



DOMESTIC ABUSE POLICY
AUGUST 2026
AUGUST 2029

Policy on:	Domestic Abuse Policy
Compliant with the Scottish Social Housing Charter:	Charter Outcome Ref No 1: Equalities Social Landlords perform all aspects of their housing service so that: "every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services". Charter Outcome Ref No 2: Communication Social landlords manage their businesses so that: "tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides." Charter Outcome Ref No 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that: "tenants and other customers live in well-maintained neighbourhoods where they feel safe." Charter Outcome Ref No 11: Tenancy Sustainment Social Landlords make sure that: "Tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations"
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standards 3 and 4
Compliant with Connected Communities/Customer Involvement Strategy	N/A
Compliant with Equalities and Diversity:	YES, Equalities Impact Assessment completed.
Compliant with Business Plan:	Resilient Organisation
Date Approved:	June 2026
Date for Review :	June 2029

1. INTRODUCTION

Paisley Housing Association (“the Association”) is committed to preventing and responding effectively to domestic abuse within properties let under Scottish Secure Tenancies (SSTs). Domestic abuse is recognised as a serious violation of human rights and a significant cause of homelessness.

The Association adopts a **trauma-informed, victim-centred approach**, prioritising the safety and wellbeing of tenants and household members. Wherever possible, the Association will support individuals to remain safely in their home or, where necessary, to access appropriate alternative housing.

From **1 August 2026**, this policy incorporates new statutory powers available to social landlords under the *Domestic Abuse (Protection) (Scotland) Act 2021*, enabling action to protect victims and prevent perpetrators from retaining control of the family home.

1. SCOPE OF POLICY

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.

This policy applies regardless of sex, gender identity, sexual orientation, disability, race, religion, age or immigration status.

2. DEFINITION

Domestic abuse is a pattern of behaviour used by a person to control, coerce or harm another person with whom they have, or have had, an intimate partner or family relationship.

For the purposes of tenancy action from 1 August 2026, the Association will apply the statutory definitions of **“abusive behaviour”** set out in sections 2 and 3 of the Domestic Abuse (Protection) (Scotland) Act 2021.

This includes, but is not limited to:

- Physical abuse
- Sexual abuse
- Emotional or psychological abuse
- Verbal abuse
- Coercive or controlling behaviour
- Financial or economic abuse
- Harassment, stalking and threatening behaviour

Domestic abuse may be ongoing or historic and may continue after a relationship has ended.

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.

3. LEGAL AND REGULATORY FRAMEWORK

This policy has been prepared with regard to the relevant housing, homelessness, equality, human rights, child protection, adult support and protection, data protection and tenancy legislation, regulations and guidance, including:

- *Housing (Scotland) Act 2001*;
- *Housing (Scotland) Act 1987*;
- *Housing (Scotland) Act 2010*;
- *Domestic Abuse (Scotland) Act 2018*,
- *Domestic Abuse (Protection) (Scotland) Act 2021*;
- *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 GDPR and Data Protection Act 2018*

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

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You can also reference the family law legislation Lynne Collingham referred to in her presentation

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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.

4. POLICY PRINCIPLES

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.

5. RESPONDING TO DISCLOSURES OF DOMESTIC ABUSE

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.

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.

6. HOUSING OPTIONS AND TENANCY REMEDIES

Depending on circumstances and the wishes of the victim, the Association may offer:

- Enhanced security measures ("sanctuary measures")
- Priority rehousing through the Common Allocations Policy
- Assistance with homelessness applications
- Discretionary consideration of rent arrears linked to abuse
- Review or alteration of joint tenancy arrangements

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.

From **1 August 2026**, the Association may apply to the Sheriff Court to:

- Recover possession from an abusive sole tenant, or
- Terminate an abusive joint tenant's interest

This action will only be taken where lawful, proportionate and in the best interests of the victim.

Victims will not be expected to leave their home unnecessarily where it is safe for them to remain.

7. DECISION MAKING FOR COURT ACTION

Before deciding to take court action under the Domestic Abuse (Protection) (Scotland) Act 2021, the Association will complete and record a documented assessment against the criteria below. Court action will only be pursued where it is **lawful, proportionate, and necessary to protect the victim**.

8.1 Statutory Criteria

The Association must be satisfied that:

- The tenancy is a Scottish Secure Tenant
- The property is the victim's only or principal home
- The alleged behaviour meets the statutory definition of abusive behaviour
- The legal conditions for the relevant court order are capable of being met

8.2 Risk and Safety

The Association will consider:

- The level of current and ongoing risk to the victim and any children
- Whether court action would reduce or increase risk
- Any protective measures already in place (e.g. police involvement, protective orders)
- Advice from specialist domestic abuse services where available

8.3 Victim-Centred Considerations

The victim's views will be central to the decision-making process. The Association will consider:

- Whether the victim **wants** the Association to pursue court action
- The victim's understanding of possible outcomes and timescales
- The potential emotional, safety and housing impacts on the victim
- Any reasons why court action may not be appropriate at that time

Victims will not be required to lead or instigate legal action themselves.

8.4 Household and Children

Where children or other vulnerable household members are affected, consideration will be given to:

- The best interests and welfare of children
- Educational, health and support needs
- Any safeguarding concerns or duties to involve partner agencies

8.5 Proportionality

The Association will consider whether:

- Alternative housing or tenancy management options could provide equal or greater safety
- The court action sought is proportionate to the harm alleged
- The action aligns with the Association's duties to prevent homelessness

Court action will not be pursued where a less intrusive or safer option is available and appropriate.

8.6 Authorisation and Governance

Decisions to proceed with court action must:

- Be authorised by a senior officer not previously involved in the case
- Be supported by a written rationale referencing the criteria above
- Be capable of scrutiny by the court, auditors, and the Scottish Housing Regulator

9. JOINT SCOTTISH SECURE TENANCIES

Where domestic abuse occurs within a joint SST, the Association will:

- Prioritise safety above all other considerations

- Provide clear advice on joint tenancy rights and options under the Housing (Scotland) Act 2001
- Consider use of the post-August 2026 statutory powers to end a perpetrator's interest in the tenancy where appropriate
- Signpost victims to independent legal advice and specialist support

No action will be taken that disadvantages or places the victim at risk.

10. PERPETRATORS

Where the alleged perpetrator is an SST tenant, the Association may:

- Use tenancy enforcement powers where behaviour breaches tenancy conditions
- Consider court action under the Domestic Abuse (Protection) (Scotland) Act 2021 (from 1 August 2026)
- Work with Police Scotland and partner agencies and focused on protecting victims.

11. CONFIDENTIALITY AND DATA SHARING

Information relating to domestic abuse within an SST will be:

- Treated as highly confidential
- Recorded securely with restricted access
- Shared only with consent, or where required by law or safeguarding duties

Victims will be informed about how their information is used wherever possible.

12. MULTI-AGENCY WORKING

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.

13. STAFF TRAINING AND SUPPORT

All relevant staff will receive training appropriate to their role. Training will cover recognising domestic abuse, responding to disclosure, safe contact, safeguarding, housing options, tenancy remedies, arrears and repairs issues, data protection, record keeping, equality and trauma-informed practice.

Managers 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.

14.EQUALITY AND DIVERSITY

The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Where interpretation services or information in an alternative format are required to engage with the victims of domestic abuse the Association will arrange these.

15.DATA PROTECTION/GDPR

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.

When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 ("the GDPR").

In situations where there may be any doubt about the requirements of the above, the Association may seek the views of its legal advisors.

16.COMPLAINTS

The Association aims to ensure that the service provided to tenants is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

17.MONITORING AND REVIEW

The Association will monitor the use of legal and discretionary powers to ensure:

- Fairness and consistency
- Compliance with legal requirements
- Positive outcomes for victims

This policy will be reviewed every **three years**, or sooner if required due to legislative or best practice changes.