

areyouok?
ask the question - make a difference



Black, Asian & Minority Ethnic Toolkit



Advice and support to keep safe and protected from domestic abuse

This Toolkit has been developed to provide BAME (Black, Asian and Minority Ethnic) communities living in the UK with resources to identify the help and support available to keep themselves safe and protected from domestic abuse in the UK. It has been developed by Splitz Support Service (Splitz) in collaboration with our partners at Colab Exeter, Exeter City Council, Hikmat Devon CIC, Representation from the Mosque in Exeter, Multilingua Devon CIC, The Refugee Council, Refugee Support Devon, and Ubuntu Counselling Services.

We are very grateful for the contributions in developing this Toolkit
made by Sahar Mediha Alnaas and Neomi Alam.

Foreword



I am extremely proud to be launching another of our TALK Toolkits. Our toolkits are used widely by a range of professionals across many disciplines to help individuals and families suffering from domestic abuse.

Domestic abuse can affect people and families throughout all parts of society. Its impact can be devastating and have knock-on effects on the health and well-being of the whole family, and leave many victims in poverty and struggling with long-term mental health issues. The impact on any children living in a household where there is domestic abuse cannot be underestimated. Many of these children will have delays in their development, suffer from mental health issues and may even go on to become victims or perpetrators of abuse themselves. Access to our high quality specialist support is essential for those experiencing abuse, and at Splitz we work very hard to ensure that, as we are in a position of trust, we respect the confidentiality of our beneficiaries and work to ensure our services are accessible to all those who need them.

Splitz is committed to addressing any barriers to support for domestic violence and abuse and to tackling inequalities within local systems. We aim to ensure that any service user who is from a Black, Asian and Minority Ethnic (BAME) community, not proficient in English or who is new to the UK should be able to access a culturally competent and responsive service, that achieves the best possible outcome for them and their children, and enables them to live free from fear and abuse. This toolkit is designed to assist those working alongside BAME communities to meet this need and provides guidance on safety planning and how to access services.

Inequalities can occur when there are barriers, such as difference in language spoken and in culture between service user and service provider. At Splitz we use trusted interpretation and translation services to ensure that we are able to communicate effectively with our service users. We understand that, for many, their life experiences, culture and language barriers can lead to them not reporting domestic abuse, or not realising that what they are suffering is domestic abuse and illegal. The toolkit offers a simple guide to domestic abuse and how this fits within English law, as well as dispelling some of the myths that may exist around what victims can expect if they report their abuse.

Fran Lewis MBE FCMJ FRSA
Executive Director



Key Facts

1 in 4 women
and 1 in 6 men
will experience
domestic abuse
at some point

The length
of abuse is
**50% greater for
BAME victims**

Victim/survivor
attitudes to
public services were
informed by the practice in
their country of origin,
where not the UK.

Your Bill of Rights

- ✓ You have the right to be you.
- ✓ You have the right to put yourself first.
- ✓ You have the right to love and be loved.
- ✓ You have the right to be treated with respect.
- ✓ You have the right to be human - NOT PERFECT.
- ✓ You have the right to be angry and protest if you are treated unfairly or abusively by anyone.
- ✓ You have the right to your own privacy.
- ✓ You have the right to have your own opinions, to express them, and to be taken seriously.
- ✓ You have the right to earn and control your own money.
- ✓ You have the right to ask questions about anything that affects your life.
- ✓ You have the right to make decisions that affect you.
- ✓ You have the right to grow and change (and that includes changing your mind).
- ✓ You have the right to say NO.
- ✓ You have the right NOT to be responsible for other adults' problems.
- ✓ You have the right not to be liked by everyone.
- ✓ **YOU HAVE THE RIGHT TO CONTROL YOUR OWN LIFE AND TO CHANGE IT IF YOU ARE NOT HAPPY WITH IT AS IT IS.**

What is Domestic Abuse?



What is Domestic Abuse?

The definition of domestic violence and abuse (Home Office, September 2012) states:

Domestic Violence and Abuse v.

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

This can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.*

*This definition, which is not a legal definition, includes so-called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Source: <https://www.gov.uk/government/news/new-definition-of-domestic-violence>
(.gov.uk resource)

The Crown Prosecution Service's (CPS) definition includes any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse between current or former partners or family members.

The Home Office states: "**Domestic violence occurs across society regardless of age, gender, race, sexuality, wealth and geography**".

Healthy Relationships

Everyone has the right to live free from abuse regardless of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Non-Threatening Behaviour

Talking and acting so that you feel safe and comfortable expressing yourself and doing things

Negotiation & Fairness

Seeking agreeable resolutions to conflict

Accepting Change

Being willing to compromise

Economic Partnership

Making money decisions together

Making sure both partners benefit from financial arrangements

Making sure both partners have access to money

Shared Responsibility

Mutually agreeing on a fair distribution of work

Making family decisions together

Equ

ality

Respect

Listening to you
non-judgementally

Being emotionally supportive
and understanding

Trust & Support

Supporting your goals in life

Respecting your right to your
own feelings, friends, activities,
opinions, culture
and religion

Honesty & Accountability

Accepting responsibility for self
Communicating openly and truthfully
Admitting being wrong

Responsible Parenting

Sharing parental responsibilities
with each other

Being a positive non-violent
role model for the children

What is Domestic Abuse?

The terminology relating to BAME communities, some facts, and some impacts :

Terminology

Forced Marriage

Meaning

...is when you face emotional, psychological or physical pressure to marry someone against your will.

Facts

It is against the law to force someone to marry (even if taken abroad to do so) and can result in a 7 year prison sentence. The perpetrator, not the victim, would receive the prison sentence.

Parents who force their children¹ to marry will often justify their behaviour as protecting their children and preserving their cultural or religious traditions.

Some Impacts

Forced marriage can put children and young people at risk in several ways and has a number of serious harmful consequences, including:

- ▶ Denial of education
- ▶ Disowned by the family
- ▶ Abandoned/cast off by the local community
- ▶ 'Honour killings'
- ▶ Survivors fear abuse and harm if they escape prior to being forced into marriage, once on the streets

¹ The use of the terms "child" or "children" in this document assumes the legal definition of a child in the UK, who is anyone under the age of 18.



Terminology

Arranged Marriages

Meaning

is where both parties and their families or guardians consent to the marriage without the pressures associated with a forced marriage. The parties are free to choose whether they get married.

Facts

They come in many forms and comprise a continuum, at one end of which is slavery, child marriage and forced marriage, and at the other many very happy and successful relationships.

Those who practice the tradition believe that arranged marriages improve family ties and ensure a good match for their children.

Some Impacts

It is not automatically the fact that someone else chose their partner which indicates abuse.

The change comes where one or both of the parties feel the pressures associated with that of a forced marriage from refusing to consent. Therefore the impact of abuse would be the same as that of a forced marriage.



What is Domestic Abuse? ... continued

Terminology

Honour Based Violence (HBV)

Meaning

... is a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community.

Facts

HBV occurs in communities where the concepts of honour and shame are fundamentally bound up with the expected behaviour of families or individuals, especially women.

Forced marriage is considered HBV and other forms of HBV include practices performed by perpetrators on victims for cultural or socio-conventional motives which have harmful consequences. Some of these practices include: FGM; Breast Ironing; and dowry abuse. (CPS Legal Guidance, revised June 2018).

Some Impacts

HBV, where it affects children and young people, is a child protection issue. It is an abuse of human rights. Children and young people who suffer HBV are at risk of significant harm through physical, sexual, psychological, emotional harm and neglect. In some cases they are also at risk of being killed.

Many HBV victims, as in mainstream domestic abuse, just want the abuse to stop. They fear 'criminalizing' their parents, families and/or their faith group and fear being isolated from their communities.

A child or young person who is at risk of HBV is at significant risk of physical harm (including being murdered), and/or neglect. They may also suffer significant emotional harm, as a result of a threat of violence or witnessing violence directed towards a sibling or other family member.



Terminology

Female Genital Mutilation (FGM)

Meaning

...comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons (World Health Organisation) (WHO)). It is also sometimes referred to as female genital cutting or female circumcision.

Facts

There are no health benefits to FGM and it is recognised internationally as a human rights violation.

- ▶ FGM is also known as 'cutting' or 'sunna'.
- ▶ FGM has been illegal in the UK since 1985. It is also illegal to take girls abroad for FGM

Some Impacts

- The short-term:
- ▶ Severe pain and shock.
 - ▶ Serious Infection.
 - ▶ Injury to adjacent tissues.
 - ▶ Sprains, dislocations, broken bones or internal injuries from being restrained.
 - ▶ Immediate fatal haemorrhaging
 - ▶ Infection by blood borne virus.
- Long-term:
- ▶ Urine retention and difficulties in menstruation.
 - ▶ Uterus, vaginal and pelvic infections.
 - ▶ Cysts and neuromas.
 - ▶ Complications in pregnancy and childbirth.
 - ▶ Increased risk of fistula.
 - ▶ On-going impact of trauma/PTSD (Post Traumatic Stress Disorder).
 - ▶ Sexual dysfunction.

Are you in a safe and supportive relationship?

Physical Abuse

Pushing, Shoving, Hitting, Biting,
Slapping, Choking, Punching, Kicking,
Throwing acid, Pulling hair, Grabbing,
Using a weapon against you,
Beating you, Strangling you,
Brands or tattoos you.
Denies you food or water.

Sexual Abuse

Making you do sexual
things against your will,
physically attacking the
sexual parts of your body,
treating you like a sex object.
Using sexual put downs.

Gender Roles & Stereotypes

Being the one to
define gender roles
Making all the big decisions
Using extended family to
re-enforce control.

Economic Abuse

Preventing you from getting
or keeping a job, making you ask
for money, giving you an allowance,
taking your money, not letting
you know about or have
access to family income
or other entitlements.

Using Children

Making you feel guilty about
the children, using the children
to give messages, using contact to
harass you, threatening to take
the children away.
Arranged and forced marriage
for teen girls or using them as
commodities for trafficking or debts,
valuing male children above females





Emotional Abuse

Putting you down or making you feel bad about yourself, calling you names, making you think you're crazy, mind games, humiliating you & making you feel guilty, lying about your immigration status, making you eat in the kitchen.

Isolation

Controlling what you do, who you see & talk to, what you read, where you go, limiting your outside involvement, using jealousy and/or insecurity to justify actions, preventing you learning English.

Minimising, Denying & Blaming

Making light of the abuse and not taking your concerns about it seriously, saying the abuse didn't happen, shifting responsibility of abusive behaviour, saying you caused it. Using culture/religion to justify behaviour.

Coercion and Threats

Making and/or carrying out threats to hurt you, threatening to leave you, threatening to commit suicide/get you deported if you leave them, threatening to harm you if you call the Police, making you do illegal things, threatening to throw acid or stone you, threatening that you will lose your children. Also, withholding/threatening to destroy your passport or legal papers, prevent you from getting your visa sorted.

What is Domestic Abuse?

Its impacts on adults

Facts

The effects of domestic abuse go beyond the immediate physical injuries they suffer at the hands of their abusers.

Impacts

Frequently, domestic violence survivors suffer from:

- ▶ Lack of self-worth/low self-esteem
- ▶ Anxiety (including panic attacks) and depression
- ▶ Devastating mental health problems such as post-traumatic stress disorder (PTSD)
- ▶ Eating disorders
- ▶ Insomnia - unable to sleep
- ▶ Miscarriage, stillbirth and other complications with pregnancy
- ▶ Addiction to drugs or alcohol (to help cope with the abuse)
- ▶ Repeated short-term physical injuries including: bruises, burns, cuts, bite marks, broken bones, sexually transmitted diseases, loss of teeth and hair
- ▶ Longer term and chronic health problems including: asthma, epilepsy, digestive problems, migraine, high blood pressure and skin disorders

Many victims find it difficult to function in their daily lives, preventing them from caring for themselves or others

Absences from work, due to injuries or visits to the doctor, often cause victims to lose their jobs, making them less able to leave their abusive situation.

They may:

- ▶ Feel ashamed that their partners abuse them
- ▶ See themselves as unworthy of love
- ▶ Blame themselves for the abuse – no one deserves to be abused

Victims of domestic abuse are often isolated from friends, family and their community.

**For some, primarily women and children,
domestic abuse will result in serious injury or death.**

Children : The Nurture Wheel



Domestic Abuse Intervention Project
www.duluth-model.org



What is Domestic Abuse?

Its impacts on children

Facts

Witnessing or experiencing domestic abuse is a form of child abuse.

Children living in homes where there is domestic abuse are also likely to experience other abuse and neglect.

Impacts

The impact of hearing or witnessing domestic violence can be very traumatic for a child and result in emotional or psychological abuse (Cleaver, Unell and Aldgate, 2011).

There are often issues many would consider as 'adult' emotions such as depression and low self-esteem.

Domestic abuse can impact on every area of a child's life including:

- ▶ Education
- ▶ Health
- ▶ Development of relationships
- ▶ Development of social involvement

Every child exposed to DVA will react differently, but these are some of the most common reactions:

- ▶ Tummy aches
- ▶ Eating problems
- ▶ Concentration difficulties
- ▶ Sleeping problems
- ▶ Struggling with school work and attendance
- ▶ Problems maintaining friendships
- ▶ Regression in behaviours
- ▶ Aggression
- ▶ Sadness
- ▶ Withdrawal

Longer term effects can include:

- ▶ Self-harm
- ▶ Social isolation
- ▶ Drug and alcohol misuse
- ▶ Mental health disorders
- ▶ Post-traumatic stress
- ▶ Exclusion from education
- ▶ Risk taking
- ▶ Aggressive behaviours

Helpful websites and telephone numbers

If English is not your first language, always ask if you can have an interpreter so as you know that you have been understood.

TDAS

0800 9161474

Providing specialist one to one support for female and male victims of abuse (and their children) covering the whole of Devon. This support will include: safety planning, emotional support, and support with accessing legal advice, housing, benefits, counselling, etc.

Notes:

Police

In an emergency: 999

Non-emergency: 101

Notes:

24 Hour Women's Aid Helpline

0808 2000 247

For safe accommodation or advice – providing culturally specific services

Notes:

DWP (Department of Work and Pensions)

0345 608 8545

For Benefits advice

Notes:

Housing options

01803 208723

You can just turn up and approach them as homeless due to domestic violence.
Appointments at Paignton Library

Notes:

Legal Help

Emergency Injunctions: (National Centre for Domestic Violence)	
0844 8044 999	

Notes:
.....

Rights of Women Helpline:	
020 7251 6577	Legal advice helpline for women

Notes:
.....

Other Specialist Services

IKWRO (Iranian and Kurdish Women's Rights)	
020 7920 6460	

Notes:
.....

Karma Nirvana Helpline	
0800 5999 247 https://karmanirvana.org.uk	<ul style="list-style-type: none">▶ Are you being PRESSURED to get married against your will?▶ Do you fear to bring SHAME & dishonour to your family?▶ Have you been emotionally manipulated or physically ABUSED?▶ Are you being told to get married because of your RELIGION?▶ Do you worry about being DISOWNED?

Notes:
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Forced Marriage Unit	
020 7008 0151 fmufco.gov.uk	Monday to Friday, 9am to 5pm - Out of hours: 020 7008 1500 (ask for the Global Response Centre)

Notes:

NSPCC	
0800 028 3550	Have a helpline dedicated to FGM that is anonymous and open 24/7.

Notes:

HALO Project - Bristol	
01642 683045 info@haloproject.org.uk	HBV and Forced Marriage

Notes:

Ubuntu Counselling Service	
01392 201572	Offering multi-cultural counselling services in Exeter

Notes:

Refugee Support Devon	
01392 682185	Provide an immigration clinic (to check your status in the UK) women's groups, education/employability and drop-ins

Notes:

There is more room for your notes at the back of this toolkit



Space for your own contacts and notes

Notes						
Telephone, Website & e-mail address						
What it does						
Name						

As a child, I have the right to...



The Impact of Children Witnessing/Living with Domestic Abuse

750,000 children affected by domestic abuse in the UK

130,000 children live in households with high risk domestic abuse in the UK

What is Domestic Abuse?

Some Facts

It's Not Just You

- ▶ Two women are killed every week in England & Wales by a current or former partner (*Office of National Statistics 2015*) - one women killed every three days
- ▶ In 2015/16 - 28 men were killed by a current or ex-partner (*Mankind 2017*)
- ▶ On average, a women is assaulted 35 times before her first call to the police (*JAFFE 1982*)
- ▶ 62% of children in households where Domestic Abuse is happening are also directly harmed (*SafeLives 2015*)
- ▶ More Women & Children were turned away from Refuge than were let in (*WA 2016*)
- ▶ Most victims - 85% - see on average five professionals in a year before they finally get effective support
- ▶ On average High risk victims live with domestic abuse for 2.6yrs before getting help.
- ▶ One in every five victims of Forced Marriage is a man (*Mankind 2017*)
- ▶ FGM is thought to affect 140 million women in 29 countries and there are an estimated 137,000 women and girls affected by FGM in England and Wales (*Macfarlane, A. and Dorkenoo, E, 2015*)
- ▶ Nationally, there are approximately 12-15 reported honour killings per year in the United Kingdom (*Halo Project*)
- ▶ In 2016, the Forced Marriage Unit (*FMU*) gave advice or support related to a possible forced marriage in 1,428 cases
- ▶ Victims aged 61+ are much more likely to experience abuse from an adult family member than those 60 and under. (*SafeLives*)

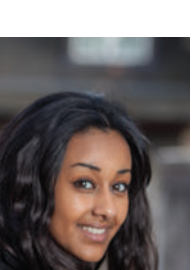


Elder Abuse

- ▶ It is known that it is even more difficult for older people to recognise domestic abuse and access support.
- ▶ Statistically, older people have more health problems, which may include reduced mobility or other disabilities which makes their situation more vulnerable to harm. This could make you more isolated both physically and socially.
- ▶ The perpetrator of abuse maybe your carer or you may be caring for someone perpetrating abuse towards you. Abuse towards older people could be from a partner or adult child/family member.
- ▶ It is never too late to seek support and there will always be options to make you feel safer, whether this means getting care for support in your home, or finding somewhere else safe to stay.
- ▶ Statistic: Both men and women with a limiting illness or disability are more likely to experience intimate partner violence (Women's Aid 2007).

LGBT

- ▶ Everyone's experience of domestic abuse will be unique. However, it is particularly difficult for gay, lesbian, bisexual and transgender individuals (even more so for those from some ethnic minority communities) due to concerns around homophobia, gender discrimination and not being accepted due to cultural and religious beliefs.



Quiz

Take our quiz and see if you are in a safe and supportive relationship or if things need to change.

1 Does he/she check up on you and want to know where you are at all times?

Often A	Sometimes B	Rarely C	Never D
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2 Does he/she call you nasty/obscene names?

Often A	Sometimes B	Rarely C	Never D
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3 Does he/she try to keep you from seeing family or friends?

Often A	Sometimes B	Rarely C	Never D
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4 Does he/she control the family money so that you have to account for every penny and/or beg him/her for it?

Often A	Sometimes B	Rarely C	Never D
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5 Does he/she forbid or demand that you work. Or, if you want to work, does he/she make it difficult for you, or tell you that no-one would ever give you a job?

Often A	Sometimes B	Rarely C	Never D
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6 Does he/she tell you that you are stupid, lazy, ugly, a rotten cook, a failure as a partner or parent?

Often A	Sometimes B	Rarely C	Never D
-------------------	-----------------------	--------------------	-------------------

- 7 Does he/she try to make you have sex when you don't want to, and/or force or pressure you to commit sexual acts that you are not comfortable with or consider unnatural?

Often A	Sometimes B	Rarely C	Never D
-------------------	-----------------------	--------------------	-------------------

- 8 Does he/she ever push you, shove you against walls, or restrain you by holding you to prevent you from leaving a room and/or lock you in a room?

Often A	Sometimes B	Rarely C	Never D
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- 9 Does he/she ever hurt you with an object or weapon (gun, knife, cigarette, rope, belt, etc.) or threaten to hurt you?

Often A	Sometimes B	Rarely C	Never D
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- 10 Has he/she ever threatened to kill himself/herself, you, your children, or other family members or friends?

Often A	Sometimes B	Rarely C	Never D
-------------------	-----------------------	--------------------	-------------------

Results:

Check your results from our quiz:

All D's

Good news – you appear to be in a healthy relationship.
Equality and trust is strong in your relationship.

Mostly A's

Seek help – this sounds a very unhealthy relationship and you may want support to end it. Please call our Help Desk on **0800 916 1474** if you want to talk about it. If you are in immediate danger call **999**.

Combination of Letters

If you are saying yes to lots of different letters, you may feel that sometimes your relationship makes you feel sad or depressed because it is not quite right. If you want to talk about this to feel happier and safer in your home, again call our Help Desk for support.

TDAS Support Service is here to support you to make informed choices and decisions to keep you and your family safe, whether you wish to stay together or apart.



RESULTS

Safety Advice & Legal Help



Safety Plan

Have You?	Yes	No	Do you know?
Have you got a professional that you can trust to talk to if you are feeling unsafe at home?			Someone can help you (and your children) to access support – you do not have to do this alone. This may be someone from the Children's Centre/School or your GP.
Have you contacted TDAS?			Independent Domestic Violence Advisors (IDVA's) can provide confidential and trusted support to help you stay together as a family or support you to leave a relationship, or access other specialist support you may need to keep you and your family safe.
Have you contacted a Solicitor to find out your rights?			They can provide half an hour free legal advice – it may include advice regarding how to stay in the UK in your own right and get access to benefits, protective orders, etc.
Have you got somewhere safe to go if you do not feel safe at home?			Your local Housing or the 24 hour Women's Aid Helpline can help you find a Refuge somewhere safe to stay, for you and your children.
Have you contacted the police if you are planning to leave your relationship?			You may get reported missing by your partner/family member - the Police will not tell them where you are but will inform them that you are safe and well.



General Safety Advice

- ▶ Call the **Police** if you feel unsafe due to abusive behaviour from your partner or family member/s. **If emergency dial 999.**

If not in immediate danger dial 101.

If your children are old enough – ask them to be a part of your safety plan and tell them how to call the Police if they are scared for you or themselves.

- ▶ Keep your mobile phone charged and with you at all times or know how to access your nearest telephone.
- ▶ If you think your partner/family member/s is about to become violent, avoid the kitchen where there are knives and other rooms where you might become trapped – stay near to an exit.
- ▶ Keep important numbers with you – they are at the back of this tool-kit - add any numbers of a close friend or professional that you trust.
- ▶ Have an emergency bag packed and hidden in case you need to leave in a hurry – or leave it with someone you trust.

After Leaving

- ▶ Turn off the location services from your phone and your children's phone
- ▶ Do not use your bank card near to where you stay unless you are sure that your partner/family member/s has no access to your account and will not receive bank statements.
- ▶ Change all your passwords for Social Media – Facebook, email, Paypal, etc.
- ▶ Do what is best for you and your children to be happy and safe.

Emergency Bag Checklist

If you are able to gather and store important items here is a list of what will be useful once you leave.

- ☐ Passport or Visa or ID Card for yourself and your children
- ☐ Any supporting documentation of immigration/residence status
- ☐ Residence Permit/Work Permit
- ☐ Birth Certificate for yourself and your children
- ☐ Marriage certificate/proof of Civil Partnership
- ☐ Any benefit letters
- ☐ Bank Statements
- ☐ Children's Red Book
- ☐ Bank Cards/Cash
- ☐ Any medication and prescriptions/medical letters *if health issues*
- ☐ Mobile phone and phone charger with credit
- ☐ Car keys/Driving Licence
- ☐ House Keys/Tenancy Agreement or Proof of Ownership
- ☐ Clothes/Bathroom essentials for you and your children.

Anything too precious to leave: *(list here, e.g. jewellery, photos)*

- ☐
- ☐
- ☐
- ☐

The UK law on:

Smacking Children

- ▶ It is unlawful for a parent or carer to smack their child, except where this amounts to 'reasonable punishment'. This defence is laid down in section 58 Children Act 2004, but it is not defined in this legislation.
- ▶ There are strict guidelines covering the use of reasonable punishment and it will not be possible to rely on the defence if you use severe physical punishment on your child which amounts to wounding, actual bodily harm, grievous bodily harm or child cruelty.
- ▶ A parent can be charged with a criminal offence if they harm their child under certain offences. Determining what charge will be made depends on the harm caused to the child.

Underage Sex

The age at which children and young people can lawfully have sex is 16.

Marrying Without Parental Consent

In the UK, the legal age of marriage is 16 with parental consent, and 18 without. The only exception is Scotland where you can marry at 16 without permission from parents. Throughout the United Kingdom and the British Crown dependencies of Guernsey, Jersey and the Isle of Man, the minimum legal age for getting married is 16 years.

Rape

Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person without that person's consent. The act may be carried out by physical force, coercion, abuse of authority, or against a person who is incapable of giving valid consent, such as one who is unconscious, incapacitated, has an intellectual disability or is below the legal age of consent. The term rape is sometimes used interchangeably with the term sexual assault.

Legal help and advice

It makes no difference what your immigration status is (whether you have recourse to public funds or not). You can access protective orders (injunctions) or get assistance from the Police to protect yourself from your abuser/s.

Legal aid can help meet the costs of legal advice (including speaking to a solicitor; having them write a letter on your behalf; family mediation; and representation in a court).

This funding can only be accessed for some types of cases, but it does include forced marriage, domestic violence and child abuse proceedings.

Civil Law

Civil law deals in all matters of law that are not criminal, including family law. A survivor of domestic violence can make an application for an injunction (a court order) either to the Family Proceedings Court or the County Court (usually through a solicitor).

Non Molestation Order

- ▶ A Non Molestation Order is obtained through the civil court and stops a person 'associated' with the victim from using or threatening violence against you and your child, or intimidating, harassing or pestering you.
- ▶ If you need an emergency Non-Molestation Order, you can apply for it "ex parte" (meaning without notice).
- ▶ The duration of a Non Molestation Order can be varying depending on the individual circumstances. Normally they last for 12 months but can last for longer.

Occupation Order

An Occupation Order regulates who can live in the family home or can enter the surrounding area.



Child Arrangements Order

The Children Act 1989 includes a Child Arrangements Order, Prohibitive Steps Order and Specific Issue Order. The welfare of any child/children of the proceedings is paramount when making an Order. Areas of dispute to be addressed could include where the child lives, what contact time is spent with the other parent and what types of contact can take place (such as supervised, direct or indirect contact).

A Specific Issue Order

An Order used to look at a specific question about how the child is being brought up, for example: what school they go to, if they should have a religious education and any other specific issue that is in dispute.

Prohibited Steps Order

This prevents another person (for example your ex partner) from doing a certain action, such as leaving the country with your child

Forced Marriage Protection Order

You can get a forced marriage protection order for yourself or someone else if threatened with forced marriage or are currently in a forced marriage.

Criminal Court

Should someone commit a criminal offence the case should be investigated by the police, and if there is enough evidence, the Crown Prosecution Service will bring the case to Criminal Court.

Restraining Order

In the UK, restraining orders can only be issued during sentencing – so to get a restraining order against someone, you have to first report them to the police and then take them to court. They are most commonly used in cases of stalking, harassment and domestic violence. Similar to the Non Molestation Order, it can prevent a person from harassing another person – by phone, text, email, post, social media, attending specific areas and contacting the other person.

IN AN EMERGENCY

If you are feeling in immediate danger - call the Police. They can arrest and remove the abuser/s from your home. Depending on the circumstances they can release the abuser with bail conditions (with restrictions similar to a non-molestation order). Or, if considered that the abuser will pose too much risk if released, they can apply to the Court to remand the abuser in custody until a Court hearing.

The Police can also apply for a DVPN/DVPO

A **Domestic Violence Protection Notice** ("DVPN") may be issued by an authorised Police Superintendent. This can prevent a suspected perpetrator from returning to a victim's home and/or contacting the victim.

Following the issue of the DVPN the Police must apply to the Magistrates for a **Domestic Violence Prevention Order** ("DVPO"). If the required conditions are met the DVPO will be granted.

This will allow you the time to make choices and decisions about whether you want to stay together or separate from your abuser/s with the option of accessing specialist support available from TDAS and/or other specialist services.

Divorce

- ▶ In the UK you need to prove that your marriage has broken down to make an application for divorce. There are 5 grounds for divorce:
 1. **Adultery** - your husband or wife has had sexual intercourse with someone else.
 2. **Unreasonable Behaviour** - this could include any form of domestic abuse or behaviour deemed unreasonable to live with.
 3. **Desertion** - your husband or wife has left you without your agreement or good reason to end the relationship. The separation must have been for more than 2 years within the last 2½ years.
 4. **You've been separated more than 2 years** - both husband and wife must agree to this. You can still be living in the same home, but separately, to apply for this.
 5. **You've been separated for at least 5 years** - you can apply for this even if your husband or wife does not agree to the divorce.

Access to Benefits/Housing if you want to leave the abuse

- ▶ There will always be support available to ensure that you (and your children) are kept safe, regardless of whether you have recourse to public funds.
- ▶ Your entitlement to benefits will be dependent on your right to reside in the UK. There are some exceptions when fleeing domestic abuse:
- ▶ **Destitute Domestic Violence Concession (DDVC)** – this can be applied for if you are fleeing an abusive relationship from a British citizen/someone who is settled in the UK and you came from outside of the UK on a spousal visa, or as a partner.
- ▶ If you have recourse to public funds this means you will be able to access benefits and housing which will give you money to live on and will cover most of your housing costs.
- ▶ If you are fleeing from domestic abuse you can approach your Local Housing Department (or any Housing Department in the country) as 'homeless' due to domestic abuse. They should assist you with finding temporary accommodation (could be a Women's Refuge if appropriate) until your situation has been assessed. You may then get assistance with private rented accommodation or Local Authority Housing.
- ▶ If you do not have recourse to public funds, but have children, Social Services may be able to assist you.

For further advice and support please contact TDAS on 0800 916 1474 or email tdas@sanctuary-housing.co.uk

Notes

Handwriting practice lines consisting of 20 horizontal dotted lines.





Splitz Support Service

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Splitz Support Service does its utmost to ensure that all information is based upon accurate research and our wealth of experience. We urge users to determine the suitability of the information for individuals requirements. Please feel free to contact our fully trained and experienced staff, who are able to advise you. Splitz Support Service 2018©