

Domestic abuse

Solicitors toolkit



Somersex
Council

Introduction

Domestic abuse is a serious and prevalent issue affecting people across the UK. Solicitors play a vital role in supporting clients who may be experiencing domestic abuse, or those who may be accused of it. This includes those who are not overtly disclosing it.

This toolkit provides essential information for solicitors on domestic abuse, including its definition, recognising signs, having sensitive conversations, and the steps to take when a client discloses domestic abuse.

It also addresses the signs that a client may be a perpetrator of domestic abuse and the importance of making them aware of the consequences that their actions can have on their victim.

Finally, it gives a guide to safeguarding and provides resources specific to Somerset.



What is domestic abuse?

Domestic abuse, as defined by the [Domestic Abuse Act 2021](#), is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between individuals who are or have been intimate partners or family members. This can include people who are, or have been married, in a civil partnership, in a relationship, have (or had) parental responsibility for a child or are related.

The act emphasises that domestic abuse is not just physical violence, but can also be:

- Emotional
- Online
- Psychological
- Sexual
- Verbal
- Coercive or controlling behaviour
- Economic abuse
- Harassment or stalking

Anyone can experience domestic abuse regardless of their gender, sexuality, social class, race, religion, or disability.

In Somerset, we estimate around 78,330 (17% of the population) will have experienced domestic abuse over their lifetime. On an annual basis, this equates to 23,960 individuals (5% of the population) every year who experience domestic abuse.

Creating an environment that is open and transparent puts confidence in clients who are affected by domestic abuse that they will be supported if they acknowledge that their relationship is abusive. Clients can then be provided with the right access to relevant support and signposting.



Spotting the signs of domestic abuse

As a solicitor, it is crucial to be vigilant and sensitive to signs of domestic abuse in your clients – it is not always easy to spot. They may not be seeking your help because of domestic abuse, but during your conversations, it may become apparent that they are experiencing this.

Client Behaviours and Statements

Below are examples of the signs a client may give that they are experiencing domestic abuse.

Decision Making:

- Client mentions needing to check with a partner or relative before making any decisions, indicating a lack of autonomy.
- Client appears hesitant or anxious about making decisions without approval from someone else.
- Client frequently changes their decisions after making a call or sending a message.
- Client expresses uncertainty or anxiety about making decisions independently, especially in the context of separation or divorce.

Financial Control and Economic Abuse:

- Client speaks about their ex-partner controlling all the finances or restricting their access to money during the separation process.
- Client has difficulty paying for legal services or is unsure about their financial situation post-separation.
- Client reports that their ex-partner monitors their spending or provides them with limited funds or an allowance.
- Client seems unaware of or unable to access joint accounts or financial statements.
- Client mentions that their ex-partner has drained joint accounts or taken out loans in their name without consent.
- Client indicates that their ex-partner uses financial control to delay or complicate the divorce proceedings.
- Client notes that their ex-partner withholds financial support or child support as a means of exerting control.



Stalking/Harassment:

- Client reports being stalked or harassed by a current or former partner or a family member.
- Client mentions receiving frequent, unwanted messages, calls, or visits, especially during the separation or divorce process.
- Client expresses fear of being followed or monitored by the ex-partner.
- Client seems anxious about being seen in your office or about the abuser finding out about their legal consultations.
- Client reports that their ex-partner shows up unexpectedly at their home, workplace, or children's school.



Spotting the signs of domestic abuse

Signs that Domestic Abuse is impacting Child Arrangements Post-Separation

Parental Alienation and Manipulation:

- Client reports that their ex-partner is making false allegations or attempting to alienate the child from them.
- Client mentions that their child has been told negative things about them by the abusive partner.
- Client notes that the abusive partner tries to manipulate the child's emotions or opinions.

Safety Concerns and Supervised Visits:

- Client expresses concern about the child's safety during the time they spend with their ex-partner.
- Client reports that their child has shown signs of fear or distress related to spending time with their ex-partner.
- Client mentions the need for time with an ex-partner to be supervised to ensure the child's safety.

Coercive Control and Intimidation:

- Client indicates that the ex-partner uses threats or intimidation to influence child arrangement decisions.
- Client reports that their ex-partner tries to control or place unreasonable conditions on the arrangements for the child.
- Client mentions that their ex-partner insists on meeting in person for handovers, despite it causing fear or anxiety.

Emotional and Psychological Abuse:

- Client notes that their child has become withdrawn, anxious, or exhibits other behavioural changes after spending time with the abusive ex-partner.
- Client mentions that their ex-partner uses emotional manipulation to undermine their parenting.
- Client reports instances where the ex-partner has belittled or demeaned them in front of the child.



Legal and Financial Abuse:

- Client speaks about their ex-partner using legal threats or frivolous court actions to exhaust their resources and prolong disputes in relation to child arrangements or finances.
- Client mentions difficulty in accessing financial resources needed for legal representation or child support due to the ex-partner's control over finances.

Communication and Exchange Protocols:

- Client expresses the need for clear communication protocols to minimize direct contact with the abusive ex-partner.
- Client requests structured and safe handover locations to prevent potential conflicts during child handovers.
- Client notes that their ex-partner frequently uses child handovers as opportunities for confrontation or harassment.

Impact on Child's Well-being and Development:

- Client reports concern about the long-term emotional and psychological impact of the abusive ex-partner's behaviour on the child.
- Client mentions the need for professional assessments or counselling to support the child's well-being.
- Client notes that the abusive ex-partner's actions are affecting the child's school performance, social relationships, or overall development.

Court and Legal Considerations:

- Client seeks advice on how to present evidence of domestic abuse in child arrangement hearings.
- Client asks about the potential for obtaining restraining orders or protective orders (Non-Molestation Orders & Occupation Orders) that include provisions for their child's safety.
- Client enquires about the legal standards and criteria that the court considers when determining child arrangements in cases involving domestic abuse.



Spotting the signs of domestic abuse

Common Signs of Abuse

Physical Indicators:

- Frequent injuries or unexplained bruises.
- Wearing clothes inappropriate for the climate, possibly to conceal injuries or signs of physical abuse.
- Sudden lack of makeup/ excessive use of makeup, which could be an attempt to avoid drawing attention to injuries or to cover them up.

Emotional and Behavioural Indicators:

- Becoming withdrawn, quiet, worried, tense, panicky, tearful, angry, distant, or depressed.
- Exhibiting fearful behaviour or excessive checking of their phone or emails, possibly indicating monitoring by an abuser.

Social and Lifestyle Indicators:

- Isolation from friends and family, or suddenly cutting off social connections.
- Conducting themselves in an out-of-character way, which may signal stress or coercion.
- Being vague or evasive about their home life, relationships, or family situation.
- Limited access to finances or speaking about being coerced into financial decisions.
- Increased use of alcohol, drugs, or other substances as a coping mechanism.
- Constantly or regularly appearing tired, which could result from stress, anxiety, or lack of sleep due to abuse.

Further free training on spotting the signs of abuse can be found here:

www.somersetdomesticabuse.org.uk/domestic-abuse-awareness





Having a conversation with a client where domestic abuse is suspected.

Approach the topic of domestic abuse with empathy and discretion. Use the following guidelines when discussing this sensitive matter with your clients:

- Choose a private and comfortable setting.
- Listen actively and without judgement.
- Reassure them that they are believed.
- Let the client speak at their own pace.
- Offer support and reassure them of confidentiality.
- Respect their choices, whether it is seeking help or not.

Use questions that are indirect and supportive. For example:

- I have noticed that you seem distant, is everything all right?
- Is there something troubling you? If you need a chat, I am here for you.
- How are you doing? If you need support with anything just let me know.



What to do if a client discloses domestic abuse:

If a client confides in you about domestic abuse, take the following steps:

- Ensure their safety is a priority.
- Reassure them that you know it must be difficult to talk, that they are being courageous, and that the conversation will be in the strictest of confidence.
- Unless you think they, or their children are in immediate danger, only make their situation known to someone else if you are seeking help and support for them and only do so after getting their approval.
- Allow them to use your organisations telephone to access help even if it means you enabling them to return at another more convenient time to do this.
- Use open body language and give them space so they do not feel threatened.
- If required, reassure them that you believe them and never be judgemental.
- Avoid talking about blame or fault.
- Be patient and give them time to speak.
- Provide information about legal options, such as obtaining a restraining order, non-molestation order or filing for divorce.
- Advise them of the potential assistance they could receive in funding any legal options they wish to pursue to include legal aid, Court fee exemptions (help with fees) or a Legal Services Payment Order (Divorce and financial remedy cases only)
- Encourage them to seek medical attention if necessary.
- Encourage them to speak to the police if they feel they or their children are in immediate danger.
- Emphasise that the best support comes from specialist domestic abuse services which can provide a wide range of interventions.
- Refer them to the local Domestic Abuse Service: www.somersetdomesticabuse.org.uk
- Highlight that specialist counselling can be sought through these dedicated services.

Download our leaflet for more information 'Staying safe at home, when you are experiencing domestic abuse': www.somersetdomesticabuse.org.uk/domestic-abuse-awareness

Legal options in domestic abuse cases

Support and Legal Aid

Solicitor and Specialist Support:

While applicants can apply for Court Orders through the Family Court independently, solicitor involvement and support from a specialist domestic abuse support worker (such as an Independent Domestic Violence Advisor, IDVA) can be beneficial. IDVAs can assist in drafting documents, expediting the process, and providing comprehensive support.

For the support of an IDVA, you (with your client's permission) or your client can contact Somerset Domestic Abuse Service on **0800 69 49 999**

Legal Aid:

Legal aid may be available for applicants. Applicants unable to find a legal aid solicitor or deemed ineligible may still apply for orders themselves.

Protective Orders which can be made by the Family Court

Non-Molestation Orders:

Non-Molestation Orders can be obtained to prevent an abuser from using or threatening violence, intimidating, harassing, contacting, posting about, or pestering a victim and/ or a victim's child. These Orders can also be used to exclude a perpetrator from a victim's home and the area surrounding it.

Non-Molestation Orders can be obtained on an emergency basis (sometimes in as little as one or two days) without the perpetrator being made aware. Breach of a Non-Molestation Order is a criminal offence, allowing for arrest and prosecution of the perpetrator.

Occupation Orders:

Occupation Orders can exclude the abuser from the shared home and, in some cases, require them to continue paying rent or the mortgage, or towards household bills. These orders can be more challenging to obtain, typically necessitating evidence that the harm which a victim is suffering is greater than the harm which will be caused to a preparator by excluding them from a home. These Orders can also be used to give a victim the right to occupy a property which is owned or rented solely by the abusive partner.



Application Process for Non-Molestation Orders/ Occupation Orders:

1. Preparation of Forms:

- Forms for Non-Molestation and/or Occupation Orders can be downloaded, printed, and filled in before attending court, or collected from the court itself. The application would need to be made on Form FL401 and should typically be filed with the Court closest to the victim's home. There is no Court fee for filing this application
- The forms will require details about the applicant, the abuser, their relationship, and specifics about the orders sought (e.g., restricted areas for the abuser, home ownership/tenancy details for Occupation Orders).
- If confidentiality is necessary, an additional C8 form can be submitted to withhold the applicant's contact information from the abuser.

2. Supporting Evidence:

- Applicants should provide a detailed statement supporting their application, including the history of abuse and any relevant evidence (e.g., messages, professional letters, photos of injuries).

3. Court Submission:

- Completed forms and statements should be submitted at the local family or county court.
- Applications can be made on an emergency basis, where the applicant can wait for a duty judge to hear the case.

4. Interim Orders and Hearings:

- If granted, an interim Non-Molestation Order may be issued initially, with a second hearing scheduled
- The abuser must be served with the order, typically by a court bailiff, process server, police, or a safe third party. A 'Statement of Service' form should be completed post-service.



Signs a client may be a perpetrator of domestic abuse

It is also essential to recognise signs that a client may be a perpetrator, such as:

- Displaying controlling behaviour about any of their family, whether it is their partner (or ex), relative, child or pet
- Derogatory comments made by them about their partner, ex-partner, child, or a member of their family.
- Expressing anger or annoyance at a partner, ex-partner, family member or child, or blaming them for difficulties
- Regular injuries indicating involvement in violence – bite marks, scratches, bruises, or bruised knuckles.
- Constantly referring to their partner, ex-partner or family member's behaviour.
- Using intimidation or threats directed at their partner, ex-partner, relative or child or pet
- Exhibiting a history of violent relationships, whether intimate or wider family
- Dismissing or minimising the victim's concerns.
- Talking about having to monitor finances of their partner (or ex) or relative.



Making perpetrators aware of consequences

If you suspect a client is a perpetrator, consider discussing the legal consequences of domestic abuse, including criminal charges, restraining orders, Non-Molestation Orders, and the impact their behaviour could have on child arrangements. Encourage them to seek support to address their behaviour, if you feel it is safe to do so. Let them know there is local specialist support to help them, no matter how old they are, their ethnicity or other protected characteristic.

Support for perpetrators of domestic abuse can be found here:
www.somersetdomesticabuse.org.uk/referrals

Safeguarding

As defined by the Domestic Abuse Act 2021, children who see, hear or experience domestic abuse are recognised as victims in their own right. It is an employers' responsibility under safeguarding, where they know a member of staff, who is a perpetrator of domestic abuse, has a child or children to report the perpetrator, if the employer has concerns for the child or children's safety.

Conclusion

As a solicitor, your role in addressing domestic abuse is crucial. By understanding the signs, having sensitive conversations, and providing support and resources, you can make a significant difference in the lives of your clients affected by domestic abuse, while ensuring that perpetrators understand the legal consequences of their actions.

If you are experiencing domestic abuse, worried about someone you know, or are concerned about the impact of your behaviour towards others, then help is available: www.somersetdomesticabuse.org.uk or by telephoning 0800 69 49 999, between 8am – 8pm, 7 days a week.

In an emergency you should always dial 999. If you are worried that an abuser may overhear your call you can remain silent, tap the phone, and dial 55 when prompted by the operator who will send help.

If you are deaf, hard of hearing or speech-impaired you can register with **emergencySMS.net**. Once registered you will be able to send a text to **999** if you require help in an emergency.

Further resources:

Somerset Domestic Abuse Service offer free, confidential, non-judgemental advice and support by trained professionals. The service is available to men or women who are experiencing domestic abuse – **You will be believed.**

Freephone: 0800 69 49 999

www.somersetdomesticabuse.org.uk

Resources for professionals:

www.somersetdomesticabuse.org.uk/professional-resources

Getting support with domestic abuse:

www.somersetdomesticabuse.org.uk/i-need-help-now

Signs of an unhealthy relationship:

www.somersetdomesticabuse.org.uk/10-signs-of-an-unhealthy-relationship

The Domestic Abuse Act (2021):

<https://homeofficemedia.blog.gov.uk/2021/04/29/domesticabuseactfactsheet>

Myths about domestic abuse:

www.somersetdomesticabuse.org.uk/busting-the-myths-about-domestic-abuse

Free training:

www.somersetdomesticabuse.org.uk/professional-resources/training

Support for people experiencing domestic abuse to stay safe in their home:

www.somersetdomesticabuse.org.uk/wp-content/uploads/2023/09/Staying-Safe-in-Your-Home-DL-Flyer-print-final-proof.pdf

Support for all individuals over the age of 18 who would like to make changes and address their harmful behaviours within an intimate relationship:

www.somersetdomesticabuse.org.uk/information-for-those-causing-harm

SafeLives, the UK-wide charity dedicated to ending domestic abuse:

www.safelives.org.uk

Equality and Human Rights Commission – Domestic abuse: workplace policies and managing and supporting employees:

www.equalityhumanrights.com/en

Pharmacy scheme to give a safe place to receive support for people experiencing domestic abuse:

www.gov.uk/government/news/pharmacies-launch-codeword-scheme-to-offer-lifeline-to-domestic-abuse-victims