



## Thomas More Chambers

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### **Domestic Abuse – What Help is Available during the Covid-19 pandemic?**

*This document aims to assist those people who may find themselves trapped in a domestic abuse situation with their abuser during the current lockdown and summarises what help is available to them.*

*Sadly, the current COVID-19 emergency has led to an increase in domestic abuse in countries all over the world, and we in the UK are no exception. The Metropolitan Police has said that it has been making an average of about 100 arrests a day for offences linked to domestic abuse during the lockdown<sup>1</sup>. Domestic Abuse organisation helplines have all reported a significant increase in calls since the lockdown. <sup>2</sup>*

*Thomas More Chambers Family Team will be keeping its website regularly updated with articles, commentary and guidance for our professional clients as well as for parents and families, as we receive more information.*

### **What is Domestic Abuse?**

Domestic abuse, or domestic violence, is defined as any incident 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 their gender or sexuality.

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-england-london-52418650>

<sup>2</sup> <https://www.theguardian.com/society/2020/apr/12/domestic-violence-surges-seven-hundred-per-cent-uk-coronavirus>

<sup>2</sup> <https://www.theguardian.com/society/2020/apr/09/uk-domestic-abuse-helplines-report-surge-in-calls-during-lockdown>

Domestic abuse' covers a range of types of abuse, including, but not limited to, psychological, physical, sexual, financial or emotional abuse, harassment and stalking. 'Domestic abuse' can be prosecuted under a range of offences and the term is used to describe a range of controlling and coercive behaviours, used by one person to maintain control over another with whom they have, or have had, an intimate or family relationship.

## **What help is available?**

### **Police**

#### **If you are in immediate danger**

1. Always call 999 in an emergency.
2. Listen to the questions from the 999 operator.
3. Respond by coughing or tapping the handset if you can.
4. ***If you are calling from a mobile phone***, you can use the “***silent solution***” system. **Press 55**. This lets the 999 call operator know it is a genuine emergency and you'll be put through to the relevant police force, as an emergency. The police call handler will ask you a series of questions with a simple yes/no answer. If you're still not able to speak, listen to the instructions you are given so the handler can assess your call and send help. Please note that calling from a mobile does not allow the police to track your location.

***If you are calling from a landline***, pressing 55 will not work. If you can't speak you should stay on the line and the operator will connect you to a police call handler. If you need to put the phone down, the line will stay open for 45 seconds. If you pick it up again during this time and the operator is concerned for your safety, they will put you through to a police call handler. Calling 999 from a landline means the police may be able to retrieve information on your location to send help.

### **Family Courts**

You can still apply to the Family Courts for an “injunction” if you have been the victim of domestic abuse. There are court orders under the Family Law Act 1996 that can protect you

and/or your child(ren) from being harmed or threatened by the person who has abused you, and also decide who can live in the family home or enter its surrounding area.

During the Covid-19 pandemic, Domestic Abuse (Family Law Act) Injunctions have been designated by the Courts and Tribunal Service as a priority and work that must be done [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/883912/Ops\\_update\\_-\\_family\\_court\\_business\\_priorities\\_7\\_May\\_2020\\_FINAL.pdf?utm\\_medium=email&utm\\_source=](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/883912/Ops_update_-_family_court_business_priorities_7_May_2020_FINAL.pdf?utm_medium=email&utm_source=)

Once the order is served on your abuser, if the order is breached, the abuser is committing a criminal offence and can be arrested by the Police.

## **Non-Molestation Order**

### ***What is it?***

- You can apply for this order to prevent harassment or abuse from a partner, ex-partner or a family member.
- This order prevents the abuser from committing harassment or violence against you and/ or your child(ren) and can exclude the abuser from coming into a certain area.

### ***Who can apply?***

- You can usually apply if you're over 16, a victim of domestic abuse, and the person you want to be protected from is someone you're having or have had a relationship with; a family member; someone you're living with or have lived with.
- If you're under 16 you need permission from the High Court to apply.
- You can apply if you're a victim of domestic abuse and the abuser is your husband, wife or civil partner; former husband, former wife or former civil partner; fiancé, fiancée or proposed civil partner; former fiancé, former fiancée or former proposed civil partner – if your engagement or agreement to form a civil partnership ended less than 3 years ago; boyfriend, girlfriend, partner or a person you're in or have been in a relationship with for more than 6 months
- You can apply if the abuser is a close family member, for example a parent, brother, sister, aunt or uncle; or if you have a child or grandchild and the abuser is the child's

parent or person you share parental responsibility with. If your child (or grandchild) has been adopted, you can also apply to get an injunction against their adoptive parent; anyone who has applied to adopt them; anyone the child has been placed with for adoption. You can also apply for an order against the child or grandchild if they've been adopted.

## **Occupation Order**

### ***What is it?***

- You can apply for this order to regulate the occupation of a property.
- This order prevents an abuser from continuing to live in the family home or living in the surrounding area. Breaching this order is a contempt of court.

### ***Who can apply?***

- You can apply if you own or rent the home and it is, was, or was intended to be shared with a husband or wife, civil partner, cohabitant, family member, person you're engaged to or parent of your child; you do not own or rent the home but you're married or in a civil partnership with the owner and you're living in the home (known as 'matrimonial home rights'); your former husband, wife or civil partner is the owner or tenant, and the home is, was, or was intended to be your shared matrimonial home; the person you cohabit or cohabited with is the owner or tenant, and the home is, was, or was intended to be your shared home.

## **How to Apply for a Non-Molestation Order and/or Occupation Order?**

### *Online*

You can apply yourself online – there is no fee to pay

<https://www.gov.uk/injunction-domestic-violence>

In order to apply online, you'll need to:

- create an online account
- explain what has happened to you
- include the name and address of the person who has abused you
- Because of Covid-19, most hearings will take place over a video or phone call. If you need a face-to-face hearing, you'll need to explain why in your application.

*By email or post*

In order to apply by email or post:

- Check if you're eligible to apply for a non-molestation order or an occupation order.  
<https://www.gov.uk/injunction-domestic-violence>
- Download and fill in the application form (form FL401) and make 2 copies.  
<https://www.gov.uk/government/publications/form-fl401-application-for-a-non-molestation-order-occupation-order>
- Write your witness statement telling the court what has happened and asking for the order(s). In your witness statement set out what order(s) you are asking the court to make; why you want the order(s) (explain how the abuser has behaved and why you need protection); if you want the court to make order(s) without notice (i.e. the abuser is not to be told about your application before you make it), you must explain why (e.g. you are worried that the abuser will try to stop you from making the application)
- At the bottom of the witness statement write a statement of truth. Use the following words: "I believe that the facts stated in this witness statement are true." Sign and date the statement of truth.
- Download and fill in form C8 if you want to keep your address and telephone number private.  
<https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291>
- E-mail or send all the documents to a court which deals with domestic abuse cases – there is no fee.
- Many courts are closed because of Covid-19. You'll need to check that the court is open and staffed before you send in your application.  
<https://www.gov.uk/guidance/courts-and-tribunals-tracker-list-during-coronavirus-outbreak>

### **Emergency orders**

- **If you need protection immediately, ask for an emergency order when you apply to the court. You do not have to tell the person you want protection from that you are applying and can make what is known as a "without**

**notice” application. Send the application form to the relevant family enquiry email address and mark it as urgent, saying that you are making te application without notice. You can also say in the e-mail if a telephone/video hearing is unsuitable because, for example, you live with the abuser.**

The court will generally hold a hearing. At the moment it is likely that the hearing will take place as a telephone hearing, but it could take place on paper if the court considers it appropriate (by way of the judge considering the application form and witness statement), if you ask it to be, and explain that you live in the same property as the abuser and cannot attend. The abuser will still have to be told about your application after the order has been issued, but an emergency order to protect you will usually be made until at least the next hearing.

The order will be sent after the hearing to you, the abuser and the local Police force.

### **Legal Aid**

You might be able to get legal aid and a solicitor to represent you, if you have evidence that you and/or your child(ren) have been victims of domestic abuse or violence and you cannot afford to pay legal costs.

<https://www.gov.uk/legal-aid/domestic-abuse-or-violence>

[The National Centre for Domestic Violence](#) also provides a service for individuals applying for Non-Molestation Orders and Occupation Orders.

### **Other Help Available**

#### **Boots, Superdrug and 60+ other independent Pharmacies**

Victims of domestic abuse are now able to access safe spaces at Boots, Superdrug or 60+ other independent pharmacies across the country, from which they can contact specialist domestic abuse services for support and advice. This scheme is in response to the desperate situation facing many victims who are isolating with perpetrators during lockdown, but who may be able to leave the house on the pretext of going out to get food or medicine.

### *How to access a Safe Space?*

Walk into any Boots UK store, Superdrug Pharmacy, or one of the independent pharmacies involved in the scheme, go to the healthcare counter and ask to use their consultancy room.

The pharmacist will show you to the Safe Space. Once you are inside, all the specialist domestic abuse support information will be available for you to access, and you can make that call safely.

Find out where your nearest Boots pharmacy is using their store locator

<https://www.boots.com/store-locator>

Find out where your nearest Superdrug Pharmacy is by using their store locator and ticking the 'Pharmacy' box

<https://www.superdrug.com/store-finder#search-stores>

See which independent pharmacies are signed up to the Safe Spaces scheme here

<https://uksaysnomore.org/where-is-my-nearest-safe-space/>

### *More information:*

<https://uksaysnomore.org/safespaces/>

<https://www.hestia.org>

<https://www.hestia.org/News/superdrug-join-safe-spaces-scheme-for-victims-of-domestic-abuse-almost-a-quarter-of-all-uk-pharmacies-now-taking-part>

<https://www.boots-uk.com/our-stories/boots-pharmacy-consultation-rooms-become-safe-spaces-for-victims-of-domestic-abuse/>

Contact: Josh McLean [josh.mclean@hestia.org](mailto:josh.mclean@hestia.org) 07845 555 995 (Hestia)

Contact: Lisa Taylor [ltaylor@itsmaven.com](mailto:ltaylor@itsmaven.com) 07766 785656 (Superdrug)

## **Neighbourhood Police Team**

You can also report anyone who abuses you to your neighbourhood police team

<https://www.police.uk>

## **Domestic Abuse Organisations**

National Centre for Domestic Violence

- <https://www.ncdv.org.uk>

*Specifically for Women*

Refuge

- <https://www.refuge.org.uk>

Women's Aid

- <https://www.womensaid.org.uk>

*Specifically for Men:*

ManKind Initiative

- <https://www.mankind.org.uk>

Respect Men's Advice Line

- <https://mensadviceline.org.uk>

*Specifically for LGBT+ victims/survivors:*

- [www.galop.org.uk](http://www.galop.org.uk)

**All of these Domestic Abuse Organisation websites, except for the National Centre for Domestic Violence, have an “Exit/ Escape Site Now” option clearly visible on every page, which you can press to instantly exit the site and go to a neutral page, so that if for instance you live with your abuser and they come into the room you will quickly be able to hide what you have been looking at.**

Some Helplines:

- National Domestic Abuse Helpline 0808 2000 247  
Text: NCDV to 60777  
Online via <https://www.nationaldahelpline.org.uk>
- Samaritans (24/7 service) 116 123  
<https://www.samaritans.org>
- The Men's Advice Line, for male domestic abuse survivors 0808 801 0327
- National LGBT+ Domestic Abuse Helpline 0800 999 5248

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**THOMAS MORE CHAMBERS**  
**13<sup>TH</sup> MAY 2020**

*In these unprecedented times the Thomas More Chambers Family Law Team understands the importance of working closely with all our professional clients to best serve the needs of our mutual clients under difficult circumstances.*

*The Thomas More Chambers Family Law Team is able to assist instructing sources on any family law issues, including those arising from the Covid-19 pandemic. We are well used to working remotely and can arrange for confidential telephone or video conferences and meetings on a variety of platforms with you and our mutual clients. In addition, we all are well used to paperless working and to dealing with remote hearings and are always happy to assist in setting them up.*

*Equally important during these times is an appreciation of the practical reality of the court system and what it can currently offer and the priority being given to urgent business in relation to children and domestic violence. We can provide urgent advice in relation to whether an application is likely to come within the criteria to enable an urgent hearing to be obtained.*

*If you need any assistance, please contact one of our Family Law Clerks, either Jack Phillips or Craig Brown on 020 7404 7000 or at [jphillips@thomasmore.co.uk](mailto:jphillips@thomasmore.co.uk) / [cbrown@thomasmore.co.uk](mailto:cbrown@thomasmore.co.uk)*

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