

## Advice Guide

# Domestic Abuse and Homelessness

*Domestic Abuse is a leading cause of homelessness and the need for safe and affordable housing is one of the most pressing concerns for survivors of violence and abuse. In the year ending March 2020, an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse in the last year (1.6 million women and 757,000 men). 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.*

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## **What is domestic abuse?**

Domestic abuse occurs when one person is personally connected to another, over 16 years old, and their behaviour is abusive. The new Domestic Abuse Act 2021

also includes any child as a victim of abuse in their own right, if experiencing domestic abuse in the home.

[Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Domestic abuse 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 include, but are not limited to, the following types:

- **Coercive or controlling** – this could be a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm punish or frighten
- **Psychological and / or emotional abuse** - intimidation, coercion, threats / putting you down, humiliating you, calling you names
- **Physical or sexual abuse** - pushing, hitting, kicking, choking, biting / forcing sexual acts, withholding affection as punishment
- **Financial or economic abuse** – taking /controlling your money, destroying your credit rating, leaving you with no money, preventing you from claiming welfare benefits
- **Harassment and stalking** – Stalking is a pattern of persistent and unwanted attention that makes you feel pestered, scared, anxious, or harassed
- **Online or digital abuse** – can include behaviours such as monitoring of social media, profiles or emails, abuse over social media such as Facebook or Twitter, sharing intimate photos or videos without your consent, using GPS locators and spyware
- **Honour based abuse** – forced marriage, 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

If you are in fear of a partner, ex-partner or member of your family, you might be experiencing domestic 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?
- Check up on your whereabouts
- Limit contact with friends and family
- Yell and shout constantly
- 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 abuse.

## 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 if you have 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.cjsm.net](mailto:referrals.devon@splitz.org.cjsm.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](mailto:fm@fco.gov.uk)

## Call the Police on **999** if:

- **your personal safety is threatened**
- **you are at risk of assault or injury**
- **it is 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.

## 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. Everyone is entitled to 30 minutes of free legal advice. 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 abuse and violence protection emergency legal protection

Domestic abuse and 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 a 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 is 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 domestic abuse.

In the short term, a person fleeing domestic abuse 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. However, we will be able to direct them to people that can help.

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.

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

## **Contact details for Exeter City Council's Housing Solutions Service**

**Online:** [Contacting us for housing advice - Exeter City Council](#)

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

**Tel: 01392 265726**

**If you are homeless outside of normal office hours  
(Monday-Friday 9am-5pm, excluding bank holidays)  
or at the weekend then please contact**

**Exeter City Council's Out Of Hours Number:-  
01392 265147 for assistance**

## **Other Devon Local Authority Contact Details**

The following local authority areas are supported by Devon County Council:

- [East Devon District Council](#)
- [Exeter City Council](#)
- [Mid Devon District Council](#)
- [North Devon District Council](#)
- [South Hams District Council](#)
- [Teignbridge District Council](#)
- [Torridge District Council](#)
- [West Devon Borough Council](#)

These are Devon Unitary Authorities and provide their own support

- [Plymouth City Council](#)
- [Torbay Council](#)

## **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.mensadviceline.org.uk](http://www.mensadviceline.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](#)

## Helpful Numbers

### 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

### Emergency Injunctions – National Centre for Domestic Violence

0844 8044999

### Rights of Women – Legal advice helpline for women

020 7251 6577

### ManKind Initiative – Confidential Helpline Weekdays 10am – 4pm

01823 334 244

### 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

(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](mailto:info@polishdvhelpline.org)

## Financial Support:

CAB: <http://www.cabdevon.org.uk>

National Debt Line: <http://www.gov.uk/national-debtline>

Turn 2 Us: <https://www.turn2us.org.uk>

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