HOME in PLACE and any other co-tenant if they or their dependent child are in circumstances of domestic violence.

These circumstances are:

- Has been the victim of a domestic violence offence while a tenant or co-tenant, or dependent child, in the residential premises and a relevant domestic violence offender has been found guilty of that offence;
- A Domestic Violence Order has been made for their protection against a relevant domestic violence offender, as per the Crimes (Domestic & Personal Violence) Act 2007;
- The person has been declared by a competent person to be a victim of domestic violence during the current tenancy agreement (declarations must meet the requirements under the Residential Tenancies Act 2010).

A relevant domestic violence offender is defined in the Residential Tenancies Act 2010 as:

*(a) a co-tenant or occupant or former co-tenant or former occupant, or*

*(b) a person with whom a tenant or co-tenant giving a domestic violence termination notice has or has had a domestic relationship, within the meaning of the Crimes (Domestic and Personal Violence) Act 2007.*

If the tenant or co-tenant gives a domestic violence termination notice, they must attach one of the following types of evidence:

- Certificate of conviction for the domestic violence offence;
- Family law injunction;
- Provisions, interim or final Domestic Violence Order;
- Declaration made by a medical practitioner in the prescribed form.

If a tenant ends their fixed term tenancy in circumstances of domestic violence, they will not be liable to pay any compensation or additional money for the early termination.

If a co-tenant (other than a relevant domestic violence offender) remains in the tenancy, they will be able to apply to the Tribunal to end their tenancy and they will be entitled to a two (2) week period where they will only pay their share of the rent.

Refer to the Residential Tenancies Act 2010 for further information about ending a tenancy in circumstances of domestic violence.

## Privacy and Confidentiality

HOME in PLACE respects a person's right to privacy and will follow the law when we handle personal information. However, where HOME in PLACE believes 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, HOME in PLACE may share information to reduce or prevent the threat, as permitted by privacy laws.

## 4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

## 5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services ([GESAdmin@homeinplace.org](mailto:GESAdmin@homeinplace.org)) to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to [SharePoint Company Documents Policy and Procedure site](#) for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

## 6. Resources and related documents

### *Related documents*

- [POL-025-37 Housing Transfer Policy.pdf](#)
- [POL-025-38 Ending Tenancy Policy.pdf](#)
- [POL-025-39 Succession of Tenancy Policy.pdf](#)

### *Related legislation/standards*

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010 (NSW)
- Privacy Act 1998 (Cth)The Children and Young Persons (Care and Protection) Act 1998 (the Care Act)
- Crimes (Domestic and Personal Violence) Act 2007

## 7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
<b>Appeals</b>	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
<b>Applicant</b>	A person approved for social housing
<b>Compass</b>	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the <a href="#">Australian Charities and Not-for-profit Commission (ACNC)</a> .
<b>Complainant</b>	Person with a Complaint ongoing with HOME in PLACE.
<b>Complaints</b>	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> <li>• Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service;</li> <li>• Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures.</li> <li>• Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information</li> <li>• Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.</li> </ul>
<b>Domestic &amp; Family Violence</b>	Behaviour that is violent, threatening, controlling and makes someone live in fear. The people involved are in, or have been in, a domestic relationship.
<b>HOME in PLACE</b>	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
<b>Household Members</b>	A person who resides at the property who is an approved additional occupant but who is not the tenant
<b>Landlord</b>	The person who grants the right to occupy a property under a Residential Tenancy Agreement
<b>NSW Civil &amp; Administrative Tribunal (NCAT)</b>	An independent statutory body that resolves disputes including tenancy disputes. Orders of the NCAT are enforceable
<b>Residential Tenancy Agreement</b>	A legal agreement between the tenant and landlord

Term	Definition
<b>Stakeholder</b>	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
<b>Tenant</b>	A person who signs the Residential Tenancy Agreement with HOME in PLACE
<b>Worker (HOME in PLACE)</b>	<p>has the same meaning as defined in the <a href="#">NSW Work Health and Safety Act 2011 No 10</a> Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> <li>• an employee, or</li> <li>• an independent contractor or subcontractor, or</li> <li>• an employee of a contractor or subcontractor, or</li> <li>• an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>• an outworker, or</li> <li>• an apprentice or trainee, or</li> <li>• a student gaining work experience, or</li> <li>• a volunteer, or</li> <li>• a person of a prescribed class.</li> </ul>

*End of document.*