



Domestic abuse procedure

1. Purpose

This procedure sets out the process for staff to follow when they are dealing with a report of domestic abuse.

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3. Process

In this document, reference to neighbourhood manager also includes sheltered housing coordinator, and senior neighbourhood manager also includes senior neighbourhood manager (sheltered housing).

Action to be taken in cases involving domestic abuse will differ depending on the circumstances, so flexibility and the professional judgement of staff will be needed in deciding what action to take.

We should always take steps to ensure that our methods of contacting the victim are safe, and that the time when the victim is contacted is considered. Letters, documentation and emails should only be sent to the victim where the perpetrator is not able to access the victim's post or their email account.



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1. Emergency situations

In an emergency situation where the victim has suffered from or is in immediate danger of serious harm, they should be advised to contact:

- Police (criminal offence) – Tel. 999
- National Centre for Domestic Violence (injunction) – Tel. 0800 970 2070
- Refuge (helpline) – Tel. 0808 2000 247
- Wiltshire area only
 - Splitz (support) – Tel. 01225 775276 (weekdays)
 - Wiltshire Council – Tel. 01225 712880 (out of hours)

2. Receiving a report of domestic abuse

The highest priority will always be given to reports of domestic abuse.

We will accept reports of domestic abuse from:

- ✚ victims
- ✚ friends or relatives of the victim
- ✚ councillors
- ✚ partners such as the police and the local authority
- ✚ third parties.

In the case of reports from persons other than the victim, these will be accepted where they have confirmed that the victim has consented to them acting on their behalf. Anonymous reports will also be accepted, but the strategy for how these will be dealt with will need to be agreed with a senior manager.

Reports can be made:

- ✚ through our website (report anti-social behaviour)
- ✚ by email
- ✚ in writing
- ✚ by telephone



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- ✚ in person either at our offices in Trowbridge (by prior appointment)
- ✚ in person to our staff while they are out on site in our neighbourhoods or in our sheltered housing schemes.

If the report is received by customer support they should refer the matter immediately to the neighbourhood manager responsible for that area, or if they are not available to the advice day manager. The manager should advise the victim that as domestic abuse is a criminal matter they should report this to the police. An anti-social behaviour case will then be opened on QL.

3. Assessing priority

The neighbourhood manager will interview the victim and complete:

- ✚ a complainant interview form, in order to help them understand the full facts of the case, the level of severity and to agree an action plan. A summary of the action plan should be sent to the victim if it safe to do so (that is, where the perpetrator does not have access to the victim's post or their email account). The interview can take place over the phone, at our offices, in their home if it is safe to do so or at another location where they will feel safe.
- ✚ a SafeLives Dash Risk Checklist ([here](#)) [this takes the place of the anti-social behaviour risk assessment].
- ✚ if appropriate, a SafeLives MARAC Referral Form ([here](#)) except referrals for cases in Wiltshire which should be sent to: MARAC@wiltshire.police.uk and spa@fearfree.org.uk using the referral form at appendix 1.

DASH – Domestic Abuse, Stalking and Honour Based Violence – A Risk Identification, Assessment and Management Model, which uses a common checklist for identifying, assessing and managing risk.

MARAC – Multi-Agency Risk Assessment Conference – a number of agencies providing support to those experiencing domestic abuse. The four aims of MARAC are to:



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- i) safeguard victims of domestic abuse
- ii) manage perpetrators' behaviour
- iii) safeguard professionals
- iv) make links with all other safeguarding processes.

The target for completing the interview and the assessments is within 2 working days of neighbourhood services receiving the report, although contact should be made with the victim within 1 working day.

If there are any health and safety concerns for staff, a risk assessment must be carried out before the interview is arranged.




The interview will be confidential, and carried out at an agreed time and place that is safe for the victim. At the same time future methods and times of contact can be agreed with the victim.

The victim should be advised that we will always seek their consent to share information about them and their situation unless:

- there is an immediate or potential risk of serious harm to them or anyone living with them
- there are children or people with care and support needs living in the property
- we believe that sharing information will lead to the prevention or detection of crime.

4. Dealing with high priority cases

High priority cases, that is those that meet the MARAC referral threshold, will almost always require an immediate and direct response including, where appropriate, the following actions.

-  Advising the victim where they can access legal help and explain the actions we can take.
-  Reporting incidents to the Police or helping the victim to do so.
-  Contacting the local authority if the abuse involves children, a pregnant female, or someone with care and support needs.



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- ✚ Making a referral to MARAC by way of a SafeLives MARAC Referral Form.
- ✚ Enforcement action, either by us or our partner agencies.
- ✚ Rehousing the victim if necessary.
- ✚ Signposting the victim to relevant support agencies, including national organisations, local groups and specialist agencies.
- ✚ Referring the victim to schemes that provide additional home security measures. We may also consider providing some of these measures ourselves if this type of support is not available.
- ✚ Providing finance and benefits information, advice and support.

5. Investigations

Previous history

The neighbourhood manager should check any tenancy records we hold on the victim and perpetrator to establish if:

- i) there is already an open anti-social behaviour case
- ii) they have any support needs or vulnerabilities
- iii) there are any mental health issues.
- iv) there are any health and safety risks for staff.

Background checks should also be made with members of the relevant multi-agency forum in relation to both the victim and the perpetrator.

Third parties

The neighbourhood manager might want to interview or notify:

- ❖ any witnesses that have been identified
- ❖ residents living nearby if the behaviour occurred in a public area where it could have been witnessed by others
- ❖ the police



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- ❖ the local authority.

Evidence

The following tools and methods can be used to gather evidence.

- ✚ Incident Diary Record Sheets
- ✚ Witness statements
- ✚ Agency disclosures
- ✚ CCTV

During the course of the investigation we may decide to close the case if:

- a) we establish that the incident didn't happen
- b) there isn't enough evidence
- c) there is lack of cooperation from the victim or any witnesses.

In these circumstances, we will write to the complainant if it is safe to do so, (that is, where the perpetrator does not have access to the victim's post or their email account), to advise them that the case will be closed and the reasons why.

6. Action

Action that we take will be proportionate and flexible according to the nature of the domestic abuse reported, and is unlikely to follow an incremental pattern.

Cross-departmental/multi-agency working

Both at the start and during the process, checks should be made with other areas of the business, particularly income and money advice, to see if they have taken or are in the process of taking action against the customer; e.g. possession proceedings for rent arrears.

In the case of legal action, checks should be made with partner agencies such as the police, to see if any action they have taken or are taking can be used to support these proceedings.



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Stages of action

In most cases of reports of domestic abuse the following stages should, if possible, be followed.

- i) Logging the complaint.
- ii) Interviewing the victim at a time and place that is safe for the victim (refer to section 3. Assessing priority).
- iii) Sending an acknowledgement letter to the victim, if it is safe to do so (that is, where the perpetrator does not have access to the victim's post or their email account) (see appendix 2).
- iv) Interviewing the perpetrator, if it is appropriate and safe to do so, taking note of any support needs or vulnerabilities.
- v) Arranging for immediate legal action to be taken in the most serious cases.

Legal action

Legal action that is available to us to assist the victim include:

- ✚ serving a Notice of Seeking Possession in the case of an assured tenancy where the perpetrator remains in the property. This could include using the Absolute Ground for Possession if this is relevant.
- ✚ serving a Notice Requiring Possession in the case of a starter tenancy or assured shorthold tenancy where the perpetrator remains in the property.
- ✚ applying for an injunction (either with or without notice) against the perpetrator in relation to their behaviour. However, as an alternative, the National Centre for Domestic Violence provides a free and fast emergency injunction service to victims of domestic violence.
- ✚ applying to court to amend an existing suspended possession order due to the behaviour of the perpetrator.

Certain legal remedies, such as injunctions, should only be considered if



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our partner agencies do not have an obligation to act or can take appropriate action. For example, the police can attach bail conditions to someone charged with a criminal offence before they are released, and the National Centre for Domestic Violence are able to apply for an injunction on behalf of the victim.

We will, however, consider whether an anti-social behaviour injunction should also be sought. This could include incorporating positive requirements for the perpetrator to adhere to. If this is the case, then a Positive Requirements Report (see appendix 12 of the antisocial behaviour procedure) will need to be prepared to assist the Court in deciding the suitability and content of those positive requirements.

Before taking legal action we will:

- ✚ complete an Equality Impact and Proportionality Assessment (a copy of which can be found on the Neighbourhoods SharePoint site, Documents folder, Procedure and Guidance Documents folder) to ensure that we have considered our responsibilities under the Equality Act 2010, and to ensure that any action proposed is compliant with the Human Rights Act 1998
- ✚ consider including other tenancy breaches as part of the proceedings, e.g. rent arrears, property damage, etc
- ✚ check for any existing court orders that might already be in place
- ✚ ensure that all applicable grounds for possession have been included in the Notice of Seeking Possession
- ✚ in cases where the absolute ground for possession is used, ensure that we have complied with the Pre-Action Protocol for Possession Claims by Social Landlords – Part 3 (and Part 2 if the possession claim includes rent arrears) ([here](#))
- ✚ ensure that authorisation has been obtained from one of the senior neighbourhoods managers.

Once the notice/legal documentation has been served, a Certificate of Service (Form N215) should be completed ([here](#)).



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Injunctions with a power of arrest

If an injunction is obtained which incorporates a power of arrest, then a copy of the document must be lodged with the local police headquarters.

Support referrals and multi-agency working

We will work collaboratively with other organisations such as the police, local authority, mental health team, support agencies and counselling services.

A referral may also need to be made to the Multi-Agency Risk Assessment Conference (MARAC) via the Domestic Abuse Investigation Team (DAIT) for the highest risk cases of domestic abuse.

Victim/Witness Support/Protection

We will work to ensure that support is provided to both the victim and any witnesses according to their needs, and will keep in regular contact with them.

In extreme cases, victims or witnesses may need to be protected by way of security improvements to their property, such as:

- stronger locks
- reinforced doors and doorframes
- fireproof letterboxes
- panic alarms
- window alarms
- external lighting
- CCTV and video entry
- a personal alarm connected to an out-of-hours service.

We will refer the victim to schemes that provide additional home security measures, such as the Bobby Van (in Wiltshire), which provides a home security service for victims of domestic abuse ([here](#)). We may also consider providing some of these measures ourselves if this type of support is not available.



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We will also consider offering victims/witnesses a transfer to alternative accommodation if they are in danger of serious harm. This could be on a permanent basis or for a temporary period, e.g. for the duration of a trial. The police are responsible for identifying those victims/witnesses that are likely to be subject to intimidation and to which this option will be applicable.

Rehousing the victim will need to be considered in accordance with our lettings policy, and is to be used as a last resort once all other options have been exhausted or are not considered appropriate. It is important that victims are not prevented from being rehoused because of issues such as rent arrears or rechargeable repairs.

In the case of emergency rehousing being necessary, the victim should be advised to contact the Housing Options Team at the local authority as they are responsible for dealing with homelessness.

Vulnerable Perpetrator Support

We will work to ensure that support is provided to perpetrators if they exhibit vulnerabilities or support needs. However, the needs of the victim will come first and there may be some cases where action will come before any offer of support, e.g. without notice injunctions.

7. Possession Action

The decision to apply to court for possession of the property, where this is necessary, must be made by one of the senior neighbourhood managers.

Assured Tenants

If possession action is authorised, an application will be made to court for an order for possession using:

- Form N5 – Claim form for possession of property ([here](#))
and
- Form N119 – Particulars of claim for possession ([here](#)).

The grounds for possession are to be found in the Housing Act 1988 ([here](#)).



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Grounds for possession which may not be listed in the tenancy agreement can be used due to a common law ruling in the case of North British Housing v Sheridan – 29 July 1999.

Ground 14A, Schedule 2, Housing Act 1988, gives a ground for possession Possession against assured tenants of social housing providers where:

- the property is occupied by a couple, and one or both partners have the status of tenant;
- one partner *“has left the dwelling-house ... because of violence or threats of violence”* from the other partner towards them or towards a member of their family who was residing with them; and
- the court is satisfied that the partner who has left is unlikely to return.

Definition of domestic abuse in legal proceedings

Whilst the Domestic Abuse Act 2021 does not make any amendments to Ground 14A, it is likely that the courts will look to the Act’s definition of *“domestic abuse”* when interpreting *“violence or threats of violence”* for the purposes of this ground, bearing in mind that in the case of Yemshaw v London Borough of Hounslow 2011 it was stated at paragraph 25 that, *“where Parliament uses a word such as ‘violence’ the factual circumstances to which it applies can develop and change over the years”*.

The upshot is that social housing landlords should feel justified and confident in bringing possession claims against persons who commit *“domestic abuse”* in a wider range of circumstances than ever before, including cases of coercive or economic control, psychological harm or honour-based abuse.

Unfortunately, Ground 14A only applies where abuse has been carried out by a spouse or cohabiting partner. It does not apply to ‘domestic abuse’ committed by other family members or persons who are *“personally connected”* so is not aligned with the Domestic Abuse Act’s definition of *“domestic abuse”*.

In such cases we may need to consider whether any of the absolute or discretionary anti-social behaviour grounds of possession may apply. Alternatively, if the tenancy agreement includes a covenant prohibiting domestic violence or abuse, claims for possession may be brought alleging breach of contractual terms.



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Absolute Ground for Possession

Ground 7a, Housing Act 1988 (Absolute Ground for Possession) gives us the right to mandatory possession of the property if one of a number of prescribed conditions are met. A list of the offences that allow us to use the Absolute Ground for Possession can be found listed in Schedule

2A, Housing Act 1985 ([here](#)).

Starter Tenants and Assured Shorthold Tenants

If possession is being sought in relation to a starter tenant or an assured shorthold tenant, staff should refer to the starter tenancy procedure.

8. Eviction

If an outright possession order is granted, we will send a letter to the tenant(s) to confirm this and, if appropriate, notify the Housing Options Team, Social Services and, if necessary, the Mental Health Team.

If the tenant(s) does not give up possession of the property on or before the possession date, the neighbourhood manager must seek authority from the senior neighbourhood manager to apply to court for a warrant of possession using Form N235 ([here](#)).

If the perpetrator is evicted and the victim wants to move back into the property, we will offer them an assured tenancy of the property in accordance with the direct let section of our lettings policy, provided they have the right to rent.

9. Termination of tenancy

If the perpetrator terminates the tenancy, whether it is a sole or joint tenancy, and the victim wants to move back into the property, we will offer them an assured tenancy of the property in accordance with the direct let section of our lettings policy, provided they have the right to rent.

10. Private Residents

We are limited both in terms of available resources and possible remedies



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to deal with domestic abuse perpetrated by someone who is not a tenant. We will therefore expect other agencies to deal with these perpetrators, as our responsibilities are in the main confined to our tenants. However, where we consider it appropriate to deal with such behaviour we may consider the use of:

- an injunction
- enforcement of a restrictive covenant (where applicable).

11. The Community Trigger

If a victim is unhappy with our response to their complaint about domestic abuse, they can seek an independent review of their case. Advice on how they can start this process can be found on our website or on the respective local authority's website.

12. Preventative action

We will endeavour to prevent domestic abuse through:

- a) making tenants aware of their responsibilities under the terms of their tenancy at sign up, and in particular of our right to seek possession of the property using the Absolute Ground for Possession
- b) carrying out pre-allocation interviews so that we can ensure that, where necessary, prospective tenants have adequate support in place.

13. Closing a case

The victim should be consulted at the point of closing a case to confirm that they are happy for it to be closed, or to ensure that they understand the reasons why we are doing this. If they do not agree with their case being closed they will be given the opportunity to state why, although we will expect the reasons given to be reasonable.

Reasons for closing a case

1. The victim confirms that they are no longer at risk of domestic abuse.
2. The complainant withdraws the complaint, although we should







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try and ascertain the reason for this as it could be as a result of intimidation by the perpetrator.

3. An investigation has been concluded, appropriate action has been taken, and no further incidents have occurred over a given period.
4. We believe that we have done everything we can that is reasonable and proportionate to deal with the abuse, even where the victim does not want us to close the case.
5. In our opinion, based on the evidence or lack of evidence, the person is not the subject of domestic abuse.
6. The complainant has not taken the action agreed upon, e.g. working with other agencies, making it difficult for us to progress the case.
7. Another partner agency is dealing with the matter and our involvement is not required.
8. Non-cooperation by the victim.
9. The perpetrator has been evicted or imprisoned.

Classifications

When recording why cases have been closed the following classifications will be used.

-  Resolved
-  Unfounded
-  Unresolved
-  Withdrawn

Actions

At the conclusion of the case, a closure letter detailing why the case has been closed will be sent to the victim, if it is safe to do so (that is, where the perpetrator does not have access to the victim's post or their email account), and, if appropriate, to the perpetrator, if it is safe to do so. We



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may also advise any witnesses, partner agencies and other relevant persons, e.g. an involved local councillor.

There may, however, be cases where letters will not be sent either because they are not necessary, not appropriate or for other exceptional reasons.

The case should be closed on our housing management system, and as part of this process a satisfaction survey should be sent to the victim, if it is safe to do so (that is, where the perpetrator does not have access to the victim's post or their email account). The results of these surveys are analysed by the neighbourhood services team manager.

Any relevant paperwork, such as log sheets, is then scanned onto the Tenant Services Drive – Neighbourhood Services – Patch – ASB, or for supported housing the Supported Drive – Sheltered – ASB. The

neighbourhood manager will make a 6-month calendar reminder to check whether any more reports have been received from the victim and, if they have not, then the documentation relating to the case can be deleted.

14. Useful information

Useful Contacts

A list of useful contacts can be found in appendix 3.

Legal Remedies

A list of legal remedies can be found in appendix 4.

Frequently Asked Questions

A list of frequently asked questions can be found in appendix 5.

4. Signposting

- Anti-social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Children Act 1989
- Crime and Disorder Act 1998



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- Data Protection Act 2018
- Domestic Abuse Act 2021
- Domestic Violence, Crime and Victims Act 2004
- Equality Act 2010
- Family Law Act 1996
- Family Law Act 1996
- Housing Act 1988
- Housing Act 1996
- Human Rights Act 1998
- Matrimonial Causes Act 1979
- Protection from Harassment Act 1997
- Public Order Act 1986
- Serious Crime Act 2015
- UK General Data Protection Regulation (UK GDPR)
- UN Convention on the Rights of the Child 1989
- Domestic Violence Disclosure Scheme (also known as Clare's Law)
- Anti-social behaviour policy
- Anti-social behaviour procedure
- Child protection policy and procedure
- Data protection policy
- Data sharing guidance document
- Domestic abuse policy
- Lettings policy
- Safeguarding adults policy and procedure

Procedure Review Date – 2 November 2024

Appendix 1

When referring to MARAC, please be aware you are expected to attend to present your referral unless you inform us otherwise.

Wiltshire MARAC Referral Form

Please send a copy of the completed MARAC Referral Form and DASH Risk Assessment by secure email to the below email addresses:

MARAC@wiltshire.police.uk; spa@fearfree.org.uk

If you are uncertain about if you should complete this referral form, please the FearFree Help Desk on 01225 775276.

In this form you will complete the following:

Fields marked with an asterisk (*) are required.

- About You
- About the Alleged Victim
- About the Alleged Perpetrator
- About the Children
- Brief Case Summary
- Additional Considerations

*About You (referrer)	
Contact Name(s):	Click or tap here to enter text.
Referring Agency:	Click or tap here to enter text.
Date of Referral:	Click or tap to enter a date.
Telephone(s):	Click or tap here to enter text. Click or tap here to enter text.
Email Address:	Click or tap here to enter text.
Referral Rational:	Choose an item.

About the Alleged Victim	
*Full Names:	Click or tap here to enter text.
*Date of Birth:	Click or tap to enter a date.
*Address:	Click or tap here to enter text.
Occupation (including employer):	Click or tap here to enter text.
*Telephone Number(s)	Click or tap here to enter text.
Is this a safe contact?	Choose an item.
Please include any relevant contact information (safe times to call etc.):	Click or tap here to enter text.
*Is this person Pregnant or an Expectant Parent?	Choose an item.
*Is this person aware of the MARAC Referral and given consent?	Choose an item.
*If no, why not?	Click or tap here to enter text.
Has DVDS Right to Know been considered? (Have you made an application for DVDS/Claire's Law):	Choose an item.
Alleged Victim Diversity Data (If known)	
Gender Identity:	Choose an item. Disabled Choose an item.
LGBTQ+:	Choose an item. B&ME Choose an item.

When referring to MARAC, please be aware you are expected to attend to present your referral unless you inform us otherwise.

About the Alleged Perpetrator			
*Full Names:	Click or tap here to enter text.		
*Date of Birth:	Click or tap to enter a date.		
Address:	Click or tap here to enter text.		
Occupation (including employer):	Click or tap here to enter text.		
*Is this person Pregnant or an Expectant Parent?	Choose an item.		
Alleged Perpetrator's Diversity Data (If known)			
Gender Identity:	Choose an item.	Disabled	Choose an item.
LGBTQ+:	Choose an item.	B&ME	Choose an item.

About the Child(ren) (Add extra rows as necessary)				
Full Names	Date of Birth	Relationship	Address	School
	Click or tap to enter a date.	Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.

Are there concerns for the children? If yes, please confirm the date a MASH referral was made:	Click or tap to enter a date.
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Brief Case Summary:
Please provide information on the case, your reasons for the referral and, if the DASH has not met the MARAC threshold score of 14, please provide a written rational for referring on Professional Judgement. This will be used to inform the MARAC agencies of the concerns around the case.
Click or tap here to enter text.

Additional Considerations:	
Has the alleged victim been referred to any other MARAC's previously?	Choose an item.
If yes; where, and when (include multiple dates)?	Click or tap here to enter text.
Is there a potential for escalation (5 or more incidents reported to Police within 12 months)?	Choose an item.
Are there concerns around HBV (Honour Based Violence)?	Choose an item.
Are there concerns around FGM (Female Genital Mutilation)?	Choose an item.
Are there concerns around Forced Marriage?	Choose an item.

When completed, ensure the form is securely sent to MARAC@wiltshire.police.uk & spa@fearfree.org.uk

Appendix 2

NAME
ADDRESS LINE 1
ADDRESS LINE 2
ADDRESS LINE 3
ADDRESS TOWN
ADDRESS POSTCODE



DATE

Domestic violence

This letter is about your report of domestic abuse.

Your report is now being dealt with by your neighbourhood manager NAME.

Enclosed with this letter are some incident diary sheets so that you can keep a record of any future incidents. There is an example at the top of the diary sheet showing how you should complete each box. Please read this example carefully because it is important that we have accurate information.

Please send the diary sheets back to me in one of the enclosed envelopes every 2 weeks so that we can monitor what is happening and take the necessary action. If you find yourself at risk of serious harm you should contact the police immediately by ringing 999.

Yours sincerely

NAME
POSITION

Tel.
Email
DATE

Appendix 3

Useful Contacts

<u>Agency</u>	<u>Purpose</u>	<u>Telephone</u>
Bath & North East Somerset Council	Source safe housing for victims of domestic abuse	01225 396296
	Emergency rehousing	01454 615165
	Access website (here)	
Childline	Offers free, confidential advice and support to persons under 18 years of age whatever their worry and whenever they need help.	0800 1111
	Access website (here)	
Citizens Advice	Provide advice to assist people with legal, debt, consumer, housing and other problems in the United Kingdom.	0345 404506
	Access website (here)	
Galop	Provide advice and support for people who identify as LGBT+ and are experiencing domestic abuse	0800 999 5428
	Access website (here)	
National Society for the Prevention of Cruelty to Children (NSPCC)	Works to prevent abuse, help rebuild children's lives and support families, and who adults can contact if they are worried about a child.	0808 800 5000
	Access website (here)	
Police	Report crime in progress	999
	Report a crime	101
	Access website (here)	
Mendip District Council	Source safe housing for victims of domestic abuse	0300 303 8588
	Access website (here)	

Refuge	Support service which includes providing temporary emergency accommodation for women and children fleeing domestic abuse.	0808 200 0247
	Access website (here)	
Respect	An anonymous and confidential helpline for men and women who are abusing their partners and families. They also take calls from partners or ex-partners, friends and relatives who are concerned about perpetrators.	0808 802 4040
	Access website (here)	
Splitz (Wiltshire)	Support service for victims of domestic abuse in Southwest England (weekdays)	01225 775276
	Access website (here)	
Wiltshire Council	Source safe housing for victims of domestic abuse	
	- Chippenham office (north Wiltshire)	01249 706666
	- Salisbury office (south Wiltshire)	01722 434233
	- (Trowbridge office) (central Wiltshire)	01225 718005
	Emergency (out of hours)	01225 712880
	Access website (here)	

Appendix 4

Legal Remedies

Clare's Law

The Domestic Violence Disclosure Scheme (DVDS), also known as 'Clare's Law', allows police to disclose to individuals the details of their partner's abusive past in order that they can make an informed decision about their situation.

Domestic Violence Protection Notices

A Domestic Violence Protection Notice (DVPN) is served by the police on perpetrators of domestic abuse and provides emergency protection for victims. It must be presented to a magistrates' court for approval within 48 hours. It is the first step to acquiring a Domestic Violence Protection Order (DVPO). A DVPN places conditions on a perpetrator which may include:

- stopping him/her from entering and being within a certain distance of the victim's home
- stopping him/her from making the other person leave or excluding them from their home
- requiring him/her to leave the victim's home.

Domestic Violence Protection Orders

If the magistrates agree, the prohibitions stated within the Domestic Violence Protection Notice can continue for between 14 to 28 days in the form of a Domestic Violence Protection Order.

Injunctions

A judicial order restraining a person from beginning or continuing an action threatening or invading the legal right of another, or compelling a person to carry out a certain act. For example, if someone is worried that their ex-partner or spouse will end the tenancy without their consent, they can apply to the court for an injunction to stop them giving notice to end the tenancy. If the order is breached, the police can arrest that person immediately. You do not have to tell the person you want protection from that you're applying for an injunction, in which case it's known as a 'without notice' or 'ex-parte' application. If an order is granted the abuser will have to be told about your application after the order has been issued.

Non-Molestation Order

A non-molestation order is a type of injunction which can protect someone from violence or harassment. It can be obtained against someone who has been physically violent or against someone who is harassing, intimidating or pestering someone.

Occupation Order

Occupation orders are orders made by the courts to enforce, declare or restrict rights to occupy the matrimonial home. They are only a short-term solution and will not affect what happens to the property in the final settlement.

Restraining Order

This is a court order in relation to a criminal case alleging domestic abuse, whether or not the case is upheld. It is made when there is a need to protect a person from harassment or conduct that will put them in fear of violence. It imposes prohibitions on the perpetrator and may cover a range of behaviours, e.g. excluding a person from a geographical area, from contacting specific people, or behaving in a particular way. It lasts for one year or until it is revoked. It can be renewed for one year at a time if the court believes that the victim is still in danger. A person breaching a restraining order can be arrested and charged.

Transfer of Property Order

A transfer of property order is where a court orders that a sole or joint tenancy be transferred to a spouse or partner.

Appendix 5

Frequently Asked Questions

What can I do if I need urgent police help through the 999 service but can't speak?

If you're in an emergency situation and need police help but can't speak, Make Yourself Heard lets the 999 operator know your call is genuine. How to do this is explained in the following link. [Silent solution guide.pdf \(policeconduct.gov.uk\)](#)

What can I do if I need urgent police help through the 999 service but I am deaf or can't use the phone?

If you are deaf or can't use a phone, you can register with the [emergencySMS](#). Text REGISTER to 999. You will get a text which tells you what to do next. Do this when it is safe so you can text when you are in danger.

I don't have access to a phone and am closely watched. What can I do?

Safe Spaces

Safe Spaces UK SAYS NO MORE is working with Boots UK, Morrisons, Superdrug and Well pharmacies, TSB banks and independent pharmacies across the UK to provide Safe Spaces in their consultation rooms for people experiencing domestic abuse. Once you are inside, specialist domestic abuse support information will be available for you to access.

How to access a Safe Space

- Walk into any participating pharmacy in the UK.
- Ask at the healthcare counter to use their Safe Space.
- A pharmacist will show you to the Safe Space which will be the consultancy room.
- Once inside you will find displayed specialist domestic abuse support information for you to access to make that call or access Bright Sky safely.

To find a Safe Space in a pharmacy near you click on the following link.

[Safe Spaces Locations - UK SAYS NO MORE](#)

Action Needed Immediately

ANI codeword

If you are experiencing domestic abuse and need immediate help ask for 'ANI' in a participating

pharmacy. 'ANI' stands for Action Needed Immediately. If a pharmacy has the 'Ask for ANI' logo on display, it means they're ready to help. They will offer you a private space, provide a phone and ask if you need support from the police or other domestic abuse support services.



Ask for ANI logo used in participating pharmacies

I need to leave my home due to the violence. Where can I go?

You should contact your local authority as they have a duty to provide temporary housing for people who are homeless.

What is a refuge?

A refuge is a safe place for women, men and children who are unable to stay safely in their homes because they are experiencing abuse, or are at risk of abuse from a partner, former partner or family member. You can stay there as long as you need, anywhere from a few days to several months.

I'm a man suffering from domestic abuse. Where can I get advice from?

The Men's Advice Line run by Respect is a confidential helpline specifically for male victims. Tel. 0808 801 0327
Email: info@mensadvice.org.uk

What if I am the perpetrator of the abuse or I know of someone who is abusing their partner. Who can I contact?

If you are concerned about your behaviour or the behaviour of someone you know, there is support available. The Respect Phonenumber is an anonymous and confidential helpline for men and women who are abusing their partners and families. It is open Monday to Friday 9am to 8pm. The helpline also takes calls from partners or ex-partners, friends and relatives who are concerned about perpetrators.

Telephone: 0808 802 4040

A webchat service is available Wednesdays, Thursdays and Fridays from 10am to 11am and from 3pm to 4pm.

What if I am a child who is suffering from domestic abuse?

In an emergency you should ring 999 and ask for the Police. Otherwise you should ring Childline. Telephone 0800 1111.

What if I am an adult who is concerned about a child who is or may be suffering from domestic abuse?

In an emergency you should ring 999 and ask for the Police. Otherwise you should ring the NSPCC. Telephone 0808 800 5000. You can also report any concerns to Childrens Social Services for the relevant local authority.

What is a Multi-Agency Risk Assessment Conference (MARAC)?

A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs), probation and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan.

What does DASH stand for?

The introduction of the new Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH 2009) Risk Identification, Assessment and Management Model, means that all police services, and many partner agencies across the UK, will be using a common checklist for identifying and assessing risk which will save lives.

Although my abusive partner has left the property I still don't feel safe in my home, but I don't want to leave. What can I do?

There are a number of legal remedies to stop your abuser from coming back to the property. There is also help to make your property more secure, which could include assistance from the local authority, in Wiltshire support from the Bobby Van, or help from your landlord.

What is the Sanctuary Scheme?

A Sanctuary Scheme is a multi-agency victim centred initiative which aims to enable households at risk of violence to remain safely in their own homes by installing a 'Sanctuary' in the home and through the provision of support to the household.

I left my home but I want to go back there, however my violent partner is still living there. What can I do?

There are several legal remedies available to you to help you go back to your property and exclude your abusive partner. You should seek legal advice about these to see which is best for you in the circumstances.

As my landlord, can you transfer the tenancy of the

We do not have the legal authority to do this without a court order.

**property into my
sole name?**

