

## Domestic Abuse

If you are experiencing domestic abuse, there are a number of options available to offer support and keep you safe. This information only provides an overall summary and not all may apply to your own situation. We would always suggest that you seek your own independent legal advice from a solicitor and a specialist support service for victims of domestic abuse.

### SUPPORT

#### North Surrey Domestic Abuse Service

The North Surrey Domestic Abuse Service is managed by Citizens Advice Elmbridge (West). They provide free, confidential, independent and impartial advice to anyone aged 16 or above affected by domestic abuse living in the boroughs of Epsom & Ewell, Elmbridge or Spelthorne.

They can assist by giving skilled practical help, ongoing emotional support, and information and advice on issues such as safety planning, housing rights, relationships and separation, civil and criminal court proceedings, and the needs of children affected by domestic abuse. The support offered can be on the telephone, face to face at a safe venue, or by email. They work in partnership with the other Surrey Domestic Abuse Services.

To speak in confidence to a specialist outreach worker please call: 01932 260690, email: [nsdas@caew.org.uk](mailto:nsdas@caew.org.uk) or visit their website: [www.nsdas.org.uk](http://www.nsdas.org.uk). In an emergency, please dial 999.

#### Women Aid

Freephone 24-Hour National Domestic Violence Helpline run in partnership between Women's Aid & Refuge: [0808 2000 247](tel:08082000247)

### EMERGENCY ACCOMMODATION OPTIONS

#### Homeless Application

Anyone experiencing domestic abuse can approach the Housing Options\Homeless Team for assistance and to make a homeless application. If it is not safe for you to remain in your current area you can approach any local authority in the country - you do not need to have a local connection.

A full assessment of your housing and support needs will be completed and a personalised housing plan will be created giving you advice on your housing rights and explain your housing options. If you have nowhere safe to go the council should offer you emergency interim accommodation while they assess your application and try to find other accommodation to relieve your homelessness.

Housing Options/Homeless Teams work in partnership with domestic abuse support agencies, the Police, MARAC and Adult and Children Services to prevent and relieve homelessness.

#### Emergency interim accommodation

In instances where it is an emergency and you need to leave your home then emergency interim accommodation can be used when appropriate. Generally this will be nightly paid accommodation located outside of the borough and will be what is available at the time.

You will need to speak to the local authorities Housing Options/Homeless Team to organise this accommodation.

## **Out of Hours**

Emergency interim accommodation can also be organised outside of office hours by contacting the Council's Out of Hours service on 01372 732000. This will be what is available at the time and will be organised until the next working day when the Housing Options team will take over.

## **Moving into a Refuge**

If you want to consider moving into a refuge there is a national Women's Refuge network of safe accommodation across England and Wales and they can provide a safe refuge and support you while you make decisions on your future housing options.

National Women's Refuge network contact details are: [0808 2000 247](tel:08082000247)

## **Respite accommodation with relatives or friends**

You could seek respite accommodation with friends/relatives to enable a planned move into other accommodation.

## **ALTERNATIVE ACCOMMODATION**

### **Private Rented Accommodation**

Private rented accommodation is often one of the quickest ways to find alternative accommodation, especially in an area that is safe.

Most Councils have a Rent Deposit Scheme that can assist people with a deposit bond or in some circumstances rent in advance for a property in the private rented sector. They can also help to find private rented accommodation, liaising with private landlords & agents, and give advice on welfare benefit entitlement.

### **Possible high priority through the Council's Housing Needs Register and Housing allocation policy**

Your case may merit additional priority under the Council's Housing Allocations policy.

Epsom & Ewell Borough Council's Housing Allocation policy grants high priority banding for high risk domestic abuse cases or for exceptional welfare circumstances. However, it must be stressed that there is a severe shortage of social housing with very few vacancies arising so this option should not be relied on to rehouse you quickly or in an emergency situation.

## **REMAINING IN YOUR HOME**

This information sets out advice on your options to stay in your home if it is or can be made safe for you to do so.

### **Sanctuary Scheme**

The scheme helps victims of domestic abuse to remain in their own accommodation, but only where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation.

Some victims of domestic abuse wish to consider this option rather than feeling compelled to move, disrupting education, employment and family and support networks.

The main feature of the Scheme is to make your home more secure.

Possible help includes extra locks on windows and doors, gated security to the outside of a property, fire hammers, fire blankets or the creation of a safe room in your home where you can go and can call the Police if you feel the person is trying to come into your home.

The scheme is available across all tenures and would normally be installed free of charge.

Anyone who may be in danger of losing their accommodation as a result of being a victim of domestic abuse or hate crime can qualify for the scheme but it does rely on the cooperation of your landlord to allow extra work to be carried out.

- It will only be provided where it is the clear choice of the victim and where it is safe and appropriate to remain in their own accommodation.
- It cannot be offered where a perpetrator of abuse continues to live within the home, but may be offered where a person has obtained a long-term court order to remove the perpetrator.
- It is only one of the range of options open to those at risk of homelessness due to domestic abuse.
- It should be implemented in partnership with a specialist domestic abuse service willing to offer you support.
- The scheme can only be provided following a full risk assessment.
- It is not possible to install a scheme in a multiple tenancy occupation due to the shared front door. In private tenancies, the permission of the landlord will be needed before any work is undertaken.

If you are interested in the Sanctuary Scheme we would first refer to the North Surrey Outreach service who will carry out a full risk assessment of your circumstances. A Police Crime Reduction Officer and a Housing Association contractor will then visit you to see what safety measures are needed. If these are agreed the Housing Association contractor will then carry out the works.

## **LEGAL ADVICE**

You may wish to take legal action against the perpetrator to stop the abuse and allow you to remain in the home. Legal remedies are often temporary measures that do not affect the long-term rights to the property involved.

### **Getting a court order (injunction)**

An injunction is a court order that requires someone to do or not to do something. Your solicitor can apply for you or you can go to the Magistrates Court and ask them for forms to apply. You will need to make a sworn statement known as an "Affidavit" to explain why you want an injunction. Some injunctions can be applied for as an emergency and the other person need not be at court when you apply for an injunction against them.

There are two main types of court orders available under Part IV of the Family Law Act 1996: Non-molestation orders and Occupation orders.

Court orders are normally for a specified period of time (e.g. six months) but can be renewed; or they may be made 'until further order'. There is no limit on the length of time that non-molestation orders can be extended.

Occupation orders can only be extended beyond 12 months if you have a legal right to stay in the home (i.e. as owner or co-owner, or tenant/joint tenant, or because you are or have been married to the owner/tenant).

### **Non-molestation order**

This type of order would be used to tell a person to stop being violent or abusive. You can get a non-molestation order if:

- You are, or have been married or cohabiting.
- You live or have lived in the same household.
- You don't live in the same property, but you are related or have agreed at some point to marry each other.
- You are parents of a child or have legal 'parental responsibility'. You can also get a non-molestation order for a child.

You do not have to prove violence to get a non-molestation order. 'Molestation' can cover many forms of behaviour including harassment and pestering. In making a 'non-molestation order' the court must consider all circumstances including the need to secure your health, safety and wellbeing or that of a child.

### **Occupation orders**

The Family Law Act 1996 introduced orders under which the court may enforce the following:

- The applicant's right to occupy
- To allow re-entry to the home
- To regulate occupation by both partners

- To exclude one from all or part of the home or
- To suspend/terminate the right of one partner to occupy.

In making the order, the court must take into account the housing needs and resources of both parties and any children. It also looks at the financial resources and the effect of making or not making the order on the health, safety or well-being of each side and any relevant child and considers whether significant harm will result from either making or not making an order.

The court will only grant an injunction if it believes it is necessary to stop any further harm or violence. If some time has passed and the danger or emergency seems to be over, then the court may see no reason to intervene. So, if you feel you need protection seek legal advice straight away.

Court orders do not guarantee you protection, but can be a deterrent but you need to consider whether this is right for you carefully and take advice. They will only usually be a temporary solution and so you will need to also look at other long-term solutions.

### **Legal Advice on long-term housing solutions**

Once you are safe you will need to think about your longer-term options and the implications for the type of tenancy or ownership rights you may have.

Whether you are married or living with someone as a couple, if your relationship breaks down, it is important to seek advice about your rights and obligations for the property you own or rent.

This is a complex area of the law and you should obtain advice from a solicitor who specialises in family law or an independent housing advisor, Shelter or a Citizens Advice Bureau.

Leaving in the short term to find a place of safety will not affect your rights regarding the property you have come from but it is important to get advice as quickly as possible.

Your rights to remain in the home in the long term will depend on a number of factors:

- The tenure/ownership of the property.
- Who your landlord is
- The type of tenancy agreement.
- Whose name the property/tenancy is in.
- Whether you are married /civil partners or cohabiting.

The *Relationship Breakdown and Your Housing Rights* factsheet provides links to where you can get more detailed information on some of these options.

### **Options specifically for tenants of a Council or of a Registered Social Landlord only**

If you are a social housing tenant you should make your Housing Management Service aware of the situation and ask them what assistance they may be able to offer you. Being accepted as homeless unfortunately gives no guarantee that you will receive another social housing tenancy, or an offer exactly where you would like to live. Therefore it is important that you are aware of your options for pursuing your rights as an existing tenant.

Your options may be:

- terminating any joint tenancy and granting you a new tenancy for the property you occupy.
- terminating any joint tenancy and granting you a new tenancy through a transfer
- evicting your violent partner from the tenancy you hold for breach of the tenancy conditions.
- seeking a reciprocal arrangement with another council or social landlord to transfer to a social housing tenancy that is in another safer area.

Your social landlord must agree to these and you should seek legal advice first before pursuing these options.

### **FINANCIAL HELP**

For details of help available through the DWP please see the link below:

<https://www.gov.uk/government/publications/domestic-violence-and-abuse-help-from-dwp/help-available-from-the-department-for-work-and-pensions-for-people-who-are-victims-of-domestic-violence-and-abuse>

## **Housing Benefit or Universal Credit on two homes**

If you are in receipt of Housing Benefit/ Universal Credit, you may be able to claim benefit on the property you move into, in addition to the accommodation to which you have fled.

## **Surrey Local Assistance Scheme**

The Surrey Local Assistance Scheme (LAS) is a discretionary fund run by Surrey County Council. It provides financial help to Surrey residents who have nowhere else to turn in an emergency or after a disaster. It also can provide assistance to set up a home in the community where no other funds or resources are available.

You can [apply to the Local Assistance Scheme online](#) or, if you have no access to the internet, you may get help to access the internet at your local library or by visiting Epsom [Citizens Advice Offices](#).

If you require assistance to set up home in the community and are in receipt of benefits, you may qualify for a [Budgeting Loan](#), you must ask the DWP at a Jobcentre Plus office if you qualify before you apply to the LAS.

Further information is available - <https://www.surreycc.gov.uk/people-and-community/advice-guidance-and-support/financial-advice-and-benefits/surrey-local-assistance-scheme>

## **Epsom foodbank**

Epsom foodbank works with a range of local agencies who meet people at risk of going hungry. Housing Services can refer people to the foodbank by issuing a foodbank voucher for **food parcels**.

A typical food parcel contains a minimum of three days of nutritionally balanced, non-perishable, tinned and dried foods that have been donated by the local community.

## **The Besom**

The Besom is run by a team of Christians and works in Ashted, Leatherhead, Fetcham and Epsom. Services include providing packs for people in need such as food, kitchen starter packs, new mum packs, clothes, furniture bedding and towels and small electrical goods.

## **Stripey Stork**

Stripey Stork collects donations of toys, clothes and other essential items for babies and children and, after checking they meet current UK safety standards, rehome them with local families in need. They do not accept direct referrals from families/individuals and instead receive requests from local professionals (schools, health visitors, social workers, children's centres, women's shelters etc.) on behalf of families in need across Surrey.

## **CONTACT DETAILS**

### **The Police**

In an emergency, please dial 999

### **North Surrey Domestic Abuse Service**

01932 260690, email: [nsdas@caew.org.uk](mailto:nsdas@caew.org.uk) or visit their website: [www.nsdas.org.uk](http://www.nsdas.org.uk) .

### **National Domestic Abuse Helpline (24 hours- women only)**

0808 2000 247 [www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)

### **Women's Aid**

0808 2000 247 [www.womensaid.org.uk](http://www.womensaid.org.uk)

### **Men's Advice Line**

0808 801 0327 [www.mensadvice.org.uk](http://www.mensadvice.org.uk)

## **Mankind**

A confidential helpline is available for male victims of domestic abuse and domestic violence across the UK who are suffering this abuse from their current or former wife or partner (including same-sex partner).

01823 334244 [www.mankind.org.uk](http://www.mankind.org.uk)

## **National LGBT Domestic Abuse helpline**

Support for lesbian, gay, bisexual and transgender victims of domestic abuse

0300 999 5428 [www.galop.org.uk](http://www.galop.org.uk)

## **National Centre for Domestic Violence**

This fast, free emergency injunction service allows anyone to apply for an injunction within 24 hours if there has been a recent violent incident or threat of violence.

0800 970 2070 (Freephone) [www.ncdv.org.uk](http://www.ncdv.org.uk)

0844 8044 (24 hour emergency helpline) Text NCDV to 60777

## **Respect (help for offenders / practitioners advice)**

0808 802 4040 [www.respectphoneline.org.uk](http://www.respectphoneline.org.uk)

## **Money Advice and Law Centres**

The website can help you find your nearest law centre.

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

## **Ministry of Justice**

The website can help you find a legal adviser.

[www.gov.uk/find-a-legaladviser](http://www.gov.uk/find-a-legaladviser)

## **Honour Network Helpline**

Advice for victims and survivors of forced marriage and honour based abuse.

0800 599 9247 - [www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)

## **Stalking Helpline**

0808 802 0300 - [www.suzylamplugh.org](http://www.suzylamplugh.org)

## **Action on Elder Abuse**

Confidential advice and information for older people who are suffering from violence and abuse.

0808 808 8141 - [www.elderabuse.org.uk](http://www.elderabuse.org.uk)