

ADVICE GUIDE

Domestic and Sexual Violence and Abuse and Homelessness

Domestic and sexual violence is a leading cause of homelessness for women and children, and the need for safe and affordable housing is one of the most pressing concerns for survivors of violence and abuse. Many survivors face unique barriers to accessing shelter and affordable housing due to the power and control dynamics involved in these types of abuse and the economic and trauma impacts that result.

What is domestic and sexual violence and abuse?

Domestic violence/ abuse occurs when one person in an intimate personal or family relationship uses violence or abuse to maintain power and control over the other person.

Sexual violence is any unwanted sexual act or activity.

Domestic violence/ abuse and sexual violence can begin at any time, can be obvious or subtle and can happen suddenly or gradually. It can happen to anyone regardless of class, age, race, religion, culture, disability, sexual orientation or lifestyle.

Forms of domestic abuse includes, but is not limited to, the following types:

- Physical - pushing, hitting, kicking, choking, biting
- Emotional - putting you down, humiliating you, calling you names
- Psychological - intimidation, coercion, threats
- Sexual - forcing sexual acts, withholding affection as punishment
- Financial - taking/controlling your money, destroying your credit rating
- Honour-based - abusive action taken when a family or a community believes that the victim has breached the family's honour or the honour code, including rape, assault and murder

If you are in fear of a partner, ex-partner or member of your family, you might be experiencing domestic and sexual violence and abuse. Do they often...

- Call you names and make you feel bad about yourself?
- Make you afraid by threatening you or your children?
- Behave violently towards you?
- Stop you seeing your friends or family?
- Keep you without money?
- Harm you or make you feel you could be seriously harmed?

If the answer to some of these questions is **yes** you might be experiencing domestic and sexual violence and abuse.

Honour based violence

Honour based violence is described by the Crown Prosecution Service as an incident or crime “which has, or may have, been committed to protect or defend the ‘honour’ of the family and or the community.” ‘Honour’ can be the motivation, excuse or justification

behind a range of violent acts against women and girls. You may recognise ‘honour’ as ***Izzat, Ghairat, Namus or Sharam.***

‘Honour’-based violence includes:

- Forced marriage
- Domestic violence (physical, sexual, emotional or financial abuse)
- Sexual harassment and sexual violence (rape and sexual assault or threat of rape and sexual assault)
- Threats to kill
- Social ostracism or rejection and emotional pressure
- Denial of access to children
- Pressure to go or move abroad
- House arrest and excessive restrictions of freedom
- Denial of access to the telephone, internet, or passport/key documentation
- Isolation from friends and own family

Get help now

If you don’t tell anyone about the abuse then chances are it will continue and get worse over time. By telling someone, a friend, family member or one of the organisations listed in this directory, you will be able to start protecting yourself and your children.

There are many different agencies you can call depending on the help you need. If you are in immediate danger you should always call **999** – don’t put yourself, or your family at risk.

If you would like to talk to someone, call the **Devon Domestic Abuse Service Helpline on 0345 155 1074.**

Referrals can be made directly by individuals or by agencies on behalf of their clients by calling **0345 155 1074** or by secure email at referrals.devon@splitz.org.cjism.net

If you are victim of ‘honour’-based violence or forced marriage please contact:

Freephone 24 Hour National Domestic Violence Helpline on 0808 2000 247, run by Refuge and Women’s Aid

Forced Marriage Unit on +44 (0) 20 7008 0151 or fm@fco.gov.uk

Call the Police on 999 if:

- **your personal safety is threatened**
- **you are at risk of assault or injury**
- **in an emergency**

Safely remaining in your home

Many people, although they are under the threat of violence, do not wish to move home as they may live near to their children's schools, friends, family and other support networks.

If you feel you are at risk of harm there are remedies you may wish to explore to allow you to safely remain in your home.

Sanctuary Scheme

Exeter City Council work with the Devon Sanctuary Scheme to ensure your safety and enable you to stay in your own home.

Please note: This scheme is available to Council, Housing Association and private tenants, as well as owner occupiers. You will need to have rights to occupy the property as either sole owner or tenant, or be able to exclude the perpetrator of the abuse through legal means.

The Devon Sanctuary Scheme aims to help victims of domestic violence and abuse, hate crime or racial harassment feel safe and secure should they choose to remain in their own homes, by improving the security with professionally installed security measures.

The Devon Sanctuary Scheme is not an immediate response to the problem, but it is a long-term solution to improve a victim's quality of life.

Legal remedies

A person may wish to take legal action against the perpetrator to stop the violence and allow her/him to remain in the home. You could try to gain some protection from your abuser by applying for a civil injunction or protection order. An injunction is a court order that requires someone to do or not to do something.

There are two main types of injunctions available under [Part IV of the Family Law Act 1996](#):

- A non-molestation order
- An occupation order

A non-molestation order is aimed at preventing your partner or ex-partner from using or threatening violence against you or your child, or intimidating, harassing or pestering you, in order to ensure the health, safety and well-being of yourself and your children.

An occupation order regulates who can live in the family home, and can also restrict your abuser from entering the surrounding area. If you do not feel safe continuing to live with

your partner, or if you have left home because of violence, but want to return and exclude your abuser, you may want to apply for an occupation order.

In order for you to apply for one of these orders you must be an “associated person” which covers most relationships, including:

- Partners and former partners
- Family relations (including in-laws)
- People who live(d) together
- People who have children together

If you are not eligible to apply for an order under the Family Law Act, or if you are being continually harassed, threatened, pestered or stalked after a relationship has ended, you can also get civil injunctions under the Protection from Harassment Act 1997.

Restraining orders

Recent legislation also allows a restraining order to be attached when criminal proceedings have been taken – even if the conviction has not been upheld – if the court believes you are likely to be at risk.

Restraining orders can provide the same protection as injunctions under the civil law but may be more effective as they carry stronger penalties.

Action under the criminal law, coupled with restraining orders, may help you avoid the cost of taking civil legal action if you do not also need to apply for an injunction to exclude your abuser from your home.

Occupation orders

If you are applying for an occupation order you either have to have a legal right to occupy the home (as joint or sole tenant or owner of that home), or you have to be or have been married to, or cohabiting with, an opposite-sex partner who is the owner or tenant. The court will apply a “balance of harm” test when deciding whether to make the order.

When making an occupation order, the court may make other related orders imposing obligations on you or your abuser (for example, relating to repair and maintenance of the home, or to payment of rent or mortgage).

Renewal or extensions

Injunctions 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).

Although you can apply for an injunction yourself, you might find it helpful to have legal advice. It is best to get a solicitor who has a lot of experience with domestic abuse cases, and who is likely to understand all the issues.

Your [local domestic abuse service](#) may be able to refer you to a solicitor who has experience of domestic violence issues.

Domestic violence protection notices and orders

Domestic violence protection orders are a new power that fills a gap in providing protection to victims by enabling the police and magistrates to put in place protection in the immediate aftermath of a domestic violence incident.

With DVPOs, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.

The [National Centre for Domestic Violence](#) can assist with emergency injunctions.

Leaving home immediately

In some situations, the person suffering from domestic violence/ abuse or threats of violence may wish to leave the home, even if s/he has a legal or home right to stay there. Leaving the home may be a short-term, medium-term or long-term remedy, but initially it can provide someone with a breathing space in which to make longer-term decisions or take particular action.

If however you think you need leave your home, try to arrange temporary housing from the council before you leave. Not everyone leaving home due to violence is entitled to emergency accommodation.

You could stay with friends or relatives while you think about what to do next. If you're a woman leaving domestic abuse, try to find a place in a women's refuge. [Devon Domestic Abuse Service](#) can help you with this.

Take some essentials with you such as a change of clothes, toiletries and any medication you need to take regularly. Try to bring important items such as your passport, bank and credit cards and mobile phone.

Don't make a decision to give up your home permanently until you have spoken to an adviser and considered all your options.

Use [Shelter's directory](#) to find a Shelter advice centre or Citizens Advice in your area.

Get homelessness help from the council

Making a homeless application is a course of action available to men and women, including those living together in a gay or lesbian relationship, who are unable to remain in their accommodation because of fear of violence or actual violence. Depending on the exact situation, it could be a short-term solution or it may result in the applicant being permanently housed elsewhere.

A local authority has a duty to provide interim (temporary) accommodation for a person if they meet certain basic requirements. These include requirements that they are eligible for assistance, homeless, in priority need. The person will be in priority need, for example, if s/he has children, is pregnant or is vulnerable due to illness or disability, or a variety of other factors. A person applying to the local authority as a homeless person will also be in priority need if s/he is vulnerable as a result of ceasing to occupy accommodation because of violence or threats of violence that are likely to be carried out.

In the short term, a person fleeing violence may apply to be housed by the local authority on an emergency basis on the grounds that it is not reasonable to continue to occupy the accommodation.

Some people who have restrictions on their immigration status may not be eligible to make a homeless application.

If the council has a duty to find you somewhere to live you will be asked to provide details of your situation. You may be asked for supporting evidence, which could include details and dates of incidents. You can take a friend or an adviser with you for support.

Get advice immediately if the council says it won't help you because it believes it was reasonable for you to stay in your home. You could [challenge its decision](#).

Contact [Civil Legal Advice](#) on **0345 345 4 345** if you are entitled to legal aid.

Use [Shelter's directory](#) to find an adviser in your area.

If you are homeless or threatened with homelessness then it is important to seek advice at the earliest opportunity.

Exeter City Council Housing Solutions Service

Exeter City Council's Housing Solutions Service

Tel: 01392 265726

Email: Housing.advice@exeter.gov.uk

Address: Civic Centre, Paris Street, Exeter EX1 1JN

**If you are homeless outside of normal office hours (Monday-Friday 9am-5pm) or at the weekend then please contact Exeter City Council's Out Of Hours Number:-
01392 265147**

Help from social services

Some people may be entitled to assistance from [Devon County Council's Social Care and Childrens Services department](#).

You might be able to receive help if you:

- are elderly
- have children living with you
- are under the age of 18
- have left care (or are about to do so)
- are in poor health
- have a physical or learning disability

Find [details of help available in your local area](#).

Refuges

Women's Aid refuges provide temporary accommodation for women who have to leave home because of domestic violence. While living in the refuge, women can get support and advice on welfare benefits, housing and legal remedies. This can provide an important breathing space for women who may not have decided what permanent course of action they wish to follow.

Women

Women experiencing domestic abuse may be able to stay in a [women's refuge](#).

Some refuges are specifically for women from certain backgrounds, such as Irish or Asian women.

Staff at refuges can give you advice about your situation.

Contact the [National Domestic Violence Helpline](#) on 0808 2000 247 for more information about refuges.

Men

There are currently very few refuges for men who need to leave home because of domestic violence. Information about refuges for men can be obtained from the [Men's Advice Line](#).

You can also visit www.mensadvice.org.uk or call 0808 801 0327 for more information.

If you are a man who has to leave home because of domestic abuse, you can make a homeless application to the council.

There is limited specialist housing for men experiencing domestic abuse.

Contact a Shelter advice centre or Citizens Advice to check what help is available.

Use [Shelter's directory](#) to find help in your area.

Dogs and pets

The [Dogs Trust's Freedom Project](#) gives details of organisations that provide temporary foster care for dogs and pets whose owners are unable to look after them because of fleeing domestic violence.

Help for children and young people

If you or someone else in your family is being hurt at home, you may not be sure what you can do about it. Domestic abuse is not your fault and you won't get into trouble for telling someone about it.

The first thing is to tell someone else about what is happening to you. You can tell a teacher, a neighbour, a friend or a friend's parent.

You can call [Childline](#) on **0800 1111** for free. They won't tell anyone else you are calling unless you are in immediate danger. They can tell you about places where you can get help.

Find out more from [The Hideout](#) about children and young people and domestic abuse and violence.

Confidentiality

Exeter City Council Housing Solutions service confirms whatever you discuss with the service will always remain completely confidential.

For more information on the council's work in this area please access information on the [Exeter City Council web site](#)

Other Help

National Domestic Violence

0808 2000 247 – 24 hr Freephone helpline for women

National Men's Advice Line

0808 801 0327 – Mon to Fri: 9am – 5pm

Galop

Making life safe, just and fair for lesbian, gay, bisexual and trans people

020 7704 2040

Devon Social Services

Adult Social Care

0345 1551 007

0345 6000 388 – Emergency Out of Hours

Children's Social Work Services

01392 38 3000

0345 6000 388 – Emergency Out of Hours

Samaritans

For emotional support in a crisis

08457 909090

Polish Domestic Violence Helpline

Provides Polish people who are experiencing domestic violence with a confidential contact, which will allow them to talk about their situation in their native language and to obtain information about available help and support.

(Polski telefon zaufania dla ofiar przemocy w rodzinie)

0800 061 4004 – Opening hours: Wednesday 9.30am – 2.30pm & Friday 9.30am – 12.30pm

info@polishdvhelpline.org

Other charities and organisations offering support within Devon include:

Stop Abuse for Everyone (SAFE)

Offers a wide range of services to support women and children to be safe and to live free from violence in the future in Exeter, East and Mid Devon.

030 30 30 0112

info@safe-services.org.uk

Apart from when reporting to Devon and Cornwall Police, you are not obliged to give your name or contact details to any agency. It may, however, prove difficult for them to support you without this information