

Factsheet

HOMES FIRST

Lewes and Eastbourne
Councils

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Domestic Abuse and Homelessness

This factsheet provides information about how to get help if you need support regarding domestic abuse, and the housing options available to you.

What is domestic abuse?

Domestic abuse is physical, sexual, psychological, emotional or financial abuse in an intimate or family type relationship. It includes stalking and harassment, forced marriage, so-called 'honour' crimes and female genital mutilation. Rarely a one-off incident, domestic abuse forms a pattern of coercive, controlling behaviour.

Abuse can happen in many ways and may start gradually and get worse over a period of time.

1 in 6 women will be affected by sexual violence or abuse in their lifetime.

However, violence and abuse can happen to anybody regardless of age, disability, gender identity, race, religion, belief or sexual orientation. Domestic abuse affects children too. They may hear, witness or be directly abused. Domestic abuse includes a range of behaviours, not all of which are in themselves inherently 'violent'.

Domestic abuse is any incident of threatening behaviour, violence or abuse and can include (but is not limited to):

- **Emotional Abuse** is shouting, threats to harm you, humiliation, intimidation, restricting where you can go or who you can see.
- **Psychological Abuse** is constant criticism and bullying, stalking and harassment, manipulating you into doubting your sanity.
- **Physical Abuse** is punching, slapping, stalking, kicking, pushing, burning or strangling.
- **Financial Abuse** is denying you access to money, taking your money, taking out loans in your name, preventing you from getting or keeping a job, taking or destroying your possessions.
- **Sexual abuse-** is any form of unwanted sexual activity. It includes rape, sexual assault, childhood sexual abuse and any other sexual contact or behaviour that happens without consent.

In the UK two women each week are killed by a partner or ex-partner.

If you feel unsafe or uncomfortable with something that has happened in the past, or is ongoing, support is available. Abusive behaviour is a choice made by the perpetrator. **It is never your fault.**

How to keep safe:

There are steps you can take to help keep yourself (and your children) safe:

- In an emergency, if your personal safety is threatened, if you are at risk of assault or injury if you can't leave the property, try to block yourself in the safest room and call 999.
- Teach your children when to call 999, what to do, and how to give their address.
- Tell someone you trust about the situation.
- Ask them to keep an eye on you.

- Decide on a safe word or phrase you can use, or text to let them know you are not ok. Agree what they will do if you use the safe word (e.g. call the police).
- Plan what to do in an emergency.
- Decide which room at home feels safest and which friends/family you can turn to.
- Ask neighbours to call 999 if they hear a disturbance.
- Keep copies of important documents, along with some emergency money, any medication and a packed bag for emergencies, in a safe place or with a trusted friend or family member.
- Keep your phone close and fully charged.
- Put important numbers on speed dial.
- Keep a date, time and itemised record of unwanted contact and how it made you feel.
Only do this if you have a safe place to store it.
- If you are planning to leave, ask for help and support to consider how to do it in the safest way possible.

What we can do to help you if the issues you are experiencing are effecting your housing situation

If you are a council tenant contact Lewes District Council on 01273 471600 or Eastbourne Borough Council on 01323 410000 and ask to speak to the Housing Solutions team.

In exceptional circumstances, a home visit or a meeting in a safe place can be arranged within office hours, dependant on the information provided.

Unfortunately, all our offices are currently closed to the public. If you need to contact us outside of office hours (Monday to Friday: 8.30am until 5pm), please call 01323 644422.

If you want to speak to / or be seen by a member of staff of a particular gender – please make this known at the earliest opportunity and we will do our best to accommodate this.

An officer will speak with you to advise you of your options. These will vary depending upon what is considered safe and appropriate for your needs. We will be able to give advice and help you explore your options if you want to stay in your property. This may include measures what would allow you to remain in the property safely. This could be the provision of a sanctuary scheme (see below) or other security measures, or help with access to legal remedies such as court orders where these might be effective. We can also provide advice about searching for new accommodation. We would also suggest that you seek independent legal advice from a solicitor or from housing advice services such as Brighton Housing Trust

If you do not have anywhere safe to stay or are in any doubt about what to do, then we can advise you of your options which may include securing a space in Refuge, or if this is not possible, determining whether your circumstances mean we are able to offer you emergency accommodation.

Support to stay in your current home:

1. Making your home safer to live in:

Sanctuary Schemes

Where it is safe to stay in your home assistance may be provided if you are a council or social housing tenant, private tenant or owner occupier. This assistance can include help with safety measures such as extra window or door locks, and other external security measures including cameras or security gates. This is unlikely to be considered suitable if the perpetrator remains within your home, although if you are applying for a court order to remove them. this could be considered. If you are a private tenant we will need the landlord's permission to carry out any works.

Current Tenancy

Please speak with the Housing Solution's team and consider taking independent legal advice before you make any decision around what to do with your current tenancy. If possible consider talking to your landlord about the situation in case there is anything they can do to help. They may have alternative accommodation they can offer you, or be able to assist with making your current accommodation safer. There are a number of options that can be considered and we can discuss these in further detail with you. These options can vary depending on what type of tenancy you have, who owns the property, who is named on the tenancy, who the landlord is and whether you are married.

2. How the Law can protect you – Getting a court order:

What are emergency injunctions?

The word injunction describes any Court Order that makes someone act, or forbids someone from acting in a certain way. An emergency injunction is an informal description for a Court Order made without notice. This means the person(s) you are applying for the injunction for will not be aware of it until it is served on them.

The most common types of emergency injunction that provide protection against domestic abuse are as follows:

Non Molestation Order

How it protects you

Usually forbids the person(s) from:

- Using or threatening physical violence
- intimidating, harassing or pestering
- Communicating with you (if appropriate)
- Instructing or encouraging others to contact you.

This type of order is typically granted for 6-12 months, and the person can be arrested if breached if a penal notice is attached to the Order and / or subject to committal proceedings.

There is no cost involved.

When you can apply

When the Applicant and Respondent are associated persons.

This is determined by s.62(3) of the Family Law Act 1996 and covers most relationships, including:

Partners and former partners.

Family relations (including in-laws).

People who live(d) together.

People who have children together.

Recent use or threat of physical violence

This means you can make an emergency application, usually meaning something has happened within the last 5-7 days (this may be extended if there have been bail conditions or the respondent has been in prison etc.).

Occupation Order

How it protects you.

Regulates the family home, such as:

- Suspending rights to occupy or visit
- Evicting an abuser from the home
- Preventing an abuser from returning
- 100 metres protection around the home.

This type of order is typically granted for 6-12 months and the person can be arrested if breached.

There is no court fee to apply for an occupation order. However, if you ask a Solicitor to help you with your application, you should ask them how much they are going to charge you for this service.

When you can apply

When the Applicant and Respondent are associated persons under the Family Law Act 1996.
Respondent has somewhere else to live (this is not always strictly necessary).
Recent use or threat of physical violence.

Recent use or threat of physical violence

This means you can make an emergency application, usually meaning something has happened within the last 5-7 days.

Prohibited Steps Order

A Prohibited Steps Order is where the Court prevents a certain action. A prohibited Steps Order may be made against anyone regardless of whether they have parental responsibility. The Court must be satisfied that making the order is better for the child(ren) than making no order at all.

How it protects you

- Forbids someone from taking your child away from your care and control.
- This order is particularly appropriate when the person threatening to take away your child(ren) is ordinarily allowed to have the care and control of them.
- No power of arrest attached though police may assist informally.
- Enforceable in the County Court as contempt of court.

It does not necessarily prevent all contact between the child(ren) and the respondent if appropriate in the circumstances.

When you can apply

Applicant has parental responsibility under the Children Act 1989 (this can include parents and many others).
Respondent has made a recent direct or indirect threat to remove a child from your care and control. It is in the best interests of the relevant child(ren) with regard to their overall welfare.

If the Respondent has threatened to take your child(ren), contact Police or Children's Services immediately

3. What support is there for me?

There are many services that offer support around domestic abuse.

Agency	Contact details	Details
The Portal	0300 323 9985 http://theportal.org.uk/	The Portal is a partnership of leading abuse charities. It helps survivors of domestic or sexual abuse or violence of all genders to find support in East Sussex and Brighton.
National Domestic Abuse Helpline	0808 2000 247 https://www.nationaldahelpline.org.uk/	For women who want to access refuge accommodation, the Helpline can help you find vacancy. Can also provide support to find other specialist services in your community, which can provide support whether or not you have left your partner.

Rape, Sexual Violence and Abuse Survivors' Network	01273 203380	Help and support for survivors (all genders) of sexual violence, rape and childhood sexual abuse.
Men's Advice Line	0808 801 0327 www.mensadvice.org.uk	Advice and support for heterosexual, gay, bisexual and trans men experiencing domestic abuse.
Mankind	01273 911680 www.mankindcounselling.org.uk	Support for men who have been sexually abused.
Victim Support	0845 38 99 528 www.victimsupport.org.uk	Support for people affected by crime or traumatic event.
Karma Nirvana	0800 5999 247	Immediate and on-going support for victims of Forced Marriage and Honour Based Abuse.
National Stalking Helpline	0808 802 0300 www.stalkinghelpline.org	Guidance and information to anybody who is currently, or has previously been, affected by harassment or stalking.
Rape, Sexual Violence and Abuse Rape Crisis England & Wales	0808 802 9999 www.rapecrisis.org.uk	National helpline for survivors of rape and sexual abuse, and their partners, friends and family.
Survivors UK Support	02035983898 https://www.survivorsuk.org/	Support for men who have experienced childhood sexual abuse or adult sexual assault/rape.
Safeline Men's Sexual Abuse & Rape helpline	0808 5005005	A Service for men & boys who have been raped or sexually abused. They offer a range of services including confidential support via telephone, email and text, and offer information and signposting and support.
GALOP	0800 999 5428 http://www.galop.org.uk/	Provide Hate Crime, Domestic Abuse and Sexual Violence support services to LGBT+ victims/survivors by telephone, email, text and WhatsApp.

4. How to get advice and assistance if your immigration status does not permit you recourse to public funds

Some refuges may accept victims with no recourse to public funds, although there is limited availability.

There are some ways you can apply to remain in the UK and become eligible for more assistance:

Individuals who are in the UK on a spouse or partner visa usually have leave to enter or to remain in the UK for between 24 and 30 months. This is often referred to as the probationary period. If you have come to the UK on a spouse or partner visa and you are experiencing domestic abuse, you can apply for Indefinite Leave to Remain straight away. You can apply at any time during the probationary period (you do not have to wait until it comes to an end) and even if you have overstayed your visa (however, you will have to justify your reasons for not applying before).

If you are thinking of applying for Indefinite Leave to Remain under the domestic violence rule it is very important that you try to get legal advice. A legal representative will be able to collect evidence for you and help make your application.

Women making applications under the domestic violence rule can get accommodation and access to welfare benefits whilst they make the application, through the Home Office Destitution Domestic Violence Concession (DDVC). You can apply for this through the gov.uk website.

Destitution domestic violence (DDV) concession

<https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>

The Home Office can grant a DDV concession to people:

- Who entered the UK as the partner (i.e. spouse, civil partner, unmarried or same sex partner) of a British citizen or a person settled in the UK (a person who has Indefinite Leave to Remain)
- Whose relationship has broken down due to domestic violence
- Who are destitute without access to accommodation or the means to support themselves; and
- Who are going to make an application for Indefinite Leave to Remain under the domestic violence rule.

What does this entitle you to?

The DDV Concession gives three months' limited leave with access to public funds whilst UK Visa and Immigration considers the application for permanent leave to remain.

An individual with the DDV Concession will fall within Class B of persons subject to immigration control who are eligible for housing assistance.

You can look for a solicitor or immigration representative in your area using Civil Legal Advice Monday to Friday, 9am-8pm. Saturday, 9am-2.30pm. Phone: 084 3345 4345.

Citizens Advice may also be able to assist. <https://www.citizensadvice.org.uk/>

Voices In Exile may also be able to assist. www.voicesinexile.org

Local authorities (East Sussex County Council in this area) may be required to provide families with support where they have no recourse to public funds when there is a child under 18 in the family. If this is a situation that applies, you can contact them via <https://www.eastsussex.gov.uk/childrenandfamilies/>

or via their single Point of Advice (SPOA) team on 01323 464222.