

## When staying in doesn't mean staying safe – domestic abuse during lockdown

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Sarfraz Ali  
ASSOCIATE | UK

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Recent statistics show that the number of domestic abuse killings have been far higher than average since the Covid-19 lockdown restrictions were imposed. 16 deaths since the country went into lockdown: an average of 5 a week; whereas ordinarily the average is 2 a week. This has sparked concern that those suffering domestic abuse are not able to access the help that they would ordinarily rely on.

The most prevalent type of domestic abuse occurs in relationships but anyone can be a victim. There will be many victims who feel as though they are trapped by the lockdown restrictions. Minority groups who are particularly reliant on friends and the wider community may feel they have no choice but to remain at their family home, or return to their family home, and live with others who may disagree with their way of life.

The government has been quick to provide reassurance that the help is still available, and that those who are in danger are not expected to remain at home. The government has issued guidance on the support available for victims of domestic abuse ([here](#)) and has launched a public awareness campaign (#YouAreNotAlone) to highlight the help available, for example 24 hour National Domestic Abuse Helpline number – 0808 2000 247 – run by Refuge, and [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk). It has also highlighted specific resources of support for minority groups, including Galop (which runs the National LGBT+ Domestic Abuse specialist helpline) and BME specialist services like Imkaan and Southall Black Sisters.

Those suffering abuse can call 999 and even without saying anything their call will be transferred to the police; if they are using a mobile telephone then when prompted they can dial 55 and will be asked to answer just with yes or no in case they are overheard. The 55 service does not apply to landlines.

Legal Aid is available for those suffering domestic abuse and the law has changed (temporarily) to assist those suffering to obtain the evidence required to obtain legal aid during the lockdown.

### Cohabiting Couples and domestic abuse

Within our podcast on 'living together' (which you can access [here](#)) Michael Gouriet discusses the ways in which people's entitlements can be different depending on their marital status. When it comes to situations which are threatening and there is a risk of harm, most of the available remedies are the same whether the party is married or unmarried. The following is a brief outline of some of those remedies; all of which remain available during lockdown.

### The police

The police can issue Domestic Violence Police Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) which remain in place for between 14 – 28 days and can exclude the perpetrator from the home or from coming within a specified distance of the home and can prevent the perpetrator from evicting the person who applied for the protection.

### Protection from harassment and non-molestation orders

The court can make non-molestation orders which prohibit a person from using or threatening violence, intimidating, harassing or pestering the applicant, or instructing/encouraging others to do so whether in person, by telephone, text, email, not to damage their property. The order must be precise and time limited. If it is breached the perpetrator is at risk of being imprisoned (potentially for up to five years), or fined, or both.

There are both civil and criminal remedies available under the Protection from Harassment Act. This also covers stalking offences. The offence to

put a person in fear of violence is now punishable with up to 10 years imprisonment (as of 2017). A person convicted may also receive a (civil) restraint order to prevent them from approaching the victim in the future.

## Occupation orders

An occupation order can determine the way in which the parties' occupy the home; and can exclude one person from the home. This is obviously more logistically challenging in the current environment. The court can make the order if it considers the applicant or a relevant child is likely to suffer significant harm attributable to conduct of the other party, unless making the order would cause as much or more harm to the other party or the children.

Occupation orders work differently depending on the category of applicant. Whereas a spouse or civil partner will automatically be assumed to have an interest in the property if their partner owns it, the same is not true for a cohabitant who would have to show that they have an entitlement. If they do not have an entitlement to occupy, they can still make the application but any occupation order would be limited to six months, with one possible extension of six months. If they can prove that they have an entitlement there is no statutory limit on the length of the order.

The key messages for those suffering domestic abuse are:

1. You do not need to stay at home if it is not safe to do so.
2. Help and support continues to be available to you regardless of lockdown.
3. Save for limited exceptions, legal remedies are the same regardless of relationship status.

# Authors

Sarfraz Ali

ASSOCIATE | LONDON

Divorce and family

 +44 20 7597 6357

 [sarfraz.ali@withersworldwide.com](mailto:sarfraz.ali@withersworldwide.com)