



**good practice guidelines**  
for working with women  
experiencing domestic  
abuse

Domestic abuse - there's no excuse

These Good Practice Guidelines are available to all organisations who wish to use them. They can be downloaded in pdf format from the web sites detailed on the back page.

Please use the information within your organisation to both encourage understanding of domestic abuse and to seek to identify and address the needs of women, children and young people experiencing domestic abuse.

#### ACKNOWLEDGEMENTS

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## foreword

In 2009 the Scottish Government in partnership with COSLA released 'Safer Lives Changed Lives: A shared approach to tackling violence against women' which defines violence against women as 'actions which harm or cause suffering or indignity to women and children, where those carrying out the actions are mainly men and where women and children are predominantly the victims. The different forms of violence against women – including emotional, psychological, sexual and physical abuse, coercion and constraints – are interlinked. They have their roots in gender inequality and are therefore understood as gender-based violence'.

'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Accordingly, violence against women encompasses but is not limited to:

***Physical, sexual and psychological violence occurring in the family, within the general community or in institutions, including: domestic abuse, rape, incest and child sexual abuse;***

***Sexual harassment and intimidation at work and in the public sphere; commercial sexual exploitation, including prostitution, pornography and trafficking;***

***Dowry related violence; Female genital mutilation; Forced and child marriages; Honour crimes.***

Domestic Abuse is recognised as one aspect across the wide spectrum of violence against women. It is anticipated that these guidelines will be used to guide and inform policy, protocol and practice in relation to domestic abuse. They are intended to provide general indicators of good practice for workers, enabling them to begin to respond effectively and address the needs of women, children and young people who experience domestic abuse. They are intended to complement existing materials for professionals within their own agency while at the same time encouraging multi-disciplinary practice and understanding.

***The development of a multi-agency response to domestic abuse is now widely acknowledged as the most effective way both to support and protect women and children who have experienced domestic abuse, and to challenge male perpetrators***  
(Ref: Violence Against Women – literature review Scot. Exec. 2004)

Organisations need to ensure that staff understand the nature, impact & consequences of domestic abuse and have a working knowledge of the policies and procedures that their service has adopted to deal with the issues. We would encourage practitioners to actively seek out any relevant information currently in place within their own organisation. Where this does not exist, we would encourage each organisation to use these guidelines as a basis for producing specific policy and protocols.

The Tayside Violence Against Women Training Consortium is a multi-agency partnership between Angus Violence Against Women Partnership, Dundee Violence Against Women Partnership and Perth & Kinross Violence Against Women Partnership. The consortium works in partnership across Tayside to implement the Scottish Government National Training Strategy : Phase II (2009)

Violence against women is perhaps the most shameful human rights violation and is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues we cannot claim to be making real progress towards equality, development and peace.

*Kofi Annan (UN General Secretary)*

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## introduction

domestic abuse is physical, mental/emotional or sexual abuse.

In 2004 Scottish Police Officers attended a domestic abuse incident every 12 minutes. There were 49,655 incidents of domestic abuse in Scotland recorded in 2007/08, an increase of just under 2% on the previous year). 54% of cases reported to the police involved repeat victimisation. In 2008-09 there was an 8% increase with 53,681 incidents recorded by police. Women were the victims in 84% of the reported incidents.

53,681

IN SCOTLAND A TOTAL OF 53,681 INCIDENTS OF DOMESTIC ABUSE WERE RECORDED BY POLICE DURING 2008-09. 61% OF THE VICTIMS HAD PREVIOUSLY EXPERIENCED DOMESTIC ABUSE

The Scottish Government has identified tackling domestic abuse as a priority to be addressed at both a local and national level. The National Domestic Abuse Delivery Plan for children & young people (Scottish Government June 2008) is underpinned by the Gender Equality Duty and is based on GIRFEC principles. It adopts a holistic approach to addressing domestic abuse which recognises that measures to improve outcomes for children and young people include achieving better outcomes for all involved. 13 key priorities for action are identified under the key themes of protection, provision, primary prevention through education and participation.


**1 in 4 women**  
will experience  
domestic abuse from a  
partner in her lifetime  
*(Scottish Government 2009)*

**PREVENTION:** prevent, remove or diminish the risk of violence against women and its impact on children and young people.

**PROTECTION:** protect women from victimisation, repeat victimisation or harassment by perpetrators and protect the children and young people affected.

**PROVISION:** provide adequate services to deal with the consequences of violence against women and children to help them to rebuild their lives.

**PARTICIPATION:** ensure policy making and practice development around violence against women is shaped by the experiences, needs and views of those who use services



## what is domestic abuse?

Domestic Abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).

*Scottish Executive:  
A National Strategy 2000*

Abuse can occur in all relationships and can also be perpetrated by other family members. There is some evidence of female abuse of male partners or ex-partners and of abuse in both female and male same sex partnerships. However, statistical information clearly shows that domestic abuse is experienced predominantly by women and perpetrated predominantly by men. (Scottish Crime Survey, 2005).

Regardless of the gender of the perpetrator or the person experiencing abuse, any form of abuse is unacceptable

## domestic abuse is about power and the misuse of power and control

Domestic abuse is associated with broader inequalities in society, is part of a range of behaviours constituting male abuse of power, and is linked to other forms of male violence, such as rape and child abuse. Domestic abuse occurs in all social groups, is not caused by stress, unemployment, poverty, alcohol or mental illness, or by the women who experience the abuse (Scottish Executive, 2005).

**Research shows that in 90% of cases of domestic abuse children are in the same room or the next room**

*Scottish Women's Aid*

Children are affected by domestic abuse and may experience emotional or physical abuse as a result. In addition there is evidence of a correlation between domestic abuse and the sexual abuse of children in the home.

40 - 60% of men who physically abuse their partner will do so to the children

*Domestic abuse is everyone's issue*

# nature and impact of abuse

- There are many forms of abuse, including, but not limited to:
- bruising, burning, choking, hitting, kicking, scalding, starving.
  - enforced prostitution, female genital mutilation, forced marriage, forced sexual acts, rape, urinating or defecating on women.
  - convincing woman that she has a mental illness, telling a woman that she will lose her children because she is a “bad mother”, threatening to remove or abduct the children.

- imprisonment, excessive or unwarranted criticism, humiliation, degradation, isolation from family/friends, sleep deprivation, threats and violence towards family members or friends, injuring/killing family pets, jealousy, possessiveness, withholding money and enforced benefit fraud.

Domestic abuse has serious consequences for physical, sexual and mental health. It may result in physical injury, chronic physical ill health and emotional and mental health difficulties. It can lead to acute and chronic physical difficulty, miscarriage, loss of hearing or vision, physical disfigurement, and psychological injury leading to depression, drug and alcohol problems and sometimes suicide and attempted suicide. At the extreme, some women are murdered by their partners, or ex-partners.

two women a week in the UK are killed by their partner or ex-partner

## PREGNANCY

Domestic abuse has a damaging, sometimes even life-threatening, impact on the physical and mental wellbeing of a woman and her baby. It is estimated that over a third of domestic abuse incidents start during pregnancy. (NHS Scotland: Guidelines for Health Care Workers In Scotland 2003)

Conclusive evidence has demonstrated that pregnancy, far from being a time of peace and safety, may trigger or exacerbate male violence in the home

Bohn, 1990

## DOMESTIC ABUSE AND MENTAL HEALTH

Women who have experienced domestic abuse may suffer fear, anxiety, fatigue, sleeping and eating disorders. They may understandably have very low self-esteem and feel very vulnerable and hopeless, with a high prevalence of depression. A US study in 1999 found that over 50% of women with a history of domestic abuse reported depressive symptoms – this same study reported that the women had more physical health problems and higher levels of disability.

WOMEN WHO ARE EXPERIENCING ABUSE ARE:


- FIVE TIMES MORE LIKELY TO ATTEMPT SUICIDE
- THREE TIMES MORE LIKELY TO BE DIAGNOSED AS DEPRESSED

## DOMESTIC ABUSE AND SUBSTANCE MISUSE

Women who experience domestic abuse are more likely to misuse prescription drugs, alcohol and illegal substances in an attempt to cope with and relieve the pain, fear, isolation and guilt which can occur as a result of the abuse.

A U.S study of refugees revealed that as many as 42% of women use alcohol or other drugs. Women who use alcohol or drugs are not responsible for the abuse they experience, though their substance misuse is often blamed or cited as a justification by the abuser.

(Domestic violence, drugs & alcohol – good practice guidelines: Stella Project, April '04)



WOMEN WHO ARE  
EXPERIENCING  
ABUSE ARE:

- FIFTEEN TIMES MORE LIKELY TO ABUSE ALCOHOL
- NINE TIMES MORE LIKELY TO ABUSE DRUGS

Women in this situation may present as a challenging or difficult client because of their chaotic lifestyle. This may result in agencies being unwilling or reluctant to engage with, or offer support to them.  
(*Scottish Women's Aid*)

## OLDER WOMEN AND DOMESTIC ABUSE

Domestic abuse can impact on women regardless of age. There are additional factors which may impact on older women, such as dependence on a partner for the finance of physical care; or the woman may be the abuser's carer and she may be concerned about what will happen to him if she leaves.

Traditional and/or familial attitudes can cause considerable guilt. These include statements such as, 'You made your bed, and you have to lie in it'. Older women may feel embarrassed about having hidden and lived with the abuse for many years without seeking help and as a result may not want to disclose it, even to family members. They may fear not being believed or may think that it is too late to change the situation. Furthermore, they may not be aware that there is help available and where to find it. Many older women are beginning to come forward and talk about the abuse they have suffered over the years. They, like any other survivor, require affirmation that they have done nothing wrong and that there is support for them whether they decide to leave or stay in the situation.

## WOMEN LIVING IN RURAL AREAS

Women living in rural areas may have more difficulty than those living in urban situations in accessing support and information. Agencies/staff should be aware of other issues which may be relevant, for example: social attitudes of close rural communities to domestic abuse, confidentiality issues within small communities, limited/lack of public and private transport, increased risk of safety due to lack of neighbours/delayed police response. A woman may have lived in the area all her life so has very strong attachments which are difficult to leave.

Gypsy traveller women may face additional problems in relation to access and support, for example, no access to a phone and leaving an abusive partner may mean leaving a whole community and way of life.

## DOMESTIC ABUSE AND WOMEN WITH DISABILITY

The difficulties experienced by women with any form of disability can be exacerbated by issues such as lack of physical access to transportation, buildings and information. They may face additional problems and discrimination because of attitudes towards people with disabilities.

In the home, if the abusive partner is also the carer, dependency may trap a woman in the relationship and in further abuse. A disability may be used against her if the abuser restricts her mobility, keeping her isolated from family and friends and denying her access to medical care. She may have fewer options and those options that are available may be harder to access. This may result in continued abuse for more protracted periods than for other women. It is difficult to leave home if a woman is not mobile, or has her home adapted and a complex care package arranged to allow her to remain in the community. There are additional issues regarding specialised accessible refuge accommodation, which when available is often over-subscribed.



## LESBIAN, GAY AND BISEXUAL DOMESTIC ABUSE

As with heterosexual relationships, there are many “myths” perpetuated which serve to minimise or deny that abuse exists in same-sex relationships and, as with heterosexual relationships, there is no excuse for abuse. Some additional factors, which may impact upon people in same sex relationships, are;

- Fear of not being believed, if a same sex relationship is “hidden” which can lead to a decrease in family contact and support, and further isolation.
- Fear of response from services to revealing sexual orientation.
- Threats from the abuser to “out”/reveal sexual orientation to families, friends or colleagues as a means of control, preventing help being sought.

## DOMESTIC ABUSE AND MINORITY COMMUNITIES (Black, ethnic minority women)

Women from ethnic minority communities face additional and very specific issues:

- They are not just leaving their partner but may also have to flee from their extended family and community. The isolation and sense of shame this brings them can be a factor in preventing them from fleeing from abuse.
- They may experience abuse not only from their partner but also from family members.
- They may encounter pressure from family or community to stay.
- English may not be their first language and they may find it difficult to access translation or interpreting facilities which allow them access to services such as Women’s Aid, social work, housing, benefits, police, legal services, etc.
- They are dealing with an unfamiliar legal system, and may be reluctant or fearful of engaging with the police and criminal justice system.
- The woman may be forced into marriage, and forced marriage is a form of violence against women.
- Women and her children may be tracked down and killed by relatives on the grounds that she has dishonoured the family – so-called “Honour Killings”.
- There may be difficulties in obtaining religious divorces.
- If the woman has uncertain immigration status ( see below), she may be required to stay with her abusive husband or face destitution and deportation.

Uncertainty over immigration status is a further barrier to these women leaving or seeking help. They may be affected by what is referred to as the “Two Year Rule” and the resultant “no recourse to public funds” restriction. A woman can be granted a “probationary period” of 24 months , that is, given 2 years leave to remain as a spouse or unmarried partner of a person settled in the UK, on the basis of her marriage or unmarried relationship with a person settled in the UK.

During this “probationary period”, the “no recourse to public funds” restriction” is in force, which requires that they be financially supported by their partner or that they support themselves by working. Although they are entitled to apply for Legal Aid, they are not entitled to any benefits except contribution-based job seekers allowance. This can create a problem for women who want to leave their partner because of domestic abuse, as they are left with nothing if they leave the household, unless they are working or are entitled to work.

If the marriage or relationship breaks down due to domestic abuse during this 24 month probationary period, the woman may apply for settlement if she meets the criteria for Indefinite Leave to Remain under the Domestic Violence Rules (*Para. 289 A of the Immigration Rules*)

and will have to provide evidence to prove this to the satisfaction of the Home Office.

Children are also affected by the 'no recourse to public funds' condition because it prevents women fleeing abuse from accessing housing or welfare benefits. Local authorities have a statutory power under section 22 and 25 of the Children Scotland Act 1995 to make appropriate provision for children to ensure their needs are being met. This should involve them being housed and supported.

There are also several other types of immigration status through which women may have either no recourse, or limited recourse to public funds.

## DOMESTIC ABUSE AND EASTERN EUROPEAN COUNTRIES

Women from Eastern European countries may also face issues similar to that of women from ethnic minority communities. They may also be leaving not just their partner but their extended family/community. They may encounter pressure from family or community to stay. English may not be their first language and they may find it difficult to access translation or interpreting facilities allowing them access to services such as Women's Aid, social work, housing, benefits, police, legal services, etc. They are dealing with an unfamiliar legal system, and may be reluctant or fearful of engaging with the police and criminal justice system.

## DOMESTIC ABUSE AND RELIGION

Domestic Abuse can affect women from all religious denominations. Some religious beliefs may be (mis) interpreted or manipulated to reinforce a woman's feelings of guilt and used to suggest that she is somehow being disloyal towards the abuser, making it difficult to seek support. She may fear being rejected by her faith group or religious community.

When considering domestic abuse, be aware that some religious or spiritual factors can be central to a woman's perception and response to her situation. There may also be beliefs in some communities that reporting domestic abuse brings shame on the family and that it should be kept quiet or dealt with within the families themselves. We should acknowledge her beliefs when considering best how to support her and try to work within the framework of her belief system.

Agencies and staff should ensure that their service is well publicised, accessible and appropriate in order to meet the needs of all women

The majority of women seeking support from rape crisis have been raped by someone known to them.

*Rape Crisis Scotland*

Current partners (at the time of the attack) were responsible for 45% of the rapes reported to the British Crime Survey.

*British Crime Survey*

Domestic abuse is everyone's issue

"I am sad when my Mum gets hit"

## CHILDREN, YOUNG PEOPLE AND DOMESTIC ABUSE

Children can become involved in and affected by domestic abuse in a variety of ways. Many become aware of the physical, sexual or verbal abuse of their mothers by observing directly or overhearing it. Mothers often do not realise the extent to which children are aware of the violence. Where children have not witnessed such abuse, they may nevertheless experience the effects of fear and intimidation on their mothers. The abuser may directly involve children in the abuse of their mother by, for example, forcing them to watch or join in.

"I feel like killing myself... I'm really scared he's going to start hitting me and my brother and sisters"

Research from Scottish Woman's Aid details that:

- One third of children attempt to intervene directly or by diverting attention to themselves
- Inquires into child death in the UK indicate a context of domestic violence in a large proportion of cases where children have died as a result of physical abuse

"Don't ignore me just because I am small"

The research shows that children may be at serious risk in homes where domestic abuse occurs and that age and status within such homes is an added vulnerability factor.

Living with domestic abuse is a form of emotional abuse of children. Children may also be injured when their mothers are being abused.

Perpetrators of domestic abuse have been shown to physically abuse children too. A small number of studies have pointed to sexual abuse of children in the context of abuse of their mothers. (Hughes *et al*, 1989)

The precise way in which a child will react depends upon age, personality and family circumstances. It is important not to assume that children are unaffected just because they appear to be 'coping'. Children can be traumatised without this being apparent.

Children and young people have individual responses to domestic abuse. They may display a wide variety of problems in their emotional, psychological or social behaviour at home or at school, for instance disruptive behaviour or truanting. Young people have described feelings of guilt, fear, anxiety, confusion, anger and helplessness and have been afraid to go to school and leave their mother alone with the abuser. These feelings in turn may manifest themselves in many ways including bedwetting, sleep disturbances, stress related illness such as asthma and eczema, depression, low self-esteem, self-harm, aggression and withdrawal, under- or over-achieving at school.


In 40 - 60% of cases of domestic abuse child abuse is also occurring

*Stark & Flitcraft, 1998*

"Some people stare. Some people look away"

There is no conclusive evidence to support the 'Cycle of Violence' theory which proposes that the witnessing of domestic abuse as a child will result in abusive behaviour as an adult. Many men who abuse come from families with no history of abuse. Evidence suggests that, within families, most people who experience abuse do not go on to abuse their children.

*Kaufman & Ziegler, 1993, England 1993*



"You know who cares because they care in their eyes and the way they talk"

Children's lives are disrupted by being forced to leave home in order to flee the abuse, sometimes repeatedly, with the consequent impact on schooling, friendships and contact with wider family networks. Children may be at risk of being abducted and taken out of the country.

Black and minority ethnic children, including Asian children and Gypsy Traveller children, may be forced to leave a supportive and protective local community and face discriminatory attitudes from agencies where they and their mothers seek help. It is however also important to recognise that some communities may in fact collude with the abuse, the women may feel forced to stay or she may be ostracised from the community if she leaves.

Support for both the children and their mothers is a vital factor in influencing how children survive and cope with abuse. Evidence suggests that children's recovery and well-being can be aided by greater openness about their experiences and workers should encourage this. Children may believe that to talk openly about what is happening is either not allowed or dangerous either for themselves, their siblings or mother and therefore, encouragement to do so requires workers to be aware of this and have a regard for the child's safety.

Evidence suggests that better outcomes for children occur in cases where:

- The direct provision of help to parents and children was given as and when it was needed
- There was a helpful and timely response and children/young people were involved in the process.
- The source of risk was properly addressed

Where practice conformed to the above principles children and young people were more likely to be protected and more likely to have their needs met.

## CHILD CONTACT

Once the woman has separated from the perpetrator there can continue to be further abuse: child contact arrangements can be used as an excuse to get to the woman and further abuse her. Unsafe contact arrangements can and do result in a further risk of abuse.

"I saw my Dad hit my Mum over dogs. I did not walk them so it put him in a bad mood and he took it out on my Mum" 

76%

OF CHILDREN ORDERED BY COURTS TO HAVE CONTACT WITH A VIOLENT PARENT WERE SAID TO HAVE BEEN FURTHER ABUSED AS A RESULT OF CONTACT BEING SET UP

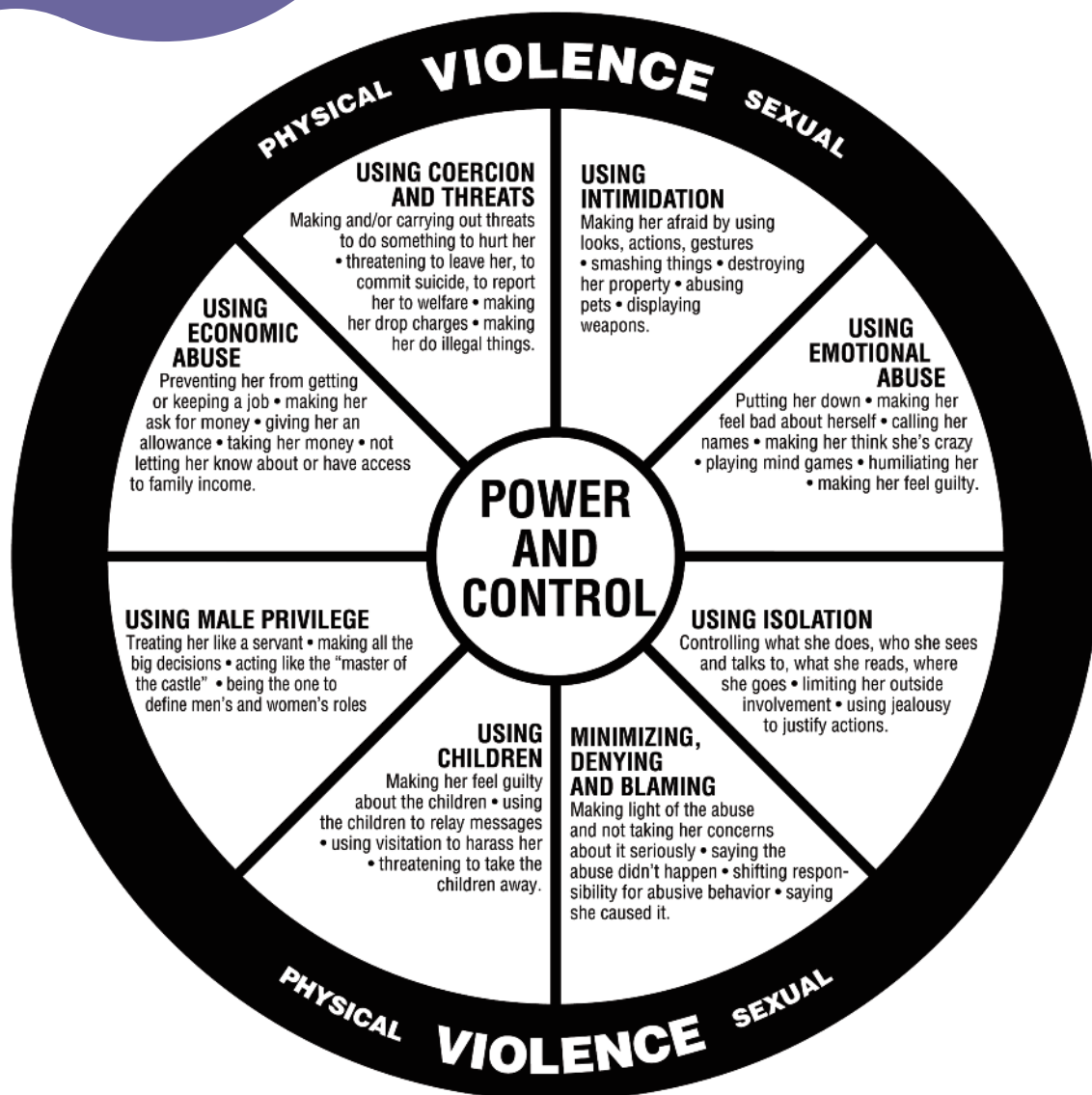
*Radford, Sayer & Amica, 1999*

Local Children's Services Plans, Child Protection Guidelines and Child Protection Teams: Where there are concerns that a child is at risk of harm, discussion should always take place with the local child protection/duty team.

The duty to protect a child from harm is paramount. Dealing with children and young people under 16 years requires additional care and sensitivity and reference must therefore, be made to local Child Protection Guidelines.

"I wish people would listen to me"

spectrum of  
abuse...  
*coercive control*



[www.duluth-model.org](http://www.duluth-model.org)

The Duluth power & control wheel depicts violence and abuse as intentionally aimed at controlling a partners actions and is part of a consistent pattern of behaviour.

Domestic Abuse is often referred to as 'intimate terrorism' which involves a spectrum of behaviour. Violence is one of the many forms of behaviour a perpetrator 'chooses' to use to 'coercively control' a woman in order to maintain power and control over her.

# talking about domestic abuse

Reasons women give for not disclosing abuse include:

ASHAMED

AFRAID THEIR PARTNER WOULD FIND OUT

NOT BEING ASKED

FEAR CHILDREN WILL BE ACCOMMODATED AWAY FROM HOME

FEELING THEY WERE AT FAULT THEMSELVES

AFRAID THEY WILL NOT BE BELIEVED

DIFFICULTIES IN ACCESSING SERVICES

The aim at all times is to maximise women and children's safety by:

- Enabling women to take control of their lives
- Seeking to build a woman's confidence and empower her.

## evidence suggests that a woman may be physically attacked 35 times before seeking help

Providing effective support for women, children and young people and holding perpetrators accountable for their actions may reduce abuse in the long-term and sends out an important message that domestic abuse is not acceptable.

Various studies have shown women are unlikely to disclose domestic abuse unless they can be assured that the reaction will be positive, that is, not woman blaming, and not punitive as in accommodating children away from home. (Hester & Radford 1996)

It is also important that workers understand that women, children and young people can experience intense fear as a result of their experiences of abuse and therefore may not 'disclose', or may even appear to 'protect' the perpetrator.

"He's really popular at work, no one would believe me if I told them what he had done to me. He's such a charmer"

Empowering a woman to protect herself also empowers her to protect her children

*Domestic abuse is everyone's issue*

## TALKING TO CHILDREN

Research on children's perspectives of domestic abuse found that the children were aware of what was happening and wanted to talk about it – the research also highlighted the following:

- Children needed to feel safe (emotionally and physically)
- They then needed someone to talk to
- They needed support to open up and talk about their experiences
- The discussion needed to be at their own pace
- Children said they couldn't always find the right words to express themselves but they wanted more opportunities to talk about their experiences and feelings etc
- Children often remembered specific incidents and had a range of strategies to help them cope and/or intervene in the abuse.
- They wanted their mothers to talk about it to them to help them understand and cope with it better.

*(Mullender et al. 2002)*

## DIFFICULTIES YOU MAY HAVE ABOUT DISCUSSING/RAISING DOMESTIC ABUSE

### **You are concerned about lack of time/resources**

You are busy and always under pressure. What can you do that is effective with the time you do have?

Giving a woman the number of your local Women's Aid group or the **Scottish Domestic Abuse 24 hr Helpline 0800 027 1234** and telling her that the abuse is not her fault takes very little time and could make an immense difference.

### **You don't know what to do**

That's okay. You cannot be expected to know everything, but believing and giving support is a start. The extent of your involvement and the expertise you need depend on your setting and whether you are likely to have one-off single contact or a longer-term relationship with the victim, perpetrator or any children. You can always refer on to specialist agencies and reassure the woman (please see support & information flow charts).

### **You think it's a personal issue and don't want to interfere**

Domestic abuse is everyone's issue. If you remember this, it will help you to deal with domestic abuse - asking the right questions, providing assistance and where appropriate keeping good records.

### **You think if you ask that you might "open a can of worms"**

Remember, it is not easy for a woman to disclose. It will have taken a lot of courage. You may be her first contact for help – reasons some women give for not disclosing include the fear of 'not being believed'. How you respond may determine the outcome of the situation.

### **You are concerned about confidentiality**

If you are anxious or unsure about what you should do or what the consequences might be, get support from a colleague or manager.

You should aim to familiarise yourself with your own organisation's Domestic Abuse policies and procedures.

Many women who do not disclose say that they would have done if asked

### You want to provide a solution

Although it is tempting to want to find solutions, there are no quick fixes, but there are many effective interventions. The intervention will vary according to your role and whether or not you are likely to see the woman, the perpetrator or any children again.

What you can do is respond in a non-judgemental manner, be sympathetic, ask open, sensitive questions, provide correct information and ensure the woman is able to make informed decisions.

*Domestic abuse is everyone's issue*

### POSSIBLE INDICATORS OF ABUSE

All women cope with domestic abuse in their own way. The following points are not always indicators of abuse but should be considered when looking at the overall picture. What is important is, that as workers, you are aware and sensitive to the possibility of domestic abuse.

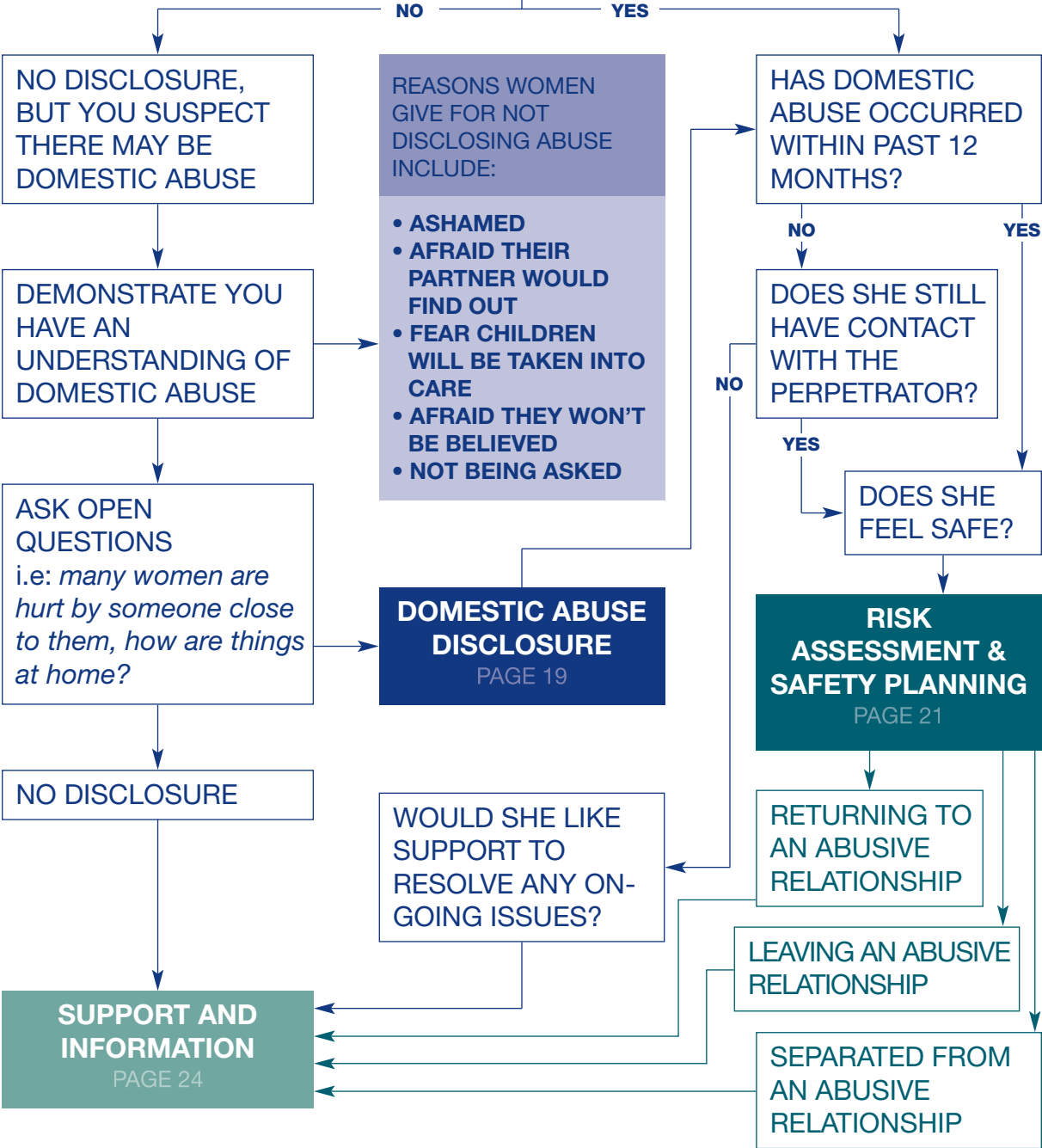
- Partner always accompanies the woman, insists on staying close, and answers all questions directed to her. This may apply to extended family members in the case of women who belong to minority ethnic groups – they may say they are there to interpret for her.
- Reluctance of the woman to speak or disagree in front of her partner or accompanying family members.
- Partner is overly charming and affectionate in your presence.
- The woman behaves differently when not in his presence.
- Partner restricts access to family and friends – woman is isolated.
- Intense irrational jealousy or possessiveness expressed by the partner or reported by the woman.
- Substance use: Women may use alcohol, drugs (illegal/prescription) as a means of coping with the abuse.
- The woman may often miss appointments?
- Does the woman make frequent appointments for vague complaints or symptoms?
- Does she have injuries, which don't fit her explanation of the cause?
- Does she minimise the extent of injuries or hide them?
- Does she have multiple injuries at different stages of healing?
- Does she seem frightened, anxious, depressed or distressed?
- Is there a history of miscarriage, termination of pregnancy/still birth or pre-term labour?
- Does she have children who are on the child protection register or who have been referred to other specialists for difficulties/distress/developmental problems?
- If visiting the house are there physical signs suggesting abuse such as damage around locks, footmarks or other damage to door panels, holes in walls or damaged furniture?

**It is not possible to identify by age, ethnicity, appearance or any other means who is and is not a victim or perpetrator of domestic abuse.**

THE MOST RELIABLE INDICATOR IS A WOMAN SAYING SHE IS EXPERIENCING DOMESTIC ABUSE.

**TALKING ABOUT DOMESTIC ABUSE**  
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**DOMESTIC ABUSE DISCLOSURE**  
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**REVIEW POLICY / PRACTICE**

- ORGANISATION**
- CAN ORGANISATIONAL RESPONSE BE IMPROVED?
  - WHAT NEEDS TO HAPPEN?
- INDIVIDUAL**
- CAN I IMPROVE MY PRACTICE?
  - IDENTIFY LEARNING / LEARNING NEEDS

# responding to disclosure

LISTEN

BELIEVE

RESPOND  
CONSTRUCTIVELY

BE NON-  
JUDGEMENTAL

ASK SENSITIVE  
OPEN ENDED  
QUESTIONS

It is never easy for a woman to disclose and discuss domestic abuse. Some women may not recognise their own experience as domestic abuse. Isolation is a key feature of domestic abuse and as a result many women are not aware that other women may also be experiencing this. They are relieved to discover that they are not alone and that help is available.

**REMEMBER** It may have taken a woman months or years to reach the point of disclosing her abuse. How she is treated by you and your colleagues is likely to have an impact on whether she is able to disclose more information and find help.

Women who are experiencing domestic abuse are trying to find a solution to a dangerous and frightening situation. Acknowledge her courage in telling you about the abuse. **Asking for help is never easy**, particularly when the woman is feeling vulnerable and is lacking confidence, so a sympathetic response is especially important on each and every occasion she makes contact, whether it is by phone or in person.

- Listen carefully to what the woman has to say – she may talk around the subject.
- Always believe her – and say so. Let her control the discussion and go at her own pace. Respond constructively and emphasise she is not to blame.
- Demonstrate you have an understanding of the issues in general conversation.
- Don't ignore your intuition if you suspect a woman is being abused. Be prepared to deal with any disclosure over several contacts (remember, leaving an abusive partner is often a long process as opposed to a single event)
- Be careful not to seem to pass judgement or blame the woman for her situation and be aware of your body language and expressions. Don't ask her to justify her actions, eg, Why on earth did you go back to him last time?
- Accept that she will have had her reasons for making any such decision. It is important to understand that dealing with abuse and making the decision to leave is a process and not a single event.

## REVIEW POLICY/PRACTICE

GOOD PRACTICE  
REQUIRES THAT ALL  
ORGANISATIONS/  
STAFF SHOULD:

- REGULARLY MONITOR & EVALUATE PRACTICE
- IDENTIFY AND ADDRESS PRACTICE ISSUES
- REGULARLY MONITOR & EVALUATE SERVICE PROVISION
- ENSURE SERVICE PROVISION IS USER FRIENDLY AND SEEK TO INVOLVE SERVICE USERS IN THE PLANNING, MONITORING & EVALUATING OF SERVICE PROVISION.
- TRAINING SHOULD BE AVAILABLE TO ALL STAFF, BOTH OPERATIONAL AND STRATEGIC, TO ENSURE THEY ARE ABLE TO RESPOND APPROPRIATELY TO ANY DOMESTIC ABUSE ISSUES.

Managers/staff should be aware of organisational policy, protocols in place, in particular:

- **DOMESTIC ABUSE POLICY, PROTOCOLS: BOTH FOR SERVICE USERS AND STAFF**
- **CHILD PROTECTION POLICY, PROTOCOLS**
- **VULNERABLE ADULTS POLICY, PROTOCOLS,**
- **CONFIDENTIALITY & INFORMATION SHARING POLICY, PROTOCOLS.**
- **GENDER DUTY REQUIREMENTS**

Organisational policy, protocols, practice should be reviewed regularly and informed by current good practice in each of the areas.

### You should aim to:

- Provide a private, quiet space where you will not be interrupted or overheard.
- See her on her own, without her partner, carer, relative or children.
- Use professional interpreters when required, NOT a friend, relative or someone from the local community.
- Emphasise confidentiality but explain the limits, for example if there are children involved who might be at risk.
- Follow child protection guidelines if you think children are at risk.
- Listen, tell her you believe her and she is not to blame.
- Be sympathetic and avoid being judgemental.
- Demonstrate you have an understanding of domestic abuse
- Remember that for all the reasons discussed elsewhere in this Guidance, the woman may not disclose or give any indication of abuse within your first meeting.
- Be prepared to deal with any disclosure over several contacts. The woman may only disclose once she feels that you understand her and that she can trust you.

I notice you have a number of bruises/scratches, how did they happen? (If explanation seems improbable continue to probe but sensitively, recognising that the woman may not want to disclose). Did someone do these to you?

You seem frightened of your partner, has he ever hurt you?

Many women are hurt by someone close to them. Is this happening to you?

Ask open, indirect, non-threatening questions which will allow a woman to talk about abuse if she chooses, for example:

*“How are things at home?”*

*“How are you getting on with your partner?”*

Be honest about why you are asking and explain that many women experience domestic abuse.

Be open and supportive – If the woman does not want to disclose abuse, make it clear that she is welcome to come back and speak to you or seek support at any time.

Have you ever been in a relationship with a partner who hurt or threatened you? Is that happening now?

Does your partner ever stop you from doing the things you want to do?

*Dealing with abuse is a process*

# risk assessment and safety planning

Factors commonly linked with a risk of further domestic abuse include:

PREGNANCY; RESEARCH INDICATES THAT ABUSE MAY ESCALATE DURING PREGNANCY

PREVIOUS PHYSICAL OR SEXUAL ASSAULT

RECENT SEPARATION FROM THE ABUSER AND CHILD CONTACT

ESCALATION IN ABUSE AND THREATS/ATTEMPTS TO KILL WOMAN OR COMMIT SUICIDE

PERPETRATOR JEALOUS, POSSESSIVE, PSYCHOLOGICALLY ABUSING OR STALKING WOMAN

PREVIOUS CRIMINAL CHARGES AGAINST THE ABUSER

WOMAN IS ISOLATED AND VULNERABLE

CHILD ABUSE BY THE PERPETRATOR AND PREVIOUS CONTACT WITH A CHILD PROTECTION AGENCY

The purpose of a risk assessment is to gather information which will help to predict whether harmful behaviour or an event will occur. This involves an assessment of the frequency of the behaviour/event, its likely impact and who it will affect.

In considering the risks, it is important to support the woman in the decisions and choices she makes. This section is designed to help you work with a woman to help her predict the risks she faces and the likelihood of further abuse.

## THE BEST INDICATOR OF RISK IS THE WOMAN HERSELF AND SHE MUST BE BELIEVED

The key questions in assessing risk are:

- How frightened is the woman and does she believe she is in immediate danger?
- What is the history of abuse of the woman and her children : is there previous physical or sexual assault?
- Has she threatened/attempted self harm or suicide?
- Has she tried to get help previously, for example from Women's Aid, police?
- Are her friends/family/community aware of the situation – are they supportive?
- Has the nature of the abuse changed, has it increased in frequency or severity, is there an increasing use of weapons or other instruments or has the abuser begun to sexually abuse the woman?
- Are there any typical triggers, for example: childbirth, pregnancy? : research indicates that the risk of domestic abuse increases during pregnancy.
- Is there anything that might represent loss to the abuser, for example recent separation, divorce papers coming through, change in custody arrangements?
- Is the perpetrator: making threats, threatening to harm or abduct the children, physically harming the children, physically violent to others, self harming, frequently intoxicated on alcohol or other substances, threatening others i.e., family members, friends, neighbours?
- Are there any recent psychotic or manic episodes on the part of the abuser?
- Is there sexual violence/sexual jealousy on the part of the abuser?

GOOD PRACTICE REQUIRES ALL AGENCIES RECOGNISE:

- THAT MAKING A DECISION TO SEEK HELP ABOUT DOMESTIC ABUSE OR LEAVING AN ABUSIVE RELATIONSHIP IS A PROCESS THAT MAY TAKE TIME.
- THAT ABUSE USUALLY ESCALATES – WOMEN WHO RETURN TO AN ABUSIVE RELATIONSHIP NEED MORE HELP, NOT LESS.
- THAT IT IS IMPORTANT THAT EACH WOMAN FINDS A SOLUTION THAT IS APPROPRIATE FOR HER AT THAT TIME.

## SAFETY PLANNING

Safety planning : focusing on safety means going beyond an assessment of the risk of further physical attack – it includes psychological safety and freedom from fear.

A safety plan needs to reflect each individual's specific circumstances.

Remember to discuss any risks to the woman and children associated with the safety plan eg, What may happen if her partner finds out she is intending to leave? Where will she keep emergency numbers so they won't be found? It is important to support and encourage the woman to develop her own safety plan. The plan will change as her situation changes – safety planning is not a one-off process.

Areas to consider:

- What does she need to be safe?
- How does she feel about the situation, are things getting worse?
- Does she want/need to take any action today?
- What has she considered or done in the past to keep herself and her children safe?
- What's worked in the past?
- What hasn't worked in the past?
- Does she have friends, family, neighbours who can help?

In preparing a safety plan, you also need to take account of your own safety and minimise any risks you might face from the perpetrator.

Dealing with abuse is a process: It can take a woman 7 years from first deciding to act to end an abusive situation to leave for good.

## RETURNING TO AN ABUSIVE RELATIONSHIP

Dealing with abuse is a process. It is important for workers to understand that it can be very hard for a woman to leave an abuser and that many women return.

**Research by Women's Aid shows, that, on average, it can take a woman 7 years from first deciding to act to end the abuse, to finally leaving the abuser for good.**

There are many, complex reasons as to why a woman will not leave an abuser or why she may return to the relationship.:

- A woman may hope that the abuse will stop 'this time' and she will stay because she wants the relationship to work.
- The abuser may use emotional coercion and promises to change, make a fresh start, etc.
- The abuser may use intimidation, coercion or threats of reprisals against her, her children, and/or her family and friends to force the woman to return, or stay. The woman will believe, from her experience, that the abuser has the power to carry out his threats and, statistically, the woman is more likely to be killed if she leaves the abuser.
- A woman may have difficulties in obtaining Legal Aid for civil preventative orders.
- There may be problems with enforceability of interdicts, Exclusion Orders and Non- Harassment Orders.
- If the abuser has legal access to the children he may trace the woman's whereabouts and she may fear losing her children. The abuser may gain unsupervised contact with the children if the woman leaves the relationship.
- The woman may be too afraid to seek support, involve any statutory agencies, go to court, etc.
- The woman may be concerned about the effect of disruption on her children - they may have to move to a different area or part of the country, they may have to attend a new school and live in unfamiliar surroundings.
- If she leaves she may lose any peer and family support. Her lack of self worth and her confidence may be eroded by constant subjugation. It takes a lot of courage to leave an abusive relationship and step into the 'unknown'.

**Please note: the terms : "abusive relationship" or "abusive situation" are used throughout these guidelines.**

**This does not mean that the abuse is a two-way process or that the woman is somehow taking an active part.**

**Domestic Abuse is about power and control on the part of the ABUSER : it is about Misuse of Power.**

**Woman, children and young people should never be made to feel it is ' their fault'.**

Even if she chooses not to leave at this time it is important that you offer her information on where she can access further support and information.

If returning to an abusive relationship safety areas to consider include:

- Is there a safe place in the house/out of the house she can go to if she feels she is in danger?
- Can she get to a phone? Does she know who she would call for help? Does she have the numbers, ie, Police, Women's aid, friend, neighbour etc.?
- Does she have access to transport?
- Ask if it is possible for her to put important documents in an "emergency pack" kept in a safe but accessible place so that she can get to them quickly if she has to leave urgently.

**REMEMBER:** A woman should receive the same service no matter how many times she has contacted you for support. Make sure she knows she can approach you or other staff members again in the future.

## LEAVING AN ABUSIVE RELATIONSHIP

If a woman says she needs help to get to immediate safety, never simply give her a leaflet pointing her to other services.

It's important to plan what action the woman needs or intends to take as soon as possible. If she plans to leave even for a short period of time then she will require accommodation.

The options are:

**WOMEN'S AID:** Can provide temporary refuge accommodation for women, children and young people, this is usually anonymous in the community. They also provide practical information, including information on accessing permanent housing and emotional support. (please see support and information).

**FRIENDS/FAMILY:** May be worth considering but may not be suitable, as her partner may know where she would go and could either follow her, in order to bring her back or cause further disruption for the woman and her children.

The point of leaving or immediately after is the most dangerous time for a woman.

**COUNCIL ACCOMMODATION:** If a woman and her children are fleeing domestic abuse the local authority have a statutory duty to provide temporary homeless persons' accommodation. Even if she flees and goes to family or friends she can still apply for this type of accommodation.

### WHAT TO TAKE

It is useful for women, if possible, to plan ahead and put together a bag of personal belongings and important items including:

- Important telephone numbers, birth certificates, insurance documents, medication, mortgage/rent details, car documents (spare car keys) passports, benefits books, bank details, credit cards, house keys.
- Clothes for her and her children, toiletries, nappies, medication, contact lenses, children's favourite toys.
- Mobile phone – domestic abuse forum phones may be made available in Perth & Kinross via Women's aid, Barnardo's, Police Domestic Abuse Liaison Worker. Speed dial for quick dialling the police can be stored on most mobile phones.

### IT IS IMPORTANT TO:

- Plan a safe time to leave – when the perpetrator is not around.
- Ensure the children are clear about where they should be and who they should be with.
- Notify schools of any change, for example, who should pick children up etc.
- Seek legal advice as soon as possible – consider any legal options which might increase her safety.

The woman and her children's safety is a priority and should supersede belongings, and personal possessions.

Ensure she is not alone if she fears for her own safety.

## support & information

### HOUSING

Women who are experiencing domestic abuse might want to leave their home to protect their family's safety. This will mean the family will need to access alternative temporary accommodation in the first instance and will be required to be re-housed permanently over the long-term. Temporary emergency accommodation can be accessed through the local council's homelessness service or through Women's Aid.

#### LOCAL AUTHORITY TEMPORARY ACCOMMODATION

OPERATE AN EMERGENCY HOMELESS SERVICE 24 HOURS A DAY, 365 DAYS A YEAR.

To access homelessness services and accommodation people are first required to register with their Local Authority as being homeless. This involves being interviewed, either in person or by phone, by a member of staff from the homelessness team. It is their job to decide if the applicant passes a number of tests:

**1: ARE THEY HOMELESS?** This means that the applicant must not have any accommodation that it is reasonable for them to occupy (or know this will be the case within 2 months). The law says that accommodation is not reasonable to occupy if being there is likely to lead to violence or threats of violence from someone else living there.

**2: DO THEY HAVE A PRIORITY NEED?** All people fleeing domestic abuse have a priority need.

The local Authority also has discretion to apply 2 other tests but you should ensure these are not used to deny women accommodation:

**1: IS THE APPLICANT INTENTIONALLY HOMELESS?** This means that the applicant has deliberately done or failed to do something which has resulted in them becoming homeless. Even if this is found to be true the Local Authority still has a duty to provide accommodation.

**2: DO THEY HAVE A LOCAL CONNECTION?** In practice this is not applied to people fleeing abuse as it is illegal for the Local Authority to refer applicants back to their home area if this will put them at risk of domestic abuse.

Applicants are entitled to have a friend or advocate present when they are being interviewed and can request a same sex interviewer.

Some Local Authorities will make enquiries in relation to the homelessness, priority need and intentionality tests outlined above. However, applicants should never be asked to show staff their injuries or be questioned at length about the nature of the abuse they have experienced.

Investigations will normally be concluded and a decision reached within 28 days. Applicants must be provided with a decision in writing with reasons. If the applicant is unhappy with any of the decisions they can request a statutory review within 21 days.

The council has a duty to provide temporary accommodation to applicants they believe to be homeless until it has reached its final decision on their application. If the applicant is accepted under the legislation, the duty to provide temporary accommodation will continue until an offer of permanent housing is secured. Waiting times for permanent accommodation vary depending on the area and characteristics of the applicant. Housing staff should be able to give an indication of likely waiting times in different areas.

## ALL LOCAL AUTHORITIES HAVE THE ABILITY TO REFER WOMEN TO ANOTHER LOCAL COUNCIL IN ORDER TO ACCESS TEMPORARY ACCOMMODATION.

This may assist women who feel that they have to leave the local area altogether to ensure their safety, and that of any children they may have. Each local authority operates a 24 hour emergency homelessness service that is available 365 days a year. This allows anyone fleeing domestic abuse to access temporary accommodation, with the full homelessness assessment being carried out at the earliest possible opportunity.

## REFUGE ACCOMMODATION

Refuge is a special type of accommodation that can be accessed through your local Women's Aid group. This accommodation is only available to women, their children and young people. There is no refuge accommodation provision available to men in Scotland and therefore they should apply through their local council to access temporary accommodation, as outlined above. Women can stay in refuge until they have been re-housed by the council, but refuge can also provide the woman time away from the abuse to think about her options and make decisions, even if this means returning home.

Refuge accommodation is run by the local Women's Aid group. It has special security arrangements designed to protect the safety of the women, children and young people who live there. Consequently, in order to maintain this safety, it may also mean that there are special rules about keeping the address confidential and restrictions on visitors. Women should ask their local Women's Aid group about these arrangements and rules before deciding if they want to stay in refuge to make sure it will be suitable for them.

Refuge accommodation can take lots of different forms. Some refuges are self-contained flats and others consist of accommodation where communal areas such as kitchens are shared. All the women, children and young people who live there are fleeing domestic abuse and the Women's Aid group running the refuge will offer them additional support. If you access refuge accommodation you will still have to register as being homeless with the Local Authority.

Unfortunately refuge accommodation is in short supply and therefore spaces are not always easy to find. There are some refuge spaces that are suitable for larger families and for women with specific needs, such as disabilities or substance misuse issues. The best way to find out what is available is to call your local Women's Aid group who will be able to give you up to date information about facilities and availability.

Homeless officers will never contact the perpetrator of domestic abuse to confirm the applicant's claims.

## OTHER OPTIONS

It is important that people fleeing domestic abuse are aware that they may have to wait for long periods of time in temporary accommodation before they are re-housed permanently. Therefore they might want to consider some alternative options including:

- staying with family and friends.
- looking for accommodation in the private rented sector.
- taking legal advice in relation to them having the abuser removed from the family home.
- registering as being homeless but remaining in the family home until permanent accommodation is found.

People fleeing domestic abuse can get further advice and information about these options from the homeless service at their local council.

## DOMESTIC ABUSE AND THE LAW

The legal framework, which provides protection against violence and abuse, involves both the civil law and criminal law in Scotland. Protection against violence and abuse is available in certain circumstances under both criminal law and the civil law. These include provisions under:

- The Matrimonial Homes (Family Protection)(Scotland) Act 1981.
- The Family Law (Scotland) Act 1985.
- The Protection From Harassment Act 1997.
- The Housing (Scotland) Act 2001 and the updated Code of Guidance on Homelessness.
- The Protection from Abuse (Scotland) Act 2001.
- The Homelessness etc. (Scotland) Act 2003.
- The Family Law (Scotland) Act 2006.
- Specific statutory provisions exist for the protection of children under the Children (Scotland) Act 1995.

**ASSAULT** This common law crime is defined as being a criminal attack on the person of another, whether or not actual injury is inflicted. This can include threatening gestures. The assault can be direct or indirect and there must be criminal intent. It is, however, not always necessary for there to be a physical attack for an assault to take place.

Assault,  
breach of the  
peace, kidnapping,  
abduction, false  
imprisonment, theft,  
threats to kill, blackmail,  
extortion, rape and  
murder are all  
Common Law  
offences

**BREACH OF THE PEACE** Breach of the Peace is a criminal charge covering a wide range of behaviour which causes, or is likely to cause, fear, alarm, and upset or annoyance. This crime can be committed anywhere, in public or in private. Although sentences for Breach of the Peace can vary between fines or short sentences, as Breach of the Peace can also cover very serious offences, the court does have the discretion to impose substantial periods of imprisonment. However, Breach of the Peace is often seen as a minor offence.


**STALKING AND HARASSMENT** While there is no specific criminal offence of harassment in Scots law, the Protection from Harassment Act 1997 offers protection whereby an individual can apply through a solicitor to the civil courts for a Non- Harassment Order, or the Fiscal in a criminal case can ask the court to impose one.

Where someone has behaved in such a way as to “pursue a course of conduct” which amounts to the harassment of another person, then the court can issue an Order which “requires “ the person against whom it had been made to “refrain” from the conduct.

The conduct can include speech, contact by letter, telephone and a whole host of other behaviours which, taken in isolation, may be regarded as a criminal offence. Note that the important issue here is the “course of conduct”, as the courts are looking for a course of behaviour that has happened on at least two occasions. However, gathering the evidence to prove this can be a problem. There have been differing decisions made about whether previous convictions amounting to ‘harassment’ of a victim can be used as evidence of ‘course of conduct’, and it is important to bear this difficulty in mind.

Breach of a Non- Harassment Order is a criminal offence, regardless of whether the Non- Harassment Order was obtained through the civil or criminal courts and can lead to a substantial fine or period of imprisonment. As this is a criminal offence, the police should be called immediately.

**THREATS** This crime includes written as well as verbal threats and can take a variety of forms. It can, for example, consist of a threat of personal violence, or a threat to damage or to destroy property or even a person’s reputation. The crime is committed as soon as the threat is made; if a letter makes the threat, the crime occurs as soon as the letter is sent, even if it does not actually reach the recipient.



**Telecommunication Act 1984, Section 43:** This is statute law, which covers offensive, indecent and menacing telephone calls. It also makes it an offence to use the telephone to convey false messages in order to cause annoyance, inconvenience or needless anxiety.

**The Child Abduction Act 1984:** Under the Child Abduction Act 1984, it is a criminal offence in Scotland for a person connected with a child under 16 to take or send the child out of the United Kingdom without the appropriate consent, if there is an existing UK court order dealing with custody of the child or against removing the child.

The United Kingdom is party to two international conventions under which legal proceedings are agreed with a number of other countries to assist in the return of a child who has been abducted, or to help arrange contact.

These are the Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. These conventions were incorporated into UK law by the Child Abduction and Custody Act 1985. Scottish Executive Justice Department Staff can provide advice to parents, solicitors and others on the steps that they may take to recover children wrongfully removed from their place of habitual residence and for enforcement of contact rights.

**Children (Scotland) Act 1995: Protection for children and young people under the age of 16 years:**

There is a statutory obligation on local authority staff to refer children who may be in need of compulsory measures of supervision to the Children's Reporter. Police officers are also required to notify the Children's Reporter of any circumstances where a child is alleged to be at risk, or may be in need of compulsory measures of care, and also have powers to remove a child to a place of safety. Note that any concerned third party may also make a report to the Reporter and that Local Authorities have the power to apply to the court for Exclusion Orders.

The Act also contains powers to apply to the Sheriff for child protection orders and provision for the making of emergency orders by a Justice of the Peace when it is not practical to apply to a Sheriff. Note that the police have special emergency powers to act without a court order, if necessary, to protect a child.

**Protection of Children from Abuse:** Section 24 of the Family Law (Scotland) Act 2006 refers to Orders made under section 11 of the Children (Scotland) Act 1995. This section states that when the court is considering the welfare of the child in relation to Parental Rights and Responsibilities they must take into account the need to protect the child from any abuse or risk of abuse which affects, or might affect, the child. It also states that courts must also take into account the effect such abuse (or risk of abuse) might have on the ability of the person carrying out the abuse to care for or meet the needs of the child; and the effect any abuse may have on the person carrying out the responsibilities. The definition of abuse includes domestic abuse.

**Matrimonial Homes (Family Protection)(Scotland) Act 1981:** This is a complex piece of civil legislation, which applies only to married couples and people living together, either opposite-sex or same-sex. It can offer protection to those living with an abuser by:

- (i) Excluding the abuser from living in the matrimonial home by suspending their occupancy rights through an exclusion order.
- (ii) Granting an interdict specifically prohibiting the abusive behaviour and preventing the abuser from entering the home, the applicant's place of work or any school attended by the applicant's children.

**Protection from Abuse (Scotland) Act 2001:** This Act was brought into force to cover the broad range of people who were excluded from obtaining protection under the Matrimonial Homes Act and so can be used by divorced people, family friends, neighbours and people who are not living together. It allows for any person who has obtained or has applied for an interdict against another individual for the purpose of providing protection against abuse, to ask the court to attach a power of arrest to the interdict. This power of arrest will allow the police, in certain circumstances, to arrest the person against whom the interdict applies, if they are in breach of the terms of the interdict.

‘...a common factor motivating perpetrators is the use of physically & emotionally abusive behaviour to maintain control & power over the other person ‘

(Dobash & Dobash 1980)

For some people who experience domestic abuse, work can provide a safe-haven as well as being a place to access information either through notice boards or colleagues but for others the domestic violence doesn't stop.

Key findings from a TUC survey undertaken in 2003 include:

- **51%** of respondents had experienced domestic violence
- **59%** had children - of these, 44% said their children had witnessed the violence
- **46%** stated that domestic violence had affected their ability to do their job, 49% had taken time off work because of domestic violence
- **66%** had not told their employer

“He used company email and his company car to harass and intimidate me. I was really scared”

“Sleep deprivation made it hard to work. Also he prevented me from leaving the house. He took the car keys to work with him and phoned the childminder and told her I wasn't going into work”

“I resigned as I was too ashamed to face my colleagues with my injuries”

Around the world, the events that trigger violence in abusive relationships are remarkably consistent. They include disobeying or arguing with the man, questioning him about money or girlfriends, not having food ready on time, not caring adequately for the children or the home, refusing to have sex.

*World Health Report, WHO 2002*

## support & information

THE FOLLOWING SPECIALIST SERVICES OFFER A WIDE RANGE OF SUPPORT AND INFORMATION

24 HOUR NATIONAL DOMESTIC ABUSE HELPLINE

0800 027 1234

RAPE CRISIS SCOTLAND NATIONAL HELPLINE

0808 801 0302

AMINA NATIONAL HELPLINE

0808 801 0301

SCOTTISH WOMEN'S AID

0131 226 6606

e: [contact@scottishwomensaid.org.uk](mailto:contact@scottishwomensaid.org.uk)

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

RAPE CRISIS SCOTLAND

0141 331 4180

e: [info@rapecrisisscotland.org.uk](mailto:info@rapecrisisscotland.org.uk)

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

SHAKTI WOMEN'S AID

0131 475 2399

e: [info@shaktiedinburgh.co.uk](mailto:info@shaktiedinburgh.co.uk)

[www.shaktiedinburgh.co.uk](http://www.shaktiedinburgh.co.uk)

AMINA MUSLIM WOMEN'S RESOURCE CENTRE

0141 585 8026

e: [helpline@mwrc.org.uk](mailto:helpline@mwrc.org.uk)

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

FORCED MARRIAGE UNIT

020 7008 0151

e: [info@shaktiedinburgh.co.uk](mailto:info@shaktiedinburgh.co.uk)

[www.shaktiedinburgh.co.uk](http://www.shaktiedinburgh.co.uk)

CHILDLINE

0800 11 11

SCOTLAND'S LESBIAN, GAY, BISEXUAL AND TRANSGENDER DOMESTIC ABUSE PROJECT

e: [info@lgbtdomesticabuse.org.uk](mailto:info@lgbtdomesticabuse.org.uk)

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

USEFUL WEBSITES

[www.womenssupportproject.co.uk](http://www.womenssupportproject.co.uk)

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

[www.whiteribboncampaign.org](http://www.whiteribboncampaign.org)

## resources & references

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Violence Against Women – A Literature review *Scottish Executive 2004*

Domestic Abuse : A National Training Strategy,  
*Scottish Executive 2004*

Scottish Women's Aid : women's aid toolkits

Domestic Violence, drugs and alcohol: good practice guidelines  
*Stella Project 2004*

Domestic Abuse – A Guide for Healthcare Staff in Primary Care  
*NHS Lothian 2005*

Responding to Domestic Abuse, Guidelines for Health Care Workers in NHS Scotland  
*Scottish Executive 2003*

A Resource Manual for Health Care Professionals  
*Dept. of health 2000*

What Works in Reducing Violence : A comprehensive guide for professionals 2001

Domestic Abuse Good Practice Guidelines  
*Fife Council Social Work Service 2001*

Domestic Abuse : Resource Pack for Professionals  
*A Tayside Partnership 2006*

Domestic Violence and Child Protection: Directions for Good Practice  
*C.Humphreys and Nicky Stanley 2006*

The Multi-Agency Approach to Domestic Violence  
*N Harwin, G Hague, Ellen Malos 1999*

Safeguarding children: working with parental alcohol problems and domestic abuse  
*Alcohol Concern*

Mothering Through Domestic Violence: N Harwin, G Hague, Ellen Malos, 1999  
*Guidance note for planners. Scot. Exec. 2004*

Children and Young People: experiencing domestic abuse  
*Guidance note for planners. Scot. Exec. 2004*

Just a domestic? Trade union members experiences of domestic violence  
*TUC, November 2003*

**Perth & Kinross Violence Against Women Partnership**

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**Angus Violence Against Women Partnership**

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Working in partnership across Tayside