



Selby District Council

**Advice for all –  
Experiencing Domestic  
Abuse**

Domestic abuse is any violence between partners or former partners in an intimate relationship. The violence can include physical, sexual, emotional or financial abuse, threats and damage.

**Physical** - beating, kicking, slapping, punching, burning, strangulation, stabbing, denying sleep.

**Sexual** - rape, enforced sex or prostitution, pornography, or any other sexual behaviours or activity that you find unacceptable.

**Emotional** - jealousy, humiliation, degradation, systematic criticism, put-downs, intimidation, isolation from family and friends, withholding sex, threats or suicide.

**Verbal** - verbal abuse, aggressive response or threats to harm.

**Financial** - denying or withdrawing money.

Domestic abuse is a serious and widespread problem, although it is often hidden in the family. Abuse happens in all societies irrespective of gender, ethnicity, class, nationality, religion, cultural background, disability, marital status, age or sexual orientation.

The law includes both controlling behaviours and coercive behaviours within the definition of domestic abuse and these definitions include so called 'honour' based violence, female genital mutilation (FGM) and forced marriage.

If you are being subjected to violence or abuse always call the police in an emergency on 999.

### **The role of the Police**

The police may be able to:

- Arrest the perpetrator, or detain them for questioning – this can be especially useful if you need them to be out of the way so you can leave home
- Put you in touch with agencies that can help
- Take you somewhere safe e.g. a refuge or the home of a friend or family member
- Help you to get medical attention for any injuries
- Help you to secure your home so the perpetrator cannot get back in

If the police arrest your partner/spouse, they may only be gone for a short time. However, if they're charged, they may be either held in custody, or given bail only on condition that they do not go near you. If a criminal offence has been committed, they may be prosecuted and given a custodial sentence.

## **Leaving in an emergency**

If you don't feel safe in your home and have nowhere safe to go to, you can approach any local council and ask to make a homelessness application, or get a place in a refuge. You will also need to consider your finances after you leave. If you are being subjected to violence or threats, safety should be your primary concern.

### **Safety checklist**

- Call 999 if you need help
- Tell someone you trust about what has happened, and set up a password so you can let them know if you are in danger.
- Pack a bag of essentials and leave it somewhere safe for example with a friend or neighbour you trust.
- Teach your children to dial 999 in an emergency.
- Arrange somewhere you can stay in an emergency.
- If you are attacked, or think you may be, try to get to a safe room with a telephone and an exit. Avoid kitchens and other rooms where there are items that could be used as weapons.
- Go to hospital if you have been injured so there is a report of the injury and keep any other evidence of the abuse e.g. any threatening letters or text messages.
- Keep the essentials with you at all times:
  - Cash and cash cards
  - Mobile phone car keys
  - Address book – be sure to include numbers for domestic violence support agencies, schools, solicitors, social workers, your GP and the local police station.

If you have left home because of domestic violence, you may want to:

- Tell people what's happened, and ask them not to give your new address or telephone number to the perpetrator
- Change your mobile phone number
- Avoid places where the perpetrator might expect to find you
- If you have to go to a place where you think the perpetrator might find you, go with someone else if possible, or let someone know where you are going. Choose a route where there will be other people
- Change your routines as much as you can, and reschedule any regular appointments.
- Avoid using joint bank accounts.
- Make sure your address does not appear on any court papers. Your solicitor, or a refuge worker, will be able to give you further advice on this.
- If you need to phone the perpetrator, or anyone who might give her/him your number, dial 141 before you call to ensure your number is kept secret.
- Tell your children not to tell the perpetrator, or anyone else, where you are staying.

## **Local Authority**

You can ask any local authority for homelessness help if you can't stay in your own home.

**Selby District Council's Housing Options team** – 01757 705101 and can be found at Access Selby in the Town Centre.

The team is flexible and we can discuss your housing options with you and if necessary help you find somewhere safe to stay on a temporary basis. We will also help you plan for the long term. This might involve making arrangements for rehousing or returning home with additional security measures in place.

If you are deemed eligible for housing advice and are homeless or at risk of becoming homeless within 56 days, you are likely entitled to make a homeless application with the Local Authority. Additional information regarding homeless applications can be found under the 'Homeless Application' section of our website.

## **Refuges**

Refuges provide temporary housing for people fleeing domestic violence. You won't have to have left your partner permanently and you don't have to have children. You can apply for a place in a refuge yourself, or the council, police, or a specialist organisation may be able to arrange a place for you.

Refuge places are limited, and you may have to go to another area. Some refuges are shared houses, while others offer self-contained apartments. You will usually have your own room, but if you have children you may have to share the room with them. You will have to pay rent but may be entitled to housing benefit. Refuge staff can give you advice about claiming benefits and finding a more permanent place to live.

## **Staying in the home**

You don't have to lose your home if you have experienced domestic violence. You have done nothing wrong and you may want to stay close to friends, family, a local job, or local services. You'll probably also want to minimise upheaval if you have children. Think carefully when making any decisions. Always put safety first.

There are things you can do to legally exclude a perpetrator of domestic violence from your home, and to make your home safer, but these cannot totally guarantee your safety. You may want to call the police, in the first instance, but this may only get the perpetrator out of the way for a short time; but it may be enough time for you to put some security measures in place to keep him/her out. You can change the locks, but you need to be aware that this will not necessarily stop the perpetrator getting in, and that you may be illegally evicting her/him if s/he has rights to live in the home.

In some circumstances you may be able to apply for an occupation order to give you rights to live in the home and/or exclude your partner. If you are renting and are joint tenants, you could also consider giving notice and asking the landlord to give you sole tenancy. Get specialist advice before doing this, to make sure you don't end up losing your tenancy altogether.

When your partner has left, you may want to improve security in your home. This could include:

- Fitting reinforced doors and/or window bars
- Getting an alarm installed
- Having a 'safe room' where you can take refuge if your attacker gets in – ideally this room should have a phone in it, and an exit.

### **Home rights**

Whether you decide to stay in the home will depend partly on whether you have 'home rights'. This is a legal term that generally means that you can live in your home as if you were the owner or tenant. Your rights differ according to if you are a joint or sole owner or tenant, and what your relationship status is.

#### Sole or joint tenant/owners

If you are a sole or joint tenant or sole or joint owner, you have rights to the home. These will be set out in the deeds to your property or in your tenancy agreement. If you are the sole owner but live with a spouse or civil partner, they have home rights that are largely the same as if they were a joint tenant or owner.

#### Married couples/civil partners

If you are the spouse/civil partner of the owner or tenant, you have home rights.

#### Cohabitees

If you are living with someone but are not a tenant or owner, you will need to apply for an occupation order to get home rights so that you can stay in the home. Home rights will only last as long as the occupation order does. However, courts do not usually grant an occupation order in these circumstances. Exceptions might be made if you have children and you have no alternative accommodation, or if there is proof of domestic violence or abuse. If you want to establish long-term rights to the home, you will have to go to court to prove beneficial interest.

### **Taking legal action**

As well as occupation orders there are various other court orders and injunctions that you can apply for to increase your safety. The most common of these are non-molestation orders. These ban your partner from assaulting, harassing, or threatening you. You can also seek damages for any injury,

anxiety, or financial loss you have suffered as a result of the violence. You will need help from a solicitor if you want to take legal action.

### **Occupation Orders**

Occupation orders are a short-term measure that the courts can use to decide who has the right to return to, or stay in the home for the time being. Occupation orders usually last a specific length of time. The details of the order will depend on your individual circumstances. You might need to apply for an occupation order to:

- Enforce existing rights e.g. if your ex-partner does not accept that you have rights to the home
- Give new or extended rights e.g. if you don't have an automatic right to the home
- Exclude someone who previously had rights e.g. keep one joint tenant/owner out
- Restrict use of the property e.g. if you need to live in different parts of the home.

#### How to apply

You can apply for an occupation order at either the magistrate's court or the county court. You will need to fill in an application form, a form explaining why you want the order and, if you are eligible for help with legal costs, a 'costs exemption' form. You should talk to a specialist adviser or solicitor before you apply, to make sure that you include all the relevant information to support your application. You may be eligible for free advice and/or representation/

#### How long it will take

This depends on your circumstances and how busy the court is, although you can ask the court to look at your case urgently. When you have filled in all the necessary forms you take them to court, where they will be checked and a date for the hearing will be set.

### **Alternative Housing Options**

#### **Apply for social housing**

If possible, complete a housing application for social housing via North Yorkshire Home Choice ([www.northyorkshirehomechoice.org.uk](http://www.northyorkshirehomechoice.org.uk)). Paper applications are also available if online completion is not an option.

#### **Private renting**

The main advantage of private rented accommodation is that you will have a greater degree of choice in terms of location and type of property. It is also something that your family and friends can help you to look for and, where possible and necessary, lend money for in order to secure a property.

Your local council might also be able to give you advice about what is available in your local area and how you can get help with paying the rent bonds and rent in advance.

### **Financial assistance towards housing**

Many people are reluctant to leave a violent relationship because they are worried that they won't be able to support themselves financially. However, you may be able to apply for help with your housing costs and living expenses, such as:

- Benefits or tax credits
- A crisis loan to help you meet emergency expenses
- Maintenance payments from your ex-partner if you have children

You may be able to claim housing benefit for two homes if you have to move out temporarily because of violence or threats. This can last for up to a year. See a benefit advisor for further information.

If you are receiving a state benefit or on a low income once released from prison, you are likely entitled to financial assistance towards your rent. The Housing benefit online calculator can be used to check your entitlement to housing benefit and can be found at [www.selby.gov.uk/benefits-calculator](http://www.selby.gov.uk/benefits-calculator). You can also apply for Housing Benefit on this same website.

If you are looking to rent a private rented property, you may instead be entitled to Local Housing Allowance (LHA). The amount available to you will depend on where you live and who else lives with you. LHA rates are set for different types of accommodation in each area. The rates range from a single room in a shared house up to properties with four bedrooms. Below shows the maximum housing benefit you may be entitled, depending on what category you fall into.

Rates (April 2017 - March 2018)

### **Weekly Rates**

	York	Doncaster	Wakefield	Leeds
Shared room	<b>£67.09</b>	<b>£55.12</b>	<b>£55.00</b>	<b>£62.48</b>
1 Bed	<b>£98.96</b>	<b>£78.08</b>	<b>£86.30</b>	<b>£100.05</b>
2 Bed	<b>£123.58</b>	<b>£93.23</b>	<b>£103.56</b>	<b>£122.36</b>
3 Bed	<b>£141.24</b>	<b>£103.56</b>	<b>£113.92</b>	<b>£149.59</b>
4 Bed	<b>£200.09</b>	<b>£143.84</b>	<b>£149.59</b>	<b>£195.62</b>

## Calendar Monthly Rates

	York	Doncaster	Wakefield	Leeds
Shared room	<b>£291.52</b>	<b>£239.51</b>	<b>£238.99</b>	<b>£271.49</b>
1 Bed	<b>£430.00</b>	<b>£339.28</b>	<b>£374.99</b>	<b>£434.74</b>
2 Bed	<b>£536.98</b>	<b>£405.11</b>	<b>£449.99</b>	<b>£531.68</b>
3 Bed	<b>£613.72</b>	<b>£449.99</b>	<b>£495.01</b>	<b>£650.00</b>
4 Bed	<b>£869.44</b>	<b>£625.02</b>	<b>£650.00</b>	<b>£850.02</b>

You may also wish to start looking at suitable private renting options on websites such as 'Right Move' or 'Spare Room.' We may be able to offer help towards upfront fees for private rent options to help you secure suitable accommodation. This is our Frontline Prevention Fund and is subject to an affordability assessment.

### **Help available from other agencies:**

#### **National Domestic Helpline**

0808 2000247

You might be able to get safe housing and support in a women's refuge

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

#### **Independent Domestic Abuse Services**

IDAS is the largest specialist charity in Yorkshire supporting anyone experiencing or affected by domestic abuse or sexual violence. Their services include refuge accommodation, community based support, peer mentoring, group work and access to a free, confidential out of hours' helpline. They also have a team of accredited specialist workers (IDVA's and ISVAs) to support people through the criminal justice system in addition to providing emotional support and safety planning advice.

Local helpline - 03000 110 110

24 hour helpline or national 24 hour helpline - 0808 2000247

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

#### **Making Safe (Foundation)**

The primary aim of 'Making Safe' is to keep victims of domestic abuse and their family safe within their own home. To work with perpetrators to address their behaviours which have led to domestic abuse. The scheme aims to reduce risks to those involved in domestic incidents and reduce the opportunity for a repeat incident to occur. The scheme can provide support for those arrested/ charged with offences involving domestic abuse who consent to be involved

Telephone - 07525 910778

[www.yor-ok.org.uk/services](http://www.yor-ok.org.uk/services)

Available Monday to Friday 9am-5pm



### **Action Towards Inclusion (Foundation)**

Foundation's core mission is to create 'inclusive communities where everyone matters'. They seek to engage customers in opportunities for building a sense of social inclusion. Often this work is around mental and physical health, changing behaviours, taking responsibility and learning practical skills for keeping home and employment.

ATI provides keyworker support for individuals (over 18) who are unemployed or economically inactive. Foundation will offer direct support to help participants to progress into job-search, education, training and employment. For further information regarding the ATI programme please visit their website [www.foundationuk.org/blog/2017/07/13/action-towards-inclusion-support-to-succeed/](http://www.foundationuk.org/blog/2017/07/13/action-towards-inclusion-support-to-succeed/)

### **Horton Housing Association:**

Horton Housing is a not-for-profit organisation which provides housing, training and support services to the most vulnerable people in society. They work with a wide range of clients including people who are homeless, have mental health, drug or alcohol issues, refugees, Gypsies and Travellers, people with disabilities and ex-offenders.

Selby District Council often makes referrals to Horton Housing for additional housing support. Horton Housing offers a range of services to provide housing advice and assistance. They work flexibly to engage with people who are homeless, securing short-term accommodation and helping them to move into longer-term settled accommodation. They provide housing-related support for people with multiple or complex needs who are homeless or at risk of becoming homeless. Support available is around tenancies, budgeting, claiming benefits, helping to secure appliances for a home and much more.

Horton Housing also manages an intensive housing management (IHM) scheme in Selby where they have some limited properties available. Tenants are allocated a floating support worker and support can be provided for up to two years as part of a plan to make the most excluded and vulnerable potentially tenancy ready.

Horton Housing also offers drop-in services at Selby, Tadcaster and Sherburn-In-Elmet. To make a referral or contact them, Tel: 01757 241051 or website [www.hortonhousing.co.uk](http://www.hortonhousing.co.uk)

### **Shelter:**

For homeless information across a range of topics and for legal housing advice, please visit Shelter's website:

[https://england.shelter.org.uk/housing\\_advice/homelessness/your\\_situation/domestic\\_abuse](https://england.shelter.org.uk/housing_advice/homelessness/your_situation/domestic_abuse)